FALL 2013

CRB* TODAY

Court Reporters Board Newsletter

Guarding the Record for Consumer Protection

Message from the Chair *Toni O'Neill*

The Ubiquitous Unintended Consequence

Privatization of Courts Hurts School Enrollment

It's been my experience when making some decisions that, no matter how well thought out a course of action may be, there is always at least one unintended consequence.

Over the past two years, most of the courts across the state have opted to not provide official court reporters in civil courtrooms. The subsequent news headlines about the many layoffs of official court reporters throughout the state have been a public relations nightmare for court reporting schools as their enrollment numbers decline.

Unfortunately, bad news sells newspapers and draws readers, even if it's only bad news on the surface. And sadly, many of those reports or articles fail to mention the fact that those court reporting jobs have not gone away. Court reporters are still present in civil courtrooms. The only thing that has changed is the source of remuneration for the services of those court reporters. To a lay member of the public, the headlines would lead one to believe court reporting is a fading industry when, in fact, the opposite is true. Demand for court reporting services is as strong as ever.

In fact, the U.S. Bureau of Labor Statistics projects that jobs in court reporting will grow by 18 percent between 2008 and 2018. With its diverse career options, it's a field of growing interest for those seeking a career change as well as those fresh out of high school. Court reporting schools may require a longer completion time than other vocational options; however, court reporting is one of the few occupations that pays a salary commensurate with

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those populated by persons holding four-year degrees.

Over the course of my 31 years in the court reporting field, I've seen the number of students who graduate and get their California CSR license wax and wane. The labor supply and demand always seems to correct itself over the course of three to five years. As you will read in more detail in this issue's article titled, "Court Reporting Schools Enrollment Dips," there are several other factors currently facing court reporting educational programs in California.

Because the media is not focused on the growing demand for court reporting services, it makes it important that we, as members of the court reporting profession, all engage in a strong effort to support our court reporting programs. It is vital for the protection of the consumer of court reporting services that strong educational training programs for future court reporters continue to exist so that the basic cornerstone of our justice system — an accurate record produced by an impartial third party — remains available to the California consumers.

Transcript Reimbursement Fund Update

Business and Professions Code Repealed

As you may be aware, some of the laws that govern the Transcript Reimbursement Fund (TRF), namely, Business and Professions Code § 8030.4, 8030.6 and 8030.8, were inadvertently repealed operative January 1, 2013. They were missed in the sunset bill chaptered last year. As a result, all processing of TRF applications received after January 1, 2013, was stopped pending a resolution.

The Court Reporters Board worked with the Senate Committee on Business, Professions and Economic Development as well as the Legislative Review division of the Department of Consumer Affairs to find the quickest resolution to this situation. As a result, the Committee added the TRF language into its urgency bill, SB 823, which was signed into law by the Governor, effective October 1, 2013. Processing of the backlog of applications has already begun.

Pro Bono vs. Pro Per

Did you know there are two programs under the TRF?

The original program, established in 1981, provides assistance to pro bono attorneys with the costs of transcripts for their indigent clients in civil matters. The applicant must be a pro bono attorney, qualified legal services project, qualified support center, or other qualified project. If the applicant is a pro bono attorney, the case must have been referred to that attorney by a qualified nonprofit entity.

The pro per program was part of a pilot project initiated in 2011. Since the TRF was included in the now-chaptered sunset review bill, SB 1236, the pro per pilot project was extended to January 1, 2017. The program extends cost assistance for transcripts to indigent persons representing themselves in civil matters.

Processing Assistance

As a result of the vast workload increase created by the Pro Per Program, the Board has received budget approval to hire a half-time analyst to assist with processing TRF applications on a limited-term basis. The recruitment process has begun, and it is hoped that a new staff person will be hired by early fall.

Governor Appoints New Board Member

Rosalie Kramm was appointed by Governor Brown to serve on the Court Reporters Board as a licensee member on July 3, 2013.

Ms. Kramm is a certified realtime reporter and registered professional reporter from San Diego, California. She is the president of Kramm Court Reporting and has worked as a freelance deposition reporter in Southern California since September 1981, specializing in technical, complex business, and realtime court reporting.

Over the course of her career, Ms. Kramm has been active in numerous industry associations. She's currently president of the Society for the Technological Advancement of Reporting, and she is a past president of the Deposition Reporters Association of California. She has also served on various committees for the National Court Reporters Association.

"As a court reporting firm owner and working reporter, I know I can bring a real perspective of what is happening in our industry to the Board to ensure we make the best decisions for court reporters, attorneys, litigants, and the ultimate consumer of court reporting services," she said.

Licensee Board Member Leaves CRB

Term ends for Reagan Evans

It is with regret that the Court Reporters Board says good-bye to licensee Board member Reagan Evans, whose term expired June 1, 2013. Appointed on April 22, 2010, by Governor Schwarzenegger, Ms. Evans served the Board with dedication and passion.

"Reagan brought with her a commitment to the highest level of ethics in the industry," noted Board Chair Toni O'Neill. "Her concern for the consumer will be sorely missed."

Board Executive Officer Yvonne Fenner added that Ms. Evans leaves a legacy of advocating for continuing education for court reporters. "Reagan is completely committed to excellence and believes continuing education helps to ensure no litigant or attorney receives services from a misinformed reporter," said Ms. Fenner. "It's been a pleasure to work with such a consummate professional."

The Board continues to have one public member vacancy. Any member of the public who is not a licensed certified shorthand reporter and is interested in applying for the vacant seat can use the following link to reach the application on the Governor's Web site: http://gov.ca.gov/s_appointmentsapplication.php.

CSRs Needed for Exam Workshops

If you currently work as a CSR and your license is in good standing, ***we need you***. The CSR exam development process involves a series of workshops that requires active CSR participation. Without valuable subject matter expert input, the workshops cannot take place, and without a good supply of test questions in the test bank, the CRB will not be able to continue to offer the written exam three times per year.

For the health and growth of the industry, please consider accessing the CRB calendar at www.CourtReportersBoard.ca.gov to see if any of the upcoming exam workshop dates might work for you. Each two-day workshop is held from Friday to Saturday in Sacramento. All travel accommodations are arranged by CRB staff. All workshop participants will be provided with a per diem rate of $150 per day and travel expenses. Those living farther than 50 miles will also be reimbursed for hotel accommodations at the State approved rate.

Please pass this important message on to reporters you know. The future success of the CSR industry lies with you. For more information on participating in an exam workshop, contact Kim Kale at Kim.Kale@dca.ca.gov.

Examination Statistics

Written Exams

March 1, 2013 - June 30, 2013		Total	Pass	Overall %
English	Overall	118	87	73.7%
	First Timers	67	54	80.6%
Professional Practice	Overall	86	71	82.6%
	First Timers	67	59	88.1%

November 1, 2012 - February 28, 2013		Total	Pass	Overall %
English	Overall	74	30	40.5%
	First Timers	16	13	81.3%
Professional Practice	Overall	34	19	55.9%
	First Timers	13	10	76.9%

Dictation Exam

July 2013	Total	Pass	Overall %
Overall	134	42	31.3%
First Timers	50	28	56.0%

March 2013	Total	Pass	Overall %
Overall	146	51	34.9%
First Timers	57	33	57.9%

Gift-Giving Regulation Passes OAL Review

The recent proposed changes to the Professional Standards of Practice, Title 16, Division 24, Article 8, section 3475 have been approved by the Office of Administrative Law and will take effect January 1, 2014.

The most significant change to the regulation is a clarification that the $100 limit pertaining to gift giving or receipt applies to an entity and is not solely limited to individuals within an entity.

Student Spotlight

Candy Newland said she was never one of those people that knew what she wanted to be when she grew up — until she served jury duty one day.

"From the minute I sat in the jury box ***I was mesmerized by the court reporter***," she said. "I couldn't stop staring at her machine and the way her fingers moved so effortlessly along the keys. It was fascinating to me. I talked to her a bit on breaks, and that evening I went home and told my husband I wanted to be a court reporter."

While she'd had plenty of jobs and was good at them, she wasn't ever passionate about any of them. That all changed that day in court. "I then spent every extra minute I had researching how one gets started in this career," she said. She started court reporting school in September of 2011 and currently attends Humphreys College in Stockton.

"My favorite class by far is my multi-voice classes," she said. "Practicing with multiple people speaking is exactly what I'll be doing after I graduate, so when that was being taught to me, it was very exciting, and it made me actually see myself in that courtroom or deposition."

She soon discovered, however, that the demands of school would require her to quit her full-time office job. "I began looking immediately for part-time work that would allow me to go to school and work, all the while taking online academic courses that would eventually transfer towards my degree."

She currently works about 25 hours per week at a statewide association that has a strong focus on lobbying at the State Capitol.

She also volunteers at a local deposition firm. "I spend one day a week after school participating in hands-on learning about a multitude of aspects about the industry that can't be taught in school," she said.

Add to all that the fact that school is more than an hour away from where she lives, which compounds the time constraints, so ***balance is key***. She also has two young children that she said are her life outside of school and work. "Hearing about their busy day on the playground is enough to put my mind at ease and a smile on my face," she said. "I also enjoy DIY projects around the house and getting together with family and friends."

She added that volunteering at the deposition firm and remaining active in the California Court Reporters Association helps keep her motivated on tough days. "I try to attend as many workshops and seminars as possible. ***Being around practicing reporters is extremely motivating***," she said.

As for her formal education, she expects to be near completion within a year and is keeping her options open. "I haven't made up my mind yet which direction I will go after graduation, but I can tell you I will take whatever jobs I can, anywhere I can. I crave the diversity that this field offers and get excited thinking about the different avenues that will soon be available to me."

Frequently Asked Questions

Q I have just received an order for the transcript of a court proceeding where they said they did not need a copy, just the original. My understanding of GC 69950 is that the first entity requesting a transcript must pay for the original as well as a copy and that the original stays with the court. Have I been misunderstanding this code all these years?

A Government Code § 69950 instructs persons as to fees associated with the requested copy (original or copy) but does not place a requirement on the ordering party in terms of what they order, nor does the Government Code require that the originally purchased transcript stay with the court. Any person or entity can ask for and can receive just the original transcript.

Q Does the Board have a definition for "verbatim"? I recently got into a discussion where some reporters were being told to write utterances such as "um." The reason behind it was because it showed the witness was pausing or thinking. My argument was "um" is a sound not a word and if an attorney wants to make a record about a witness pausing, that's their job not ours because it takes away our impartiality.

Also, how far do we go with video depositions? Do we include every I – I – I when a witness stutters? Is it OK to just have "I have ..."?

A Verbatim means word for word, so the Board expects reporters to get all the words. That being said, we move into the realm of accepted practice. As a verbatim reporter, you would do your best to capture every false start, but in a push, that might be the first thing to go, always bearing in mind your obligation to interrupt when the accuracy of the record is in jeopardy. In the case of a stutterer, you must use your own best judgment. To include a false start to reflect that there is a speech pattern, yes. To record each "I – I – I – I" doesn't seem to serve a purpose. It's the age-old question of do you clean up the attorney or put it down warts and all?

As far as "um" is concerned, it is not a word and as such does not need to be reported except in the case where its omission would create confusion in the written record. Witnesses make all kinds of sounds that aren't words, from describing a noise they heard to different exclamations and a variety of "fillers," from "um" to "ah" to "eh" to a consonant-less hum. Some things just can't be captured in a stenographic record. An astute attorney will make any comment he feels necessary to reflect the nonverbal proceedings.

Q A deposition witness called wanting to review his deposition taken over a year ago. I explained that the time for review and correcting had passed and that the original had been sealed and sent to the noticing attorney. Neither he nor his attorney at the time ordered a copy. He said he simply wants to read it, not make corrections. Opposing counsel sent him correspondence saying, "You state in your deposition on page ... " and he wants to verify he did say that. He was very clear he did not want to pay for a copy. Am I supposed to allow him to come to our office and read it on our screen? Because once I print, I charge. He said he was told by the court reporter and by his attorney that he could read it at any time; he got the impression in perpetuity. Do I have to allow him to read it?

A At this point the deponent may purchase a copy, but there's nothing that would obligate the reporter to print another copy for the deponent just to read. The explanation to the deponent is very simple. Once the review period has ended, the original is sealed and forwarded to noticing counsel. At this point there is nothing to review unless another certified copy is produced, for which there is a cost.

Q I had something come up recently at a videotaped deposition. I was questioned regarding California Rules of Court number 3.1010 (d) Nonparty deponent's appearance: *A nonparty deponent may appear at his or her deposition by telephone, videoconference, or other remote electronic means with court approval upon a finding of good cause and no prejudice to any party. The deponent must be sworn in the presence of the deposition officer or by any other means stipulated to by the parties or ordered by the court. Any party may be personally present at the deposition.*

My question is: Is it the reporter's responsibility to verify that the noticing attorney received court approval for a nonparty deponent to attend a deposition remotely?

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A No, it is the responsibility of the attorneys to question under what authority such a deposition is being taken if they take issue with it.

Q As a deposition reporter, an agency I accepted a job from asked me to upload a complimentary rough draft transcript for the noticing attorney within 48 hours. My first issue is I didn't agree to providing a "free" rough draft. Additionally, both sides requested copies, so shouldn't the agency offer a complimentary copy of a rough to the other side as well, not just the client they are trying to "woo"?

A You did well to question the provision of a complimentary rough draft to only one party. It shows you are well aware of California Code of Civil Procedure § 2025.320(b), which states: *Services and products offered or provided by the deposition officer or the entity providing the services of the deposition officer to any party or to any party's attorney or third party who is financing all or part of the action shall be offered to all parties or their attorneys attending the deposition. No service or product may be offered or provided by the deposition officer or by the entity providing the services of the deposition officer to any party or any party's attorney or third party who is financing all or part of the action unless the service or product is offered or provided to all parties or their attorneys attending the deposition. All services and products offered or provided shall be made available at the same time to all parties or their attorneys.*

Code of Civil Procedure (CCP) § 2025.510(b) provides that the party noticing the deposition bears the cost of that transcription, unless the court, on motion and for good cause shown, orders that the cost be borne or shared by another party. CCP § 2025.540 further provides that the deposition reporter can provide a noncertified rough draft copy of the transcript. However, there is no exception under either the Government Code or the CCP for rough draft transcriptions to be free of charge.

That being said, there are really two issues to consider. The first is what is meant by "free"? If free means the client is not paying for it, that could be because it's provided as part of some type of package or bundle, where, for example, a party will pay X dollars per page for an original and one certified copy, which includes a "free" word index, condensed transcript and rough copy. If it is not part of a bundled price but merely provided to one side — as part of a marketing incentive, for example — then it must be provided to the other side for the same price.

The second issue is whether free means you provide it at no cost to the agency, who may or may not be charging the client for it. In that case, the Board would refer you to the subcontractor agreement you signed with that particular agency. A comprehensive subcontractor agreement setting out everything from due dates for transcripts to how much and when the reporter will be paid, who pays for parking and what time the reporter is to arrive, is essential to a problem-free business relationship between agency and court reporter.

Q I have a civil trial that is on appeal. On this particular trial appeal, the attorney has consolidated all the electronic transcripts, added appeal cover pages, a master index and repaginated the entire trial transcript. He has attached our electronically-signed certificate pages to the back and is, I believe, calling this the original. (There were four reporters on this trial.) Is this proper and according to code? It seems to me the transcript has been altered, but according to the attorney it's acceptable to the Court of Appeals. I have always taken it as my responsibility to prepare a transcript on appeal and turn in the original with the clerk of the court. I'd appreciate any feedback and information you have to share.

A The Board has no authority over what the Court of Appeals will or will not accept. However, with multiple reporters, each certification page will specify the pages each reporter is certifying, 1 through 100, for example. When you repaginate the full appeal transcript, the certification pages are no longer going to match the transcript, and therefore, it is not a certified transcript. Clearly the attorney has no authorization to change a certification page, and it is the Board's position that the attorney doing the repagination is misrepresenting to the Court of Appeals that the transcript he is submitting in its entirety has been certified by a licensed CSR.

CSR Spotlight

Leigh Ann Orozco

Leigh Ann Orozco has experienced firsthand one of the most positive aspects of a career in court reporting — the variety it offers.

"I can think of no other profession that allows one the opportunity to experience such a varied cross-section of society and to learn about so many different fields," she asserted. "From a Nobel Peace Prize winner on DNA to physicians in a myriad of specialties, experts on anything imaginable, celebrities and public figures from just about any walk of life, ***the court reporter is truly front row*** to learning about so many different subjects."

She spent 14 years as an official reporter, part of it as a supervisor, and another 12 in the freelance arena, most recently as the owner of a small freelance firm. She enjoys technical and challenging assignments and looks forward to the day when webstreaming video and text is more mainstream in the field. "I am always willing to take on any type of assignment, limited only by my availability," she noted. She was encouraged by her high school typing/business machines teacher to pursue a career in court reporting because she was a "pretty good" typist, fast at all the various business machines and also a first chair flutist with a history of also playing the piccolo.

When asked about what advice she would give to someone considering court reporting as a career, Ms. Orozco said, "It is my personal belief that to be successful as a CSR you need to have a team and humanitarian spirit, be detail oriented, be open to embracing change and be a semi-competitive individual." She added that an aspiring CSR needs to be self-motivated and willing to continually hone one's skills. "It is a career-long endeavor to improve your reporting skills," she noted. "Court reporting programs will prepare you for passing your CSR exams but you will also need to stay abreast of emerging technologies, be willing to participate in continuing education offerings, be aware of and participate in national, state and local association activities and stay abreast of the Court Reporters Board's efforts and activities involved with consumer protection. It is also beneficial to be aware of legislative proposals and industry changes."

Commenting on changes she's seen in the industry, Ms. Orozco remarked that the most glaring recent change is the privatization of reporting services in some of our state courtrooms. "It is my hope that after some period of time has passed, this practice will prove not to be cost-effective and that displaced officials will be able to return to their jobs once our economy improves and the powers that be ***see the inefficiency of privatizing our state's courtrooms***," she said.

She is a long-time supporter of new technology. "A positive side effect that will come out of the displacement of officials is that CSRs who have not embraced the technological aspects that are currently available to our industry will now have the opportunity to hone their skills to better be able to compete in today's marketplace and to better serve the Bench, Bar and general public," she said.

She noted that computer-aided transcription software has really come a long way in the past decade. "If you continually strive to learn its ins and outs," she said, "it will make you a more productive and efficient reporter."

Ms. Orozco's favorite "war story" happened while she was an official reporter on a homicide case. The district attorney on the case hired a psychologist to testify on the effects of amphetamines on a person's ability to perceive and recollect events. Direct examination began in the morning session, and during the lunch recess the psychologist was arrested in the parking

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lot of the courthouse while seated in his vehicle for ingesting cocaine. The investigating officer on the case just happened to notice him and arrested him. When the jury returned to the courtroom, the psychologist returned to the witness stand from the holding cell to complete his examination.

As a freelance reporter, Ms. Orozco's assignments have included jobs in Paris, New York, Arizona, and many locations throughout California. She recently had her bags packed for an assignment in Italy when the case settled the day before departure, much to her disappointment.

When not reporting or working on transcripts, Ms. Orozco participates in boot camp fitness classes, lifting weights, standup paddle boarding, hiking/walking, spending time in her yard or enjoying precious time with her family. She admits to being a wannabe interior decorator and as a recent empty nester, is enjoying all the "me" time that situation affords. We asked her for something that most people don't know about her and found out that she has a long-time love affair with horses and as a young adult competed in gymkhana (barrel racing) and hopes to one day own a horse again.

Department of Consumer Affairs Technology Upgrade Nearing Completion

New system will accelerate application and renewal processing times, among other features

In the last edition of *CRB Today*, we reported on the BreEZe project — the development and implementation of a new customer service Web portal and reporting tool for entities under the Department of Consumer Affairs (DCA), including the Court Reporters Board.

The end product — already in use at some boards and bureaus and coming to CRB in 2014 — will be a standardized online enforcement and licensing system which is expected to be the largest of its kind in the world and will allow users to do the following online:

- Apply for or renew a license and pay with a major credit card in a secure environment.
- Track the status of an application or licensing request.
- Submit address changes.
- Obtain proof of renewal status and other real-time licensee information.

For more information, visit www.dca.ca.gov/about_dca/breeze/index.shtml. Questions about BreEZe can be e-mailed to BreEZeProject@dca.ca.gov.

Licensees: Renew early!

The upcoming technological upgrades could cause temporary delays because there will be periods where the license renewal database will be inaccessible while specific boards and bureaus go live with the new system. Please renew your license at the beginning of the month to help avoid any possible processing delays caused by the transition.

Legislative Update – Electronic Recording Bills

At the March 29, 2013 meeting in Los Angeles, the Board voted to oppose Assembly Bill 251 (Wagner), which would require that the Judicial Council implement electronic court reporting in 20 percent of all Superior Court courtrooms by July 1, 2014, and in at least an additional 20 percent annually thereafter. Felony cases would be excepted.

On April 2, 2013, the Board sent a letter to the Assembly Judiciary Committee, chaired by Assemblyman Wieckowski, advising it of the Board's opposition. The Board noted that allowing electronic recording in limited civil courtrooms would allow it in family law matters and that to allow an inferior record to be kept when child custody and spousal support issues are at stake would be a grave disservice to the consumer. The Board also noted that the average dissolution matter contains sensitive information regarding bank accounts and assets, as well as health information, all of which is best left in the hands of licensed court reporters who are held responsible to applicable laws regarding confidentiality. A final point was that the litigant or consumer would have absolutely no recourse with an inaccurate transcript from an audio recording, nor would he or she have any warning that the machine had malfunctioned until being informed after the fact that there is no recording available, at which point all appeal rights would be lost.

The bill was subsequently heard by the Assembly Judiciary Committee, where it failed passage, although reconsideration was granted to the author.

Senate Bill 705 (Block) also initially contained language allowing for the expanded use of electronic recording in the courts. That bill has been completely stripped and amended and now contains language affecting appropriations for community colleges.

For the reasons stated in their opposition letter to the Assembly Judiciary, the Board is happy to see that consumers' rights are protected.

Court Reporters Board to Clarify Scope of Practice

At the March Board meeting in Los Angeles, the Court Reporters Board approved proposed regulatory language to further define the scope of practice of court reporters.

As the statute reads now, the individual licensee is solely responsible for every aspect of reporting the record, producing and distributing a transcript, and many other accompanying duties that court reporting firms often take on. By clarifying what is involved in the transcription process, the Board hopes to make corporations aware of what licensing duties they are taking on, at which point they are required to follow all of the same rules and regulations of a licensee.

A public hearing was held on Monday, September 16, 2013.

For the full text of the proposed language, please visit this link to the Board's Web site: www.courtreportersboard.ca.gov/lawsregs/proposedreg.shtml.

Industry Update:

The Importance of Subcontractor Agreements

Just as a good contract can facilitate business by clearly articulating expectations for payment and performance, a good subcontractor agreement is key to a successful relationship between court reporters and court reporting agencies.
One of the first things the Board asks for when we receive a complaint from a court reporter about an agency or a complaint from an agency about a court reporter is a copy of the subcontractor agreement in order to ascertain exactly who agreed to do what.

While a subcontractor agreement cannot cover every eventuality, certain elements clearly stated can save many misunderstandings down the road. The list of critical elements may include:

- Valid license — require that the subcontractor be licensed in California and maintain that license in good standing.
- Transcript due date — what is considered regular turnaround versus an expedited order.
- Work product — what is expected to be delivered to the agency in addition to the transcript, i.e., ASCII, exhibits, condensed transcript, word index.
- Payment — what will the reporter be paid for, including future copy orders and appearance fees, and when will the payment be received.
- Client contact — what direct contact with the client is acceptable as regards transcript orders, including rough drafts.
- Arrival time — what is the expectation for how long before the start time that the reporter is to arrive.
- Expenses — who is responsible for miscellaneous expenses such as parking and tolls.
- Insurance — whether the subcontractor is required to carry liability and/or errors and omissions insurance.
- Services and supplies — are photocopy services available through the agency as well as binding services and supplies including stationery and postage.

Agencies need to make sure that anything that's important to their function is laid out in the agreement. To help with audits from the Internal Revenue Service, the subcontractor agreement might contain the following elements:

- Purpose – a statement that the agency is organized for the purpose of coordinating court reporting services between clients (courts, litigants, attorneys) and CSRs who are free agents.
- Performance – make it clear that the subcontractor has sole control over the manner and means of performing the reporting and transcription and that the subcontractor recognizes that he or she is working without supervision.

Likewise, court reporters need to ensure that everything is clearly specified per their expectations as well. Often, a court reporter will receive a last-minute phone call from an agency, new to the reporter, rattling off terms right after getting agreement to cover the job. Be careful and be clear. The reporter may be happy to be informed he or she will be receiving an original plus two copies for a job, only to arrive and find eight attorneys ordering copies. It might seem to slow things down for the calendar clerk, but an extra ten minutes executing a subcontractor agreement – or at the very least outlining key terms in an e-mail for which there is acknowledgment by both parties – may save hours and hours of dissension down the road.

When everyone involved has a clear understanding of their responsibilities, the chances of a disagreement will be reduced significantly.

Privatization: County Courts Weigh In

The following was received from administrative personnel in a county that no longer provides official reporters for civil proceedings:

"Two things I've noticed that keep recurring with regard to my communications with a lot of non-official, pro tempore, court reporters:

1) There seems to be a misunderstanding [on the part of the court reporters] *that when they, pro tem reporters, report in court, that it is the official record and as such the notes are the property of the court.*

I bring this up because twice within the last seven days I've had reporters tell me that they had no idea they were making an official record. It seems to me that some of them are still operating as if they are doing depositions except that the scenery has changed to a courtroom versus an attorney's office — not to imply the deposition transcript is not an official record, of course.

I'm seeing a disturbing trend, which leads me to item #2 ...

2) Some reporters are telling me that they have deleted or have 'lost' the original machine file from their writer. So far we have been fortunate in that I've been able to work around that problem by relying on their software. But using their real-time file from their software, although acceptable, is not the preferred file format we want for long-term storage.

One person this week informed me that after she turned in the translated file/transcript to her depo agency that she got rid of the steno file.

I've had another person a few weeks ago tell me that she overwrote the files on the floppy disk because she didn't know she had to turn them in to us (which kind of goes back to issue #1).

Another person this week, has completely 'lost' her raw machine file, her software file and only has the translated file to turn in to us.

We require the raw machine file because, as you know, if a member of the public complains about an error in the recording, it is far more accurate to investigate such a claim from the raw notes as opposed to a translated English file. That's one reason we want the raw notes. There are other technical reasons but I won't list them.

Granted, the court also has to play a part in informing them and there is, or should be, a document in every courtroom that provides instructions on how to turn their notes in to the court.

I just wanted to present these two trends that I'm noticing and see if perhaps there is something that the Board might want to do to remind court reporters about the importance of the official record. If they were our employees it would be an easy fix for us but given that these are freelancers and not our employees, it makes our job that much more interesting. On the whole, they are very cooperative and professional, but there is a lack of understanding because they are in unfamiliar territory."

The Board responds:

All court reporters need to be aware that if they report a proceeding in court, they are making the official record and that

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the stenographic notes belong to the court. Government Code § 69955(a) states: *As used in this section, "reporting notes" are the reporting notes of all court reporters employed to report in the courts of California, who may be known as official reporters and official reporters pro tempore. Reporting notes are official records of the court. Reporting notes shall be kept by the reporter taking the notes in a place designated by the court, or, upon order of the court, delivered to the clerk of the court.*

While it would be helpful if each court posted its policy with regard to note storage, this does not relieve the court reporter of his or her retention responsibilities. The court reporter is responsible for not only the creation of the stenographic notes, but for the preservation as well. If a court reporter deletes or loses the original steno file, it is a violation of Business and Professions Code § 8025 (d), (e), and (f). Specifically, Government Code § 69955 (d) states: *If the reporting notes are kept in any form other than paper, one duplicate backup copy of the notes shall be stored in a manner and place the reasonably assures its preservation.* Additionally, Government Code § 69955 (e) requires notes in civil court matters to be maintained for five years, after which they may be destroyed upon order of the court.

Thank you for your patience as we all weather the changes to the industry created as a result of the restructuring of the civil courtrooms. The Board is working hard to inform and remind licensees of their obligations in the courtroom so that no litigant is left without a record and a possible basis for appeal.

Court Reporting School Enrollment Dips

While historically court reporting school enrollment numbers have ebbed and flowed in an ongoing cycle coinciding with supply and demand, schools are now finding themselves in dire straits due to several factors combining into a "perfect storm."

Economy and budget setbacks

One of the first issues to affect the schools was the dismal California economy and the resulting state budgetary cutbacks. With dwindling resources, many adult education programs came under fire. What better way to weed out a program than looking at how long it takes a student to complete the course and begin working? For example, if you are a school administrator charged with cutting back programs due to budget limits, one easy selection criteria would be how long it takes a student to complete the program and begin working. It's a better statistic to say 40 students completed automotive technology in 12 months and are now employed in the automotive field than to say that 40 students completed a court reporting program in an average of four years. What doesn't factor in is that although court reporting can take longer than the average vocational program, it's possible for a successful graduate to begin earning an income commensurate with that of those holding four-year degrees.

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Restrictive regulations

The second hit to court reporting programs came from new rules imposed on vocational schools that limited class repeatability, with few exceptions. In a conventional educational program, this might be a reasonable limitation, but in a court reporting program where students are building speed via repetition and practice and progressing at his or her own pace, this can be disastrous. Many court reporters can recall the speed at which they became "stuck," spending anywhere from several months to even years at that plateau. In addition, many court reporting students work and have families and go to school part-time and thus may take years to complete their education.

A side note of the repeatability issue involves the financial aid available to students. While it may be possible in theory to stay in a program and repeat classes that are not for credit, many students are dependent upon financial aid, and it's a problem when funding is not available for not-for-credit coursework.

Under-reported growth opportunities

The final blow to school enrollment is the effect of misleading headlines touting the severe layoffs of court reporters statewide. While it is true that most courts in California no longer provide official court reporters in civil courtrooms, those courtrooms are still in operation. The demand for court reporters to cover civil trials is as great as ever; however, attorneys and litigants must now arrange for the presence of a court reporter in order to preserve the appeal rights should they disagree with the final outcome of the matter. In addition, some potential students might be scared off by the idea that new technology might displace court reporters. It's now been proven that although it's a helpful tool, technology still can't replace the trained court reporter when accuracy matters. Many high school graduates and people looking for a career change have taken the "gloom-and-doom" headlines to heart and opted not to explore what the field of court reporting actually has available in today's marketplace. And, convincing pressured, budget-conscious administrators that the news they're reading is not showing the complete picture as it relates to the court reporting industry is quite a challenge.

However, real-time broadcast captioning and translation continues to build demand for certified shorthand reporters. According to the U.S. Bureau of Labor Statistics, employment for certified shorthand reporters across the industry is projected to grow by 18 percent between 2008 and 2018. This growth rate is faster than the average for all occupations in that time period. There are also a lot of reporters nearing retirement age, which will create openings for others coming into the field.

To help spread the positive word about attending court reporting school and the job opportunities that can follow, the Board developed and released a new comprehensive, award-winning brochure, *Launching A Career as a Court Reporter* (www.courtreportersboard.ca.gov/formspubs/student_career.pdf).

Regardless of the factors at play, everyone can agree that it's a tough time in the industry, even with growth and opportunities on the horizon. But the industry has ridden out storms before, and it will endure this one as well.

Court Reporters Board of California - Citations and Fines Issued March 2013 - August 2013

The Citations and Fines remain posted for one year from the date initially issued. To find out whether a specific licensee has ever been issued a Citation and Fine prior to the date shown, or to obtain further information on a specific Citation and Fine, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

The following respondents' Citation and Fines that reflect "Satisfied" have been satisfactorily resolved. Payment of a fine is not an admission to the violation.

RESPONDENT NAME - CITY	LICENSE NO.	DATE ISSUED	VIOLATION	SATIS-FIED
Dipmore, Shawn – Lakewood, CA	7719	8/28/2013	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcripts)	No
Vaccarezza, Linda – Sonoma, CA	10201	8/7/2013	Business & Professions Code Section 8025 (d) and (j) in conjunction with CA Code of Regulations, Title 16, Section 2473 Minimum Transcript Format Standards (MTFS). (failed to comply with MTFS)	Yes
Johnson, Eric – Modesto, CA	9771	7/30/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Maxson, Kimberly – Orange, CA	12923	7/26/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Priest, Wendy – Los Angeles, CA	12722	7/17/2013	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Duran, Monet – Torrance, CA	12301	6/20/2013	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Rosette, Teri – Concord, CA	6631	5/9/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No
LeRoy, Michael – Roseville, CA	8023	5/9/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Bailey, Zina – Oakland, CA	11267	4/30/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No
Lyons, Kathy – Oakland, CA	7230	3/20/2013	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes

Court Reporters Board of California - Disciplinary Actions March 2013 - August 2013

The disciplinary actions listed below cover the period of time from March 2013 to August 2013. To find out whether a licensee has had disciplinary action prior to March 2013, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

A disciplinary action is a formal proceeding that includes the basis for the action sought against the licensee. These disciplinary actions are held in front of an Administrative Law Judge and allow for attorney, testimony, and challenges as provided in the legal system. The Administrative Law Judge then issues a decision that the Board can accept, reject, or send back for additional information. Disciplinary cases can result in license suspension and/or a probationary status with conditions.

RESPONDENT NAME - CITY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Peters, Ronald - Rancho Cordova, CA	2780	Stipulated Surrender of License	08/30/2013	Business & Professions Code Sections 8025 (d): Unprofessional conduct; fraud, dishonesty, and/or corruption in or directly related to the practice of shorthand reporting.

Court Reporters Board Of California - Disciplinary Actions Pending July 2012 - August 2013

Parker, Joan - Santa Barbara, CA	12912	Accusation	07/02/2013	Business & Professions Code Section 8025 (a) in conjunction with CA Code of Regulations, Title 16, Section 2470: Conviction of a crime; Section 8025 (b): Failure to notify Board of conviction; Section 8025 (c): Fraud or misrepresentation to obtain license renewal; Section 8025(d): Unprofessional conduct/dishonest act.
Roux, Jennifer - Santa Rosa, CA	11033	Accusation	03/25/2013	Business and Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (e): repeated unexcused failure to transcribe notes; Section 8025 (g): Failure to comply with court requests for transcripts.
Gonzales, Edwina - San Diego, CA	11978	Accusation	01/11/2013	Business & Professions Code Section 8025 (a) and 490: Conviction of a crime; Section 8025 (b): Failure to notify Board of conviction; Section 8025 (c): Fraud or misrepresentation to obtain license renewal.
Heard, Patrick - San Francisco, CA	11055	Accusation and Petition to Revoke Probation	07/31/2012	Accusation: Business & Professions Code Section 8025 (e): Repeated unexcused failure... to transcribe notes. Petition to Revoke Probation: First Cause - Failure to obey all laws; Second Cause - Failure to comply with Board's probation program.

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