



## COURT REPORTERS BOARD OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833  
Phone (916) 263-3660 / Toll Free: 1-877-327-5272  
Fax (916) 263-3664 / [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)



### STRATEGIC PLANNING SESSION AND MEETING OF THE COURT REPORTERS BOARD

**Monday, September 17, 2018**

**Strategic Planning – 9:30 a.m. to 12:30 p.m. – Emerald Room**

**Board Meeting – 2:00 p.m. to conclusion – Hearing Room**

**Department of Consumer Affairs, HQ2  
1747 North Market Boulevard  
Sacramento, CA 95834**

### AGENDA

**Board Members: Davina Hurt, Chair; Toni O'Neill, Vice Chair; Elizabeth Lasensky;  
and Carrie Nocella**

**CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF A QUORUM – Davina Hurt,  
Chair**

- I. STRATEGIC PLANNING SESSION ..... 4
- II. REVIEW AND APPROVAL OF JULY 19, 2018, MEETING MINUTES ..... 5
- III. RESOLUTION FOR ROSALIE KRAMM ..... 35
- IV. REPORT OF THE EXECUTIVE OFFICER ..... 37
  - A. CRB Budget Report
  - B. Transcript Reimbursement Fund
  - C. Enforcement Activities
  - D. School Update, including reports on status of existing schools
  - E. Business Modernization
- V. LEGISLATION ..... 40
  - A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 2084 (Kalra)  
– court reporter providers
  - B. Consideration of Positions on Legislation:
    - 1. AB 767 (Quirk-Silva) – Master Business License Act
    - 2. AB 2138 (Chiu) – Licensing boards: denial of application: criminal conviction
    - 3. AB 2182 (Levine) – Privacy: Department of Consumer Affairs: California Data  
Protection Authority
    - 4. AB 2354 (Rubio) – Family law: court reporters
    - 5. AB 2483 (Vopel) – Indemnification of public officers and employees: antitrust awards
    - 6. AB 2531 (Gallagher) – Access to judicial and nonjudicial proceedings: hearing  
impaired

(continued)

7. AB 2664 (Holden) – Court reporters: official reporter pro tempore
8. AB 2757 (Reyes) – Court Reporters
9. SB 984 (Skinner) – State boards and commissions: representation: appointments
10. SB 1137 (Vidak) – Veterans: professional licensing benefits
11. SB 1298 (Skinner) – The Increasing Access to Employment Act
12. SB 1480 (Hill) – Professions and Vocations

The Board may discuss other items of legislation not listed here in sufficient detail to determine whether such items should be on a future Board meeting agenda and/or whether to hold a special meeting of the Board to discuss such items pursuant to Government Code section 11125.4.

VI.	<u>FEE INCREASE REGULATION</u> – Status update .....	63
VII.	<u>SUNSET REVIEW</u> – Discussion and possible action .....	64
VIII.	<u>LICENSING OF VOICE WRITERS</u> – Discussion and possible action .....	65
IX.	<u>EXAMINATION PASS RATES</u> – Discussion and possible action .....	66
X.	<u>FUTURE MEETING DATES</u> .....	76
XI.	<u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</u> .....	79
XII.	<u>CLOSED SESSION</u> .....	80
	A. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.	
	B. Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation	

**RETURN TO OPEN SESSION**

**ADJOURNMENT**

Action may be taken on any item on the agenda. All times are approximate and subject to change. The meeting may be cancelled or shortened without notice. Any item may be taken out of order to accommodate speaker(s) and/or to maintain quorum. For further information or verification of the meeting, the public can contact the Court Reporters Board (CRB) via phone at (877) 327-5272, via e-mail at paula.bruning@dca.ca.gov, by writing to: Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento CA 95833, or via internet by accessing the Board's web site at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) and navigating to the Board's Calendar under "Quick Hits."

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the CRB are open to the public. The CRB intends to webcast this meeting subject to availability of technical resources.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting Paula Bruning at (877) 327-5272, e-mailing paula.bruning@dca.ca.gov or sending a written request to 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation. Requests for further information should be directed to Yvonne Fenner at the same address and telephone number. If any member of the public wants to receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting. Otherwise, the documents, if any, will be available at the meeting.

The public can participate in the discussion of any item on this agenda. To better assist the Board in accurately transcribing the minutes of the meeting, members of the public who make a comment may be asked to disclose their name and association. **However, disclosure of that information is not required by law and is purely voluntary.** Non-disclosure of that information will not affect the public's ability to make comment(s) to the Board during the meeting. Please respect time limits; which may be imposed by the Chair on an as needed basis to accommodate all interested speakers and the full agenda. The public may comment on any issues not listed on this agenda. However, please be aware, that the Board CANNOT discuss or comment on any item not listed on this agenda.

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM I – Strategic Planning Session**

=====

Agenda Description:   Development of the Board's Strategic Plan

=====

Brief Summary:

The Board will engage in strategic planning with the assistance of a facilitator from SOLID Training and Planning Solutions of the Department of Consumer Affairs.

=====

Support Documents:

None

=====

Fiscal Impact:       None

=====

Report Originator:   Paula Bruning, 8/27/2018

=====

Recommended Board Action: Informational

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM II – Review and Approval of July 19, 2018, Meeting Minutes**

=====

Agenda Description:    Review and approval of minutes

=====

Brief Summary:

Minutes from July 19, 2018, meeting

=====

Support Documents:

Attachment – Draft minutes for July 19, 2018

=====

Fiscal Impact:        None

=====

Report Originator:   Paula Bruning, 8/27/2018

=====

Recommended Board Action: Staff recommends the Board approve minutes.

**COURT REPORTERS BOARD****OF CALIFORNIA**

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833  
Phone (916) 263-3660 / Toll Free: 1-877-327-5272  
Fax (916) 263-3664 / [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)



**COURT REPORTERS BOARD OF CALIFORNIA**  
**MINUTES OF OPEN SESSION**  
**JULY 19, 2018**

Attachment  
Agenda Item II

**DRAFT**

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:10 a.m. at the Hilton Los Angeles Airport, 5711 West Century Boulevard, Pacific Room A, Los Angeles, California.

ROLL CALL

Board Members Present:

Davina Hurt, Public Member, Chair  
Elizabeth Lasensky, Public Member, Vice Chair  
Carrie Nocella, Public Member  
Toni O'Neill, Licensee Member

Board Members Absent:

Rosalie Kramm, Licensee Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer  
Shela Barker, Senior Staff Counsel  
Paula Bruning, Executive Analyst  
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. APPROVAL OF OCTOBER 27, 2017, MEETING MINUTES

*Ms. Nocella moved to approve the minutes as presented. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

**MOTION CARRIED**

## II. REPORT OF THE EXECUTIVE OFFICER

### A. CRB Budget Report

Ms. Fenner referred to the budget report on page 13 of the Board agenda packet. She stated that there is a projected surplus of 3.6 percent of the Board's budget and offered to answer any questions.

### B. Transcript Reimbursement Fund

Ms. Bruning recapped the Board's inability to transfer funds to the Transcript Reimbursement Fund (TRF) due to the diminished budget reserve, causing a temporary shutdown of the program. She stated that on April 10, 2018, staff returned 299 Pro Bono Program applications that were received after July 6, 2017, that had not yet been processed. She added that for fiscal year 2017/18, staff was able to approve \$96,200 covering 53 invoices before the shutdown.

Ms. Davis indicated that 188 Pro Per Program applications were returned as a result of the temporary shutdown. Before the shutdown, just under \$2,000 was provisionally approved for calendar year 2018. To put it into perspective, she stated that for calendar year 2017, 188 applications were approved totaling more than \$47,000.

Ms. Hurt asked if staff had received calls regarding the returned applications. Ms. Davis responded that most callers want to know when funding will be available again, for which she replies that we are working diligently to reopen the program. Ms. Hurt affirmed that the Board has worked to trim its budget by reducing the number of meetings, pursuing online testing, and rightsizing fees.

### C. Exams, Including Passing Rates of Recent Exams

Ms. Fenner mentioned the historical examination pass rates found on pages 16 through 21 of the Board agenda packet. She reminded the Board that the statistics are reflective of a very small pool, which can vary greatly in percentage by changing one number.

Ms. Hurt asked if there was something different about the July 2017 dictation exam causing a significant increase in the pass rate. Ms. Fenner responded that Board staff does everything in their ability to offer a test that is consistent in syllabic density and read at 200 words per minute for 15 minutes. She stated that it is unclear why more people pass one exam and fewer pass another exam.

Ms. Fenner reported that 116 candidates are scheduled to take the dictation exam on July 20, 2018, of which there are 11 first-time candidates.

She added that staff is working on the contract for the fall dictation exam in Sacramento and would announce the date once finalized.

D. Enforcement Activities

Ms. Fenner referred to the enforcement statistics on pages 22 and 23 of the Board agenda packet. There were no remarkable trends.

E. School Update, Including Reports on Status of Existing Schools

Ms. Fenner reported that South Coast College acquired a new accreditor who is recognized by the U.S. Department of Education. She also related that Bryan University notified the Board that they will no longer be providing a court reporter program in California.

F. BreEZe

As reported at the October 27, 2017, Board meeting, staff is working with the Department of Consumer Affairs (DCA) SOLID Training and Planning Solutions to map out business processes within the office. Ms. Fenner stated that the process mapping is part of the business modernization goal of the office, including an updated database with the ability to process credit card payments.

G. CRB Today Newsletter, Spring 2018

Ms. Fenner referred to the Spring 2018 CRB Today Newsletter in the Board agenda packet. She stated that production of the Fall 2018 will begin soon and welcomed ideas for articles.

III. FEE INCREASE REGULATION

Ms. Hurt directed the Board to page 77 of the Board agenda packet and indicated that the Board needed to address Comment #1 and the rulemaking package as a whole and provide direction to staff. She welcomed discussion from the members.

Ms. O'Neill, in reference to Comment #1, stated that licensees can allow their license to become delinquent for up to three years without renewing and then renew without paying every year. Ms. Bruning added that there is a 50 percent late fee; however, over a three-year period, the total fee plus the late fee is half of what one would pay if they paid annually.

Ms. O'Neill added that a person may falsely state they are not working in California to receive a reduced fee. She recommended rejecting Comment #1. Ms. Nocella and Ms. Lasensky supported rejection of Comment #1. Ms. Nocella added that it causes unnecessary confusion to consumers when there are multiple license types. Ms. Hurt agreed, adding that staff time and resources remain the same for any type of license; therefore, a reduced fee or frozen license is not practical.

*Ms. O'Neill moved to reject Comment #1 because there is a de facto decrease in fees by virtue of having a delinquent license, the operating costs remain the same to staff regardless of license type, the fee is for working in California which one can do by activating the license, and it becomes complicated and causes confusion to the consumer*



*if there are multiple levels of licensure. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

***MOTION CARRIED***

Ms. Hurt requested the Board consider approval of the Final Statement of Reasons.

*Ms. Nocella moved to adopt the Final Statement of Reasons with the rejection of Comment #1. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

***MOTION CARRIED***

**IV. SUNSET REVIEW**

Ms. Hurt stated that staff recommends that the Board appoint a task force to work with staff in preparing the Sunset Review Report. She expressed the importance of this matter and stated that it is a critical and rewarding task force to be on.

Ms. Lasensky offered that the court reporter shortage should be included in the report. Ms. Hurt added that there are many important topics, including how technology is evolving.

Ms. Fenner indicated that the report is due December 1, 2018, and staff would be compiling the data portion of the report. Staff would work with the task force to develop responses to past and new issues facing the Board, which would be brought in draft form to the Board at the next meeting.

Ms. O'Neill and Ms. Lasensky volunteered to serve on the task force. Ms. Hurt appointed them as such.

Ms. Fenner stated that Board members and consumers may send to staff any issues they would like the Board to address in the sunset review process.

**V. LEGISLATION**

A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 2084 (Kalra) – court reporter providers

Ms. Hurt expressed appreciation to Senator Hill, Assemblymember Kalra, and Assemblymember Mullin for all the work they have done helping the Board with this legislative process.

Ms. Hurt reported that AB 2084 has gone through the Assembly and is now before the Senate. Discussions are now ensuing with the Governor's office regarding the best steps forward. The bill is scheduled to be heard by the Senate Committee on Appropriations on August 6, 2018.

Ms. Lasensky thanked the subcommittee for all their hard work.

#### B. Consideration of Positions on Legislation

Ms. Fenner referred to the summaries of legislative bills that staff is following on pages 84 through 86 of the Board agenda packet. She stated that bills that are particular to the Board or the industry have been identified with three asterisks. The language of these bills was also included in the Board agenda packet. She requested the Board provide direction on these bills.

AB 2138 (Chiu and Low) – Ms. Fenner stated the intent of the bill is reduce the barriers of licensure for individuals with convictions. The bill outlines specific parameters that all boards and bureaus would be allowed to use when considering an applicant for licensure. Rather than each individual board looking at each individual licensee and considering things like how much time has passed since the conviction and how the conviction may relate to a particular industry, it's just a blanket approach. It would also limit how far back a licensing entity could investigate the individual's record.

Ms. Barker added that the change would be a fundamental shift in how the Board's licensing program would operate. In addition to there being a flat statutory ban based upon a conviction older than seven years, the proposed legislation would prohibit the Board from using the underlying offense for which the conviction was issued.

Ms. O'Neill expressed concern that the proposed legislation would limit the Board's ability to carry out its mission to protect consumers. Ms. Nocella shared apprehension about limiting the Board's ability to consider non-violent offenses of moral turpitude such as fraud. Ms. Hurt added that some crimes do not lend to the proper qualifications of this profession where the function of duties is important and should be upheld.

*Ms. O'Neill moved that the Board write a letter in opposition of AB 2138 and send additional communications should the bill reach the Governor's Office. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

**MOTION CARRIED**

AB 2354 (Rubio) – Ms. Fenner invited the bill's sponsor, California Court Reporters Association (CCRA), to share an update.

Carolyn Dasher, CCRA President, shared that the bill passed through the Senate Judiciary Committee and was waiting to be heard in the Senate Appropriations Committee. She is hopeful the bill will pass.

Ms. Fenner explained that many California courts have elected to not put court reporters in family law courtrooms. This bill proposes that courts be mandated to provide court reporters in certain types of family law matters.

Ms. Hurt asked if the labor shortage would prevent the courts from providing reporters in these matters. Ms. Dasher responded that courts are getting more money and need to allocate it to restore court reporting positions.

*Ms. Lasensky moved that the Board write a letter in support of AB 2354 and send additional communications should the bill reach the Governor's Office. Ms. O'Neill seconded the motion.* Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

### ***MOTION CARRIED***

AB 2483 (Vopel) – Ms. Fenner reported that the bill is dead.

AB 2531 (Gallagher) – Ms. Fenner stated that the bill is sponsored by CCRA.

Ms. Dasher indicated that the bill is an attempt to certify CART providers through the Board. It is hoped that there will be more CART providers flooding the workforce. The bill is currently waiting to be heard in the Senate Appropriations Committee.

Ms. Hurt asked if there was a determination of how much it would cost the Board to certify CART providers. Ms. Dasher did not know the answer. Ms. Fenner stated the Board would not be issuing a license; however, the Board would need to track the CART providers to send a report to the Legislature as required in the current bill language. There is a minimum flat fee of \$45,000 to reprogram the database system. She stated that if the reporting requirement were removed from the bill, then staff would only need to expend the time needed to enact regulatory language for the practice.

Ms. O'Neill supported the concept proposed in the bill but asserted that the Board is unable to absorb the cost. She suggested the bill be amended to include a registration fee.

Ms. Dasher shared that CCRA has a certification program for CART providers for which they provide a test two to three times per year. She stated that CCRA can report who

passes the certification. The National Court Reporters Association may be willing to do the same for those who pass their exam.

Ms. Barker stated that the bill language suggests that the Board become a standard-setting body, which would result in the Board will also bearing costs of meetings to develop the standards and regulatory language.

Ms. Hurt suggested the Board watch the legislation to see how it evolves and explore ways the program can be funded. Ms. Nocella added that it is an incredibly just and needed program. She recommended that the Board work with CCRA to bridge the gap.

Ms. Barker shared that another DCA board deemed a non-profit association for their related industry as the standard-setting body. The certification or licensure for that body was deemed to be voluntary. She added that there is a strong push in California to reduce barriers to entry of professions.

The Board agreed to watch the bill and take no action at this time.

AB 2664 (Holden) – Ms. Fenner indicated that the bill is attempting to solve the problem between civil litigants who do not agree as to the appointment of a freelance court reporter as the official reporter pro tempore.

Ms. Dasher added that there is not a rule of court, but some counties have local policies that require the parties stipulate several days in advance to arrange for the official reporter pro tempore. If not arranged for in advance, the judge can deny the parties a reporter. She stated that CCRA is acting as an intermediary for the two co-sponsors, Conference of California Bar Association and California Deposition Reporters Association (CalDRA), as they work with SEIU.

Ms. Hurt shared support of the option to have a court reporter provided if the parties are not able to agree. Ms. O'Neill agreed, adding that it would bring a standard across all counties for the state instead of local rules. Ms. Nocella concurred that the proposed arrangement is the right thing to do.

*Ms. O'Neill moved that the Board write a letter in support of AB 2664 and send additional communications should the bill reach the Governor's Office. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Kramm

Abstain: None

Recusal: None

### **MOTION CARRIED**

AB 2757 (Reyes) – Ms. Fenner reported that the bill would increase the fee charged for court transcripts. The last time the rate was increased was 1991.

Ms. Dasher, on behalf of bill-sponsor CCRA, stated that the last bill to increase the transcript rate was vetoed by the Governor. He believed the increase should be achieved through the budget process. CCRA tried to get it in the budget process last year, but it did not go through. They are working on that again and simultaneously sending the bill forward with author Assemblymember Reyes. She urged the Board's support.

Ms. Nocella supported the bill, stating that the increase was long overdue. Ms. O'Neill agreed, adding that it is a gradual and reasonable increase. She stated that the profession deserves a raise after 28 years. Ms. Lasensky believed the impact on the consumer would be minimal and the benefit to the profession would be large. Ms. Hurt echoed the support of the bill.

*Ms. Nocella moved that the Board write a letter in support of AB 2757 and send additional communications should the bill reach the Governor's Office. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.*

Jennifer Esquivel, Secretary/Treasurer for CCRA, stated that the decision holding freelance reporters to the statutory rate when providing services as a pro tempore reporter affects the freelance reporter since they are not able to charge what they normally deem an appropriate rate based on business expenses.

A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Kramm

Abstain: None

Recusal: None

### **MOTION CARRIED**

***The Board took a break at 10:15 a.m. and returned to open session at 10:29 a.m.***

## **VI. RESULTS OF REPORTER WORKING SPEED SURVEY**

Ms. Fenner reported that as a result of concerns that the dictation examination is being overly ambitious and too difficult for candidates, Board staff worked with the DCA Office of Professional Examination Services (OPES) to conduct a speed survey. OPES helps the Board in development of the written portions of the examination and coordinates and validates the occupational analysis. A survey was distributed to working reporters much like the occupational analysis. After analyzing the survey results, OPES recommended the Board continue to test at 200 words per minute as entry level to the profession. Ms. O'Neill agreed with the conclusions of the analysis.

Ms. Hurt reported that the reason for the thorough review was due to complaints. Ms. Fenner indicated that she received comments from people who thought the Board was trying to make the test fast and just as many comments from people who thought the Board was trying to make the test slower. Ms. Hurt urged reporters and consumers to go to the Board to get factual information and dispel rumors in the future.

Lorri Doll from Argonaut Court Reporting school inquired who the complaints were from. Ms. Fenner indicated that complaints were received at Board meetings and included the candidates and family members of unsuccessful candidates. Ms. Hurt clarified that complaints were not received from schools stating that they could not teach to the 200 words-per-minute requirement.

***The Board took a break at 10:37 a.m. and convened into closed session, Agenda Item XVI, at 10:45 a.m. The Board concluded closed session at 12:15 p.m. and took a break.***

***A report of closed session is reflected on page 17 under Agenda Items XVI on page 17.***

***The Board returned to open session at 1:03 p.m.***

## **VII. REPORTER LABOR SUPPLY**

Ms. Fenner introduced Don Scott, President of the National Verbatim Reporting Association (NVRA).

Mr. Scott thanked the Board for the opportunity to speak and introduced court reporter Tori Pittman. Ms. Pittman demonstrated voice writing technology.

Mr. Scott provided a history of voice writing and his experiences. He stated that voice writers do the same thing that machine writers do – the difference being that the input is voiced by speaking into a mask rather than keystroked. They identify the speaker and then repeat what the speaker says. A transcript is later produced from the voice writer's notes. He explained that some voice writers use computer aided transcript (CAT) systems with recording programs and transcription imbedded. He stated that voice writers are certified at 180 words per minute using the same testing standards used by the National Court Reporters Association (NCRA).

Mr. Scott indicated that voice writers would like to work in California courts as officials and requested the Board pursue a change in legislation to allow voice writers to apply for licensure in California.

Ms. Pittman explained that she cross-trained from being a machine writer to a voice writer due to tendinitis in both arms. She described how voice writers have to modulate their voices so that the computer can understand them but no one in the room can hear them. She still uses Eclipse software but has added the voice module to it.

Ms. Hurt indicated that the Board has been receiving information that there is a shortage of court reporters; therefore, NVRA came forward to present information about what they do in hopes that voice writing could be considered as an option to alleviate a possible shortage. She thanked Mr. Scott and Ms. Pittman for the demonstration and asked the Board members if they had any questions for the presenters.

Ms. Lasensky asked for clarification of the speed for voice writers. Mr. Scott responded that the NVRA Certified Verbatim Reporter candidates are tested at 180 words per minute, but that the software will record as fast as a person can dictate. He added that the Certificate of Merit test requires 200 words per minute for literary, 240 words per minute for

jury charge, and 260 words per minute for two-voice Q & A. Ms. Pittman added that the faster the computer, the faster the writer can record.

Ms. Nocella asked if there were any states other than North Carolina that had a license that does not differentiate between methods. Ms. Scott stated that there are 38 states that voice writers practice in as well as the District of Columbia, all federal courts, and armed forces installations.

Ms. Nocella stated that voice writing may afford a profession to a group of people who may otherwise be disabled from traditional methods. She asked what percentage of voice writers have a disability. Ms. Pittman was not aware of the percentage but shared that she has received inquiries from others with problems with their arms, back, and shoulders. She sees a lot of students transitioning from steno to voice writing when they hit a plateau in speed progression.

Ms. Hurt asked how many members NVRA has. Ms. Scott responded that there are approximately 750 members. He added that not all voice writers are members of NVRA. He stated there are voice writers working in California who report workers' compensation hearings as well as providing CART and captioning services.

Ms. Hurt asked what challenges face voice writers. Mr. Scott stated that voice writers face the same challenges faced by machine writers, such as people talking over each other, people speaking too fast, and unfamiliar vocabulary. He added that voice writers work all over the world, not just in the United States.

Ms. Hurt inquired what the training time is for voice writers. Mr. Scott answered that it depends on the individual, but some of the schools advertise four to six months. There are essentially no drop outs due to the short commitment period and low cost of training.

Ms. Nocella asked if there are any schools in California who teach voice writing. Mr. Scott stated that he is not aware of any. Some machine-writing schools have a side course for voice writing, but the drop out rate is higher.

Ms. Hurt called for public comments.

Jo Anne Tsutsui, Chief Hearing Reporter for the Division of Workers' Compensation, clarified that they do not employ voice writers, but currently require stenographic reporters.

Ms. Hurt stated that in addition to the presentation received at the meeting, the Board was provided with written documents (see Attachment 1). The requested legislative change would require the involvement of many entities. She suggested the Board may want to consider the request as part of its sunset review process.

Ms. Fenner proposed the Board convene town hall meetings prior to the next Board meeting to acquire input from stakeholders, including trade associations, court systems, and attorneys. Ms. Hurt shared concern for staff time considering the sunset review process. She suggested that staff request written comments instead. Ms. Lasensky added that the Board was taking on strategic planning as well. Ms. Fenner responded that a fuller picture of prevailing feelings is achieved when there is oral testimony and

individuals have a chance to hear one another. Ms. O'Neil stated that town hall meetings can be a gamble, never knowing how many people will participate.

Ana Costa suggested the Board hold town hall meetings via electronic means such as Zoom, making it available for individuals to attend from any location.

Ms. Fenner shared that staff would find free meeting space in state buildings to minimize costs. She added that staff currently has time to conduct the meetings before the September Board meeting.

Ms. Hurt said that a town hall is appropriate. Ms. Fenner reported that staff would work with DCA regarding what technological options are available.

*Ms. Lasensky moved to direct staff convene town hall meetings that would encompass the entire state to discuss voice writing. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.*

Rachel Barkume, CSR, asked if there would be voice writers at the town hall meeting to answer questions. Ms. Fenner responded that they would be invited as stakeholders.

A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Kramm

Abstain: None

Recusal: None

### ***MOTION CARRIED***

Ms. Hurt reported that the Board received a written request from Veritext asking the Board to permit reporters currently licensed in other states and those who hold the NCRA RPR certificate to practice in California by passing only the written portions of the California CSR examination. The Board requested more information by way of public comment.

Kerén Guevara, CSR, stated that candidates with an RPR certificate are already allowed to take the three portions of the California examination, but not all pass. She questioned the abilities of these certificate holders to work in California if they are not able to pass both the written examinations and the dictation examination.

Ms. O'Neill shared the concern of granting CSR licenses to individuals without requiring they pass the dictation portion as well. She did not believe there should be a change in the current requirement of passing all three portions of the examination. Ms. Nocella agreed, stating that the Board's charge is to protect consumers.

Cheryl Haab, CalDRA President, stated that California has one of the most difficult licensure tests in the country. She suggested the Board look at how other states are certifying reporters. Some states use the RPR model, which is not reminiscent of how reporters perform in California. She does not believe reciprocity would be appropriate.



Ms. Esquivel inquired if Veritext had received requests from out-of-state reports wanting to relocate to California, if so, how many and how soon would they transfer. She also wanted to know if the reciprocal licensees would be held to the same standards and if the application process would be the same. Ms. Fenner was only able to respond based on her conversation with the Veritext representative. She stated the request came from difficulty covering the calendar and are looking to recruit a wider labor market.

Ms. O'Neill stated that labor supply concerns have surfaced in the past. The discussion of lowering the standards always comes about. She believes that is a bad road to go down and does not serve the consumers of California.

Ms. Esquivel asserted that there is a big difference between a two-voice test such as the RPR and a four-voice test required in California. Ms. Hurt asked if there are other states that require a four-voice test. Ms. Fenner responded that she believed Nevada and Georgia were the only other states.

Ms. Dasher asked if a California-licensed CSR must be a California resident. Ms. O'Neill responded that are not required to be a resident. Ms. Barker added that it is a federal constitutional issue and the threshold for demonstrating that residency is necessary for licensure is so high that it's almost never going to be a requirement.

Ms. Costa agreed that the standards remain the same. She recommends her students write a minimum of 225 words per minute before taking the licensing examination.

Ms. Hurt echoed the importance of the standards for the protection of the consumers. She did not believe Veritext demonstrated a state of emergency on supply. The Board denied the request for reciprocity.

Ms. Hurt highlighted the recommendation of staff to expand the communication plan.

*Ms. Nocella moved to direct staff to work with the Office of Public Affairs to expand the communication plan to include how to communicate to the public the importance of hiring a licensed court reporter. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Kramm

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## **VIII. QUALIFICATIONS OF CANDIDATES FOR SKILLS EXAM**

Ms. Hurt stated that staff recommends the referral of unsuccessful candidates to the trade associations for mentorship opportunities.

Ms. Guevara, CSR and examination coach, expressed that candidates are just not ready when they go to the examination. Having helped write both the written and skills exams

and having observed as a proctor, she has seen that it is a fair and entry-level process. She shared that students have relayed to her that they knew they were not ready to pass the examination, but due to the low cost they took it anyway. Contrarily, those who have been successful shared the amount of work they put in to ensure they would not have to retake the test repeatedly.

Ms. Guevara suggested the Board consider increasing the fee in hopes that candidates would take the test more seriously. She also proposed the Board reinstitute the three qualifier requirement from the past and consider a requirement for requalification after three failed attempts.

Ms. Dasher reported that CCRA has a mentoring program and is happy to take in mentees. Additionally, Los Angeles County Court Reporters Association also has a mentor program. Ms. Hurt asked how many people are in the mentorship program. Ms. Dasher responded that they have a list of court reporters all over the state that are willing to mentor. Students and candidates can find information on the CCRA website. The court reporting schools also refer students to the association.

Ms. Fenner shared that the test is \$25 per section of the examination. The proposed fee increase regulation increases that to \$50 per section. Ms. Barker added that the Board has to justify the fee by demonstrating how much it costs the Board to give the exam. The fee can be used for a deterrent purpose.

Ms. Barker indicated that there are statutory restrictions that would prohibit the Board from implementing any barrier due to failing an examination. Therefore, requiring an unsuccessful candidate to go through additional steps, such as requalifying, would require legislation to overcome the prohibition.

Ms. Hurt asked how many unsuccessful candidates call the Board and request assistance. Ms. Fenner responded that staff does not receive these types of calls. She added that the Board's role is to develop and administer the examination, not to produce a study guide or provide mentorship.

Ms. Hurt reiterated that there are mentorship opportunities and urged unsuccessful candidates to seek them out.

Yolanda Krieger, court reporting director at South Coast College, shared that 11 or 12 of her candidates passed the dictation examination in July 2017. Since then, only three have passed. She asserted that South Coast really prepares students for the examination and questions what is happening that would cause such a drastic variance.

Ms. Hurt asked if South Coast has a plan or has met to strategize how to address the rates. Ms. Krieger responded that they urge students to be at school, evaluate their tests, and work hard. Some students get mentors.

Jean Gonzalez, president of South Coast College, reported that teachers come in an hour early and stay an hour after class to work with these students. She stated that they go over every qualifier with the students.

Ms. Costa provided a description of how she trains court reporting students. She has created a program in collaboration with law firms, law schools, and litigators. She brings students to mock trials and mock depositions where they are the reporter of record. They then produce rough drafts and final transcripts. She reviews their raw steno notes and transcripts. Unfortunately, she is finding that students are not writing cleanly enough to be able to read their notes. She believes they are not practicing enough and are too worried about speed.

Ms. Guevara believes building confidence and overcoming mental and emotional barriers is key to passing the examination. These call for additional help and attention outside of school.

Brandi Campbell, former student of Golden State College of Court Reporting, started by thanking court reporters for the service they provide and thanked the Board. She shared that court reporting school changed her life, giving her skills to use in a profession where she can help consumers.

Ms. Campbell stated that since Golden State closed, she has been dedicating every weekday to practicing in the calendar department of the East County Hall of Justice of Dublin, the fastest and most-action packed of all departments. She found the need to use her determination in keeping up with the proceedings. She asserted that zeal and pride in what you are doing are necessary to be successful candidates. Acknowledging faults and finding areas where help is needed is also key.

Ms. Lasensky expressed that the comments were insightful but did not see any actions that the Board can take. Ms. Hurt agreed and added that the Board wants candidates to be successful, but the public is best served by having knowledgeable and able court reporters.

#### IX. ONLINE SKILLS EXAM UPDATE

Ms. Fenner shared that she just received an updated proposal from the vendor, but there were not any significant changes. She will be moving forward with contracts and regulations. She did not have a timeline for completion and implementation at this time.

***The Board took a break at 2:41 p.m. and returned to open session at 2:53 p.m.***

#### X. REQUEST FOR DECLARATION RE BURD VS. BARKLEY

Ms. Hurt invited comments from the parties of the case.

Marc Allaria, attorney for Barkley, stated that it appears that the attorney for Burd was asking for the Board to declare that the ruling has some benefit to the consumer. He suggested that the premise is wrong and factually it is wrong. He added that lowering the amount that court reporters can make is not going to solve the shortage problem.

Mr. Allaria stated that the court decision puts a limit on the per page fee that can be charged for court transcripts but does not restrict the per diem or other costs that can be charged. Private court reporters have raised their appearance fee, which he believes hurts the consumer.

Ms. Dasher referred to the response submitted on behalf of CCRA by Richard L. Manford, Esq. (see Attachment 2). She reiterated that court transcript rates are 27 years old and CCRA is not happy with the court decision. She urged the Board to decline the request for declaration.

Ms. O'Neill stated her discomfort with the request, expressing her belief that it is an opinion and not necessarily fact.

Ms. Lasensky did not believe it was the Board's job to do what is being requested and was not in favor of moving ahead with such a declaration.

Ms. Nocella joined fellow Board members, stating that she is not generally supportive of a party asking the Board to issue a declaration that could be used against somebody else in a legal proceeding or for political purposes or undermines the industry's ability to further ask for additional increases in fees going forward.

Ms. Hurt echoed the previous comments. She added that the parties can utilize the minutes from previous meetings to view the Board's position.

The Board denied the request for declaration.

#### XI. WEBSITE SUBCOMMITTEE REPORT

Ms. O'Neill reported that she and Ms. Kramm are working with staff to update the antiquated website to make it more user friendly.

Ms. Bruning related that the bios for the Board members and executive officer had recently been updated. Staff is combing through the website to find material that is obsolete and look for ways to streamline information. At the same time, DCA's Publications, Design and Editing unit is working to develop images for the home page that capture the profession and attract potential students. Staff will then give specific instructions to DCA's Office of Information Services so they can build the new website. One new feature will be that the website will be mobile-friendly. Roll-out of the new website is anticipated in fall 2018.

#### XII. STRATEGIC AND COMMUNICATION PLANS

Ms. Hurt referred to the action items of the nearly completed Strategic Plan. Ms. Fenner stated that the main focus of staff since the last meeting have revolved around cross-training. Anything not completed on the current plan is generally the first topic of discussion at the next strategic planning session.

Ms. Hurt would like to convene Best Practice Pointer Task Force meetings to develop more pointers. Ms. Fenner clarified that practice pointers act as a springboard for discussion. They are not used as grounds for discipline but are simply advice. Ms. Hurt requested court reporters send ideas to staff for new pointers.

#### XIII. ELECTION OF OFFICERS

Ms. Hurt called for election of officers.

*Ms. Lasensky nominated Ms. Hurt as chair. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

***MOTION CARRIED***

*Ms. Hurt nominated Ms. O'Neill as vice-chair. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt  
Opposed: None  
Absent: Ms. Kramm  
Abstain: None  
Recusal: None

***MOTION CARRIED***

**XIV. FUTURE MEETING DATES**

Ms. Fenner shared that the strategic planning facilitator, SOLID, believes the session can be accomplished in half a day due to all the preparation work being done in advance. She requested Board members hold the entire day open in anticipation of a half-day Board meeting. She agreed to be in contact with the members if a meeting was needed.

**XV. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Karen Nelson, Assistant Deputy Director of Board and Bureau Relations at DCA, offered support as the liaison between the Board and DCA Executive Office. She stated that the Director's quarterly meeting is scheduled for August 6, 2018.

She shared that the Director held a teleconference on June 25, 2018, with board leadership. The discussion included pro rata, executive officer salaries, an update on AB 2138, and regulatory process improvements. She thanked Ms. Hurt for participating in the call.

She indicated that licensing and enforcement workgroups were launched in April 2018 to look at how to establish best practices across boards and bureaus. The groups meet monthly to discuss specific ideas to innovate in areas of licensing and enforcement. One board shared their streamlining process through their cloud drive platform. The enforcement group heard from the Department of Justice. They spoke about the Attorney General's annual report which contains baseline information on accusation referrals received and adjudicated accusations from boards and bureaus.

Ms. Nelson stated that the next Board Member Orientation Training, which is required within one year of appointment or reappointment, is scheduled for September 18, 2018, in Sacramento.

***The Board convened into closed session from 10:45 a.m. to 12:15 p.m.***

**XVI. CLOSED SESSION**

- A. Pursuant to Government Code Section 11126(e), the Board will meet in closed session to receive advice from counsel on litigation: R. Austin v. D. Grafilo et al. Superior Court of California, County of Los Angeles, Case No. BS171320.
- B. Pursuant to Government Code Section 11126(e)(2)(C)(i), the Board will meet in closed session to receive advice from counsel regarding the potential commencement of litigation for enforcement of Business and Professions Code Section 8040 et seq.
- C. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.

Ms. Hurt reported that an action was taken during the closed session portion of the meeting with regard to Agenda Item XVI.B. The results were to broaden the authority of the subcommittee to engage in negotiations to resolve the matter in any appropriate means via the Legislators and the Governor.

**ADJOURNMENT**

Ms. Hurt adjourned the meeting at 3:16 p.m.

\_\_\_\_\_  
DAVINA HURT, Board Chair

\_\_\_\_\_  
DATE

\_\_\_\_\_  
YVONNE K. FENNER, Executive Officer

\_\_\_\_\_  
DATE

Dear Ms. Fenner,

As president of the NVRA, I am very pleased to have the opportunity to attend your next board meeting and make a presentation on the current status of voice writing technology. Many advances have been made since NVRA's last visit to California some 15 years ago. As you know, Tori Pittman will be realtiming the presentation.

NVRA is the only national association that advocates for voice-writing court reporters, CART providers, and captioners. We have as members voice-writing court reporters, as well as stenographic court reporters. Many of our stenographic members are trained and certified in both methods. Voice-writing court reporters are professional, certified court reporters doing the same job as certified stenographic reporters. The only difference is we use our voice to dictate word-for-word, as well as documenting speakers and adding parentheticals when necessary, and can provide a live, realtime scene that is instantly searchable and instantly reviewable just as the stenographic reporter can.

Many times, the voice writer is using the same CAT (computer-aided-transcription) system as our stenographic friends. All stenographic court-reporting-software systems have added a voice module for use with voice writing, and the only difference here is how the words are input into the computer. A steno writes and a voice writer speaks.

Voice writers face the identical, rigorous requirements for certification as do the stenos who certify through their national association. A listing of the certification and requirements for each through our validated certification program can be found in the attached sheet on the NVRA certification programs.

We understand that 22-plus steno schools have closed in the last two years. Many of the schools that continue today have added a voice-writing curriculum and are graduating voice-writing court reporters, CART providers, and/or captioners at a high rate. While statistics show the dropout rate for stenographic students is drastically high, voice writers experience a 90 percent success rate and complete the program in a fraction of the time required to train a courtroom-ready steno writer.

It is no secret that the great State of California is facing a reporter shortage. It is further no secret that if live reporters are not available the powers that will be will fill those voids with electronic recording. We all need to work together to keep live bodies in our court rooms and deposition suites to protect the record. Voice writers are in a position to help fill the vacancies that are anticipated.

NVRA does have a short video explaining the basics of voice writing. You and the members of your board may visit that here:

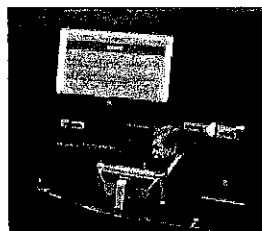
<https://www.dropbox.com/s/oe974y7h10sd1zd/NVRA%20Video%202.avi?dl=0>

I have also attached for your information the following documents: a list of states which currently allow voice writers to work; an informational sheet on our certification program, which contains a chart comparing NVRA and NCRA certifications; and our NVRA Fact Sheet.

Absolutely nothing can replace the live court reporter in all situations in the judicial system, and voice writers are part of the solution to meeting the demands.

We welcome the opportunity to educate you further on voice writing and look forward to our meeting on July ,

Don Scott



## WE ARE THE VOICE OF THE COURT REPORTING PROFESSION.

- Voice writers utilize cutting edge technology to produce realtime feed, just as steno writers. Many voice writers use the same CAT (computer-aided transcription software) as the steno writers.
- Students of voice writing experience a 90% success rate and can typically complete their training in a fraction of the time required to train a courtroom-ready machine writer. Steno schools are closing at an alarming rate -- according to NCRA, 22 in the last 2 years alone. Many of those remaining have added a voice writing curriculum. The number of schools and programs training voice writers has grown over the same period of time.
- For court systems struggling to meet the demand for court reporters, realtime-capable or otherwise, voice writing is the solution.
- NVRA certifications for voice writers are almost identical to those of NCRA for steno writers. (See charts below.)

### CERTIFICATIONS FOR COURT REPORTERS

\*The times reflected for the skills tests in this chart reflect the time permitted for transcription.

	NCRA RPR				NVRA CVR				NCRA RMR				NVRA CM				NCRA RDR
	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	WKT
Speed	180	200	225	115 ques.	180	200	225	100+ ques.	200	240	260	N/A	200	240	260	100+	115 ques.
Accuracy	95%	95%	95%	70%	95%	95%	95%	70%	95%	95%	95%		95%	95%	95%		70%
Time *	75	75	75	105 mins	75	75	75	120 mins	75	75	75		75	75	75	90 mins.	105 mins.

### CERTIFICATIONS FOR REALTIME, CAPTIONERS, CART PROVIDERS

	NCRA CRR		NVRA RVR			NVRA RVR-M	NCRA CRC*		NVRA RBC-M/RCP-M	
	Q&A	WKT	Lit	JC	Q&A	Q&A	Lit	WKT	Lit	WKT
Speed	200		180	180	180	200	180	100 ques.	Variable up to 225	50 ques.
Accuracy	96%	70%	95%	95%	95%	96%	96%	70%	95%	70%
Time**	5 min	105 mins.	8 mins.	8 mins.	8 mins.	5 MINS.	5 mins.	90 mins.	8 mins.	2 hrs.

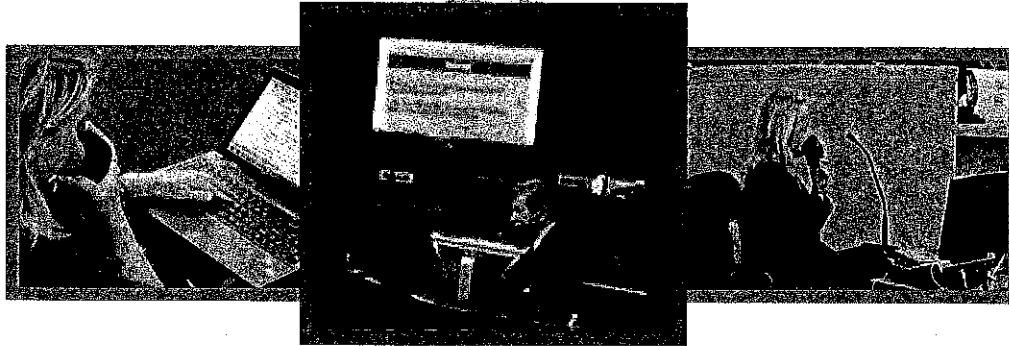
\*All candidates must attend the CRC workshop held at the annual convention.

\*\*The times reflected for the skills tests in this chart reflect the length of the dictation.

NCRA	RPR	Registered Professional Reporter	NVRA	CVR	Certified Verbatim Reporter
ACRONYMS	RMR	Registered Merit Reporter	ACRONYMS	CM	Certificate of Merit
	RDR	Registered Diplomat Reporter		RVR	Realtime Verbatim Reporter
	CCR	Certified Realtime Reporter		RVR-M	Realtime Verbatim Reporter - Master
	CRC	Certified Realtime Captioner		RBC-M	Registered Broadcast Captioner - Master
				RCP-M	Registered CART Provider - Master

NVRA is a nonprofit professional membership organization representing voice writing verbatim reporters. Members include official court reporters, CART providers and broadcast captioners. For more information contact the National Verbatim Reporters Association, (601) 582-4345 or by email at [nvra@nvra.org](mailto:nvra@nvra.org). Additional information can be found on our website: [www.nvra.org](http://www.nvra.org).





- NCRA's 2013-2014 Court Reporting Industry Outlook Report projected a shortage of 5,500 stenographic court reporters nationwide by 2018.
- Though voice-writing court reporters are being overlooked, we are part of the solution. Voice-writing court reporters are professional, certified court reporters capable of doing the very same job as stenographic reporters nationwide.
- NVRA's validated certification requirements mirror those of NCRA's for stenos.
- The only difference between stenographic court reporters and voice-writing court reporters is the method of taking down the record. Stenographic reporters write the words. Voice writers speak the words.
- Voice writers utilize cutting-edge technology to produce realtime feed, just as steno writers. Many voice writers and steno writers use the same CAT (computer-aided transcription) software.
- Students of voice writing experience a 90 % success rate and can, typically, complete their training in a fraction of the time required to train a courtroom-ready steno writer. Steno schools are closing at an alarming rate - according to NCRA, 22 in the last two years alone. Many of those remaining have added a voice-writing curriculum. Schools and programs training voice writers have grown over the same period.
- US Naval Justice School trains voice-writing court reporters for the military. Upon being discharged from the military, they pursue careers utilizing that military training.
- Many stenographers suffer repetitive-motion injuries and can no longer write on a steno machine. They can train in voice writing in a short period of time and continue their career.
- Voice writers are recognized by and do work in the US Military, internationally; US Federal Court System, nationally; US Congress; 38 states and the District of Columbia.

#### CERTIFICATIONS FOR COURT REPORTERS: Comparison of Voice and Steno

	NCRA RPR (Steno)				NVRA CVR (Voice)				NCRA RMR (Steno)				NVRA CM (Voice)				NCRA RDR
	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	WKT
Speed	180	200	225	115 ques	180	200	225	100 ques	200	240	260	N/A	200	240	260	N/A	115 ques
Accuracy	95%	95%	95%	70%	95%	95%	95%	70%	95%	95%	95%		95%	95%	95%		70%
Time *	75	75	75	105 mins	75	75	75	120 Mins	75	75	75		75	75	75		105 mins

## WHERE VOICE WRITERS CAN PRACTICE THEIR PROFESSION

Alabama	North Carolina
Alaska	North Dakota
Arizona (with VR system)	Ohio
Arkansas	Oregon
Colorado	Pennsylvania
Connecticut	South Carolina
Delaware	South Dakota
Florida	Tennessee
Georgia	Texas
Indiana	Utah
Kansas	Virginia
Kentucky	Washington
Louisiana	West Virginia
Maine	Wisconsin
Maryland	Washington, DC
Massachusetts	<b>FEDERAL COURTS IN ALL STATES</b>
Michigan	<b>US Military Internationally</b>
Minnesota	<b>US Congress</b>
Mississippi	
Missouri	
Nevada	
New Hampshire	
New Mexico	

RICHARD L. MANFORD  
Attorney at Law  
California State Bar Number 051092  
3081 SWALLOWS NEST DRIVE  
SACRAMENTO CA 95833-9723  
Telephone: 916.923.9333  
Facsimile: 916.543.1613  
E-Mail: dick.manford@gmail.com

BY EMAIL, FAX TRANSMISSION, AND FIRST CLASS MAIL

17 July 2018

Davina Hurt, Chair  
Yvonne K. Fenner, Executive Officer  
Court Reporters Board of California  
2535 Capitol Oaks Drive, Suite 230  
Sacramento CA 95833-2944

Re: Burd Request For Declaration of Public Benefit  
Board Agenda Item X, 19 July 2018

Dear Ms. Hurt and Ms. Fenner:

The California Court Reporters Association respectfully urges the board to decline the request of Burd's attorneys that it issue "... a declaration confirming that [Burd's] efforts have provided a public benefit to consumers." The only potential beneficiaries of such a declaration would be Burd and her attorneys, not consumers or the public.

First, this request is a veiled attempt by Burd's lawyers to gain official CRB support for a motion they will file in the Los Angeles County Superior Court for an award to them of their attorneys' fees against Barkley Court Reporters. The general rule is that "[e]xcept as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys ... is left to the agreement ... of the parties ..." (Code Civ. Proc., § 1021.) In short, absent a statute otherwise, a party pays her own lawyers' fees. However, the Private Attorney General Doctrine (Code Civ. Proc., § 1021.5) does establish a limited exception to the general rule. That section provides that

"[u]pon motion, a court may award attorneys' fees to a successful party against [an opposing party] in any action which has resulted in the enforcement of an important right affecting the public interest if: (a) a *significant benefit* ... has been conferred on the *general public or a large class of persons* ..." (Italics added.)

Davina Hurt, Chair  
Yvonne K. Fenner, Executive Officer  
Court Reporters Board of California  
17 July 2018  
Page 02

---

Of course, the request by Burd's lawyers is based on the appellate court decision in *Burd v. Barkley Court Reporters, Inc.* (2018) 17 Cal.App.5th 1037 which held that private CSRs reporting court proceedings are restricted to the same statutory transcription fees as are official court reporters.

The very words of Burd's own attorneys belie their assertion that her efforts have provided a public benefit to consumers. Indeed, as they told the Second District Court of Appeal in Appellant's Opening Brief ("AOB"), "[t]he majority of private reporting firms have abided by the statutory cap of fees . . . ." (AOB at 2) "and there has not been any shortage of private reporters willing to serve as official reporters pro tempore." (AOB at 19; see, also, AOB at 2.) By their own admission, the *Burd* decision did not enforce an important right affecting the public interest, or confer a significant benefit on the general public or a large class of persons.

Second, Agenda Item X recommends that "[i]f the Board finds it would serve the consumers of California to issue such a declaration, it should instruct staff to begin the process of requesting permission." Again, such a declaration would serve only Burd and her lawyers in their fee motion, not consumers. Any arguable benefit to consumers devolves from the appellate court's decision itself, not from a subsequent declaration by the board which would add nothing. Moreover, consumer benefit remains an open question. Again in the words of Burd's lawyers, "[p]rivate reporters serving as official reporters pro tempore are not restricted in the amount they can charge for appearance fees, detention time, or reimbursement of expenses . . . ." (AOB at 2, 9, 15, 19; Appellant's Reply Brief at 1.) The appellate court agreed: "The statutes do not prevent a private reporter from charging contract rates for court appearances and costs incurred while serving as an official reporter pro tempore . . . ." (*Burd, ante*, 17 Cal.App.5th at 1050.) Therefore, it is speculation whether the *Burd* decision does or will confer a net benefit on anyone, much less the public.

Third, the Burd decision applying Government Code section 69950 transcript price ceilings to private CSRs serving pro tempore in the courts could only benefit less than

one percent of the state's population. California statewide census data for 2017 <sup>1</sup>/ and the 2016 Judicial Council Court Statistics Report <sup>2</sup>/ together establish by simple calculation that in fiscal year 2014-15 only 0.63% of California residents qualified by age 18 and older filed unlimited civil cases. Thus, even assuming that every civil unlimited lawsuit filer requested a hearing transcript, the *Burd* decision confers no significant benefit on the general public or a large class of persons.

Fourth, and finally and with respect, issuance of the requested declaration is beyond the board's jurisdiction and powers. Returning to Agenda Item X's recommendation, the board does not have a legislative grant of unrestricted authority to "serve the consumers of California." The board's business is to implement the statutory directive of "... establish[ing] and maintain[ing] a standard of competency for those engaged in the practice of shorthand reporting . . . ." (Bus. & Prof. Code, § 8015.) Protection of the public is a factor only in connection with the exercise of the board's "... licensing, regulatory, and disciplinary functions" (Bus. & Prof. Code, § 8005.1), and the protection of litigants' rights to freedom and property can be invoked only when those rights are affected by the competency of shorthand reporters. (Bus. & Prof. Code, § 8015.) There is nothing in the board's statutory powers and duties (Bus. & Prof. Code, §§ 8007, 8008, 8015) that can be construed to grant to the board authority to issue the declaration requested by *Burd*'s lawyers for a private purpose. To the point, the decision in *Burd v. Barkley Court Reporters, Inc.* had nothing to do with shorthand reporter competency; it was about transcription fees.

---

1. (<https://www.census.gov/quickfacts/fact/table/ca#viewtop>) United States Census Bureau Quick Facts California states a July 2017 estimated total statewide population of 39,536,653, and that persons under 18 years comprised 22.9% of that total. Thus, 77.1% of that population estimate or 30,482,759 were eligible to file a civil action as an adult.

2. (<http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>) The 2016 Court Statistics Report Statewide Caseload Trends 2005-2006 Through 2014-2015, pp. 5-7, and Table 4a (Total Civil Filings, by County and Case Type Superior Courts Fiscal Year 2014-15), pp. 88-89, state that there were for that fiscal year 192,761 civil unlimited cases filed in California statewide. The Column Key at the bottom of Table 4a states that Civil Unlimited includes Motor Vehicle PI/PD/WD, Other PI/PD/WD, Other Civil Complaints & Petitions, and Small Claims Appeals. 192,761 filings is 0.63% of 30,482,759 eligible filers.

Davina Hurt, Chair  
Yvonne K. Fenner, Executive Officer  
Court Reporters Board of California  
17 July 2018  
Page 04


---

For all of the above reasons, the request by Burd's lawyers should be declined. The board should not become an official governmental advocate in a prospective court matter to be pursued by a private party not involving or affected by the competency of those engaged in the practice of shorthand reporting. In summary, issuance of the requested declaration would not itself affect the public interest, it cannot be shown that the *Burd v. Barkley Court Reporters* decision conferred a significant benefit on the general public or a large class of persons, and issuance of the requested declaration is outside of the board's licensing, regulatory, and disciplinary functions.

Respectfully yours,

CALIFORNIA COURT REPORTERS ASSOCIATION

by:

  
RICHARD L. MANFORD  
Attorney at Law

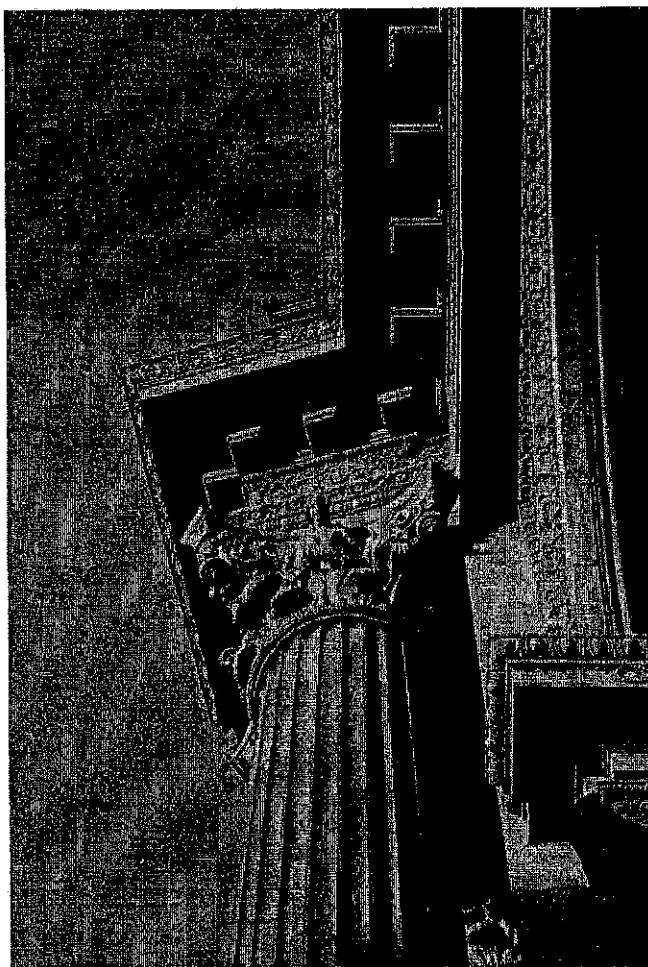
Attachments as described in footnotes 1 and 2

**QuickFacts**  
**California**

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

**Table**

All Topics	California
Population estimates, July 1, 2017, (V2017)	39,536,654
PEOPLE	
<b>Population</b>	
Population estimates, July 1, 2017, (V2017)	39,536,654
Population estimates base, April 1, 2010, (V2017)	37,254,518
Population, percent change - April 1, 2010 (estimates base) to July 1, 2017, (V2017)	6.1%
Population, Census, April 1, 2010	37,253,956
<b>Age and Sex</b>	
Persons under 5 years, percent	▲ 6.3%
Persons under 18 years, percent	▲ 22.9%
Persons 65 years and over, percent	▲ 13.9%
Female persons, percent	▲ 50.3%
<b>Race and Hispanic Origin</b>	
White alone, percent (a)	▲ 72.4%
Black or African American alone, percent (a)	▲ 6.5%
American Indian and Alaska Native alone, percent (a)	▲ 1.6%
Asian alone, percent (a)	▲ 15.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.5%
Two or More Races, percent	▲ 3.9%
Hispanic or Latino, percent (b)	▲ 39.1%
White alone, not Hispanic or Latino, percent	▲ 37.2%
<b>Population Characteristics</b>	
Veterans, 2012-2016	1,720,635
Foreign born persons, percent, 2012-2016	27.0%
<b>Housing</b>	
Housing units, July 1, 2017, (V2017)	14,176,870
Owner-occupied housing unit rate, 2012-2016	54.1%
Median value of owner-occupied housing units, 2012-2016	\$409,300
Median selected monthly owner costs -with a mortgage, 2012-2016	\$2,157
Median selected monthly owner costs -without a mortgage, 2012-2016	\$517
Median gross rent, 2012-2016	\$1,297
Building permits, 2017	114,780
<b>Families &amp; Living Arrangements</b>	
Households, 2012-2016	12,807,387
Persons per household, 2012-2016	2.95
Living in same house 1 year ago, percent of persons age 1 year+, 2012-2016	85.7%
Language other than English spoken at home, percent of persons age 5 years+, 2012-2016	44.0%
<b>Education</b>	
High school graduate or higher, percent of persons age 25 years+, 2012-2016	82.1%
Bachelor's degree or higher, percent of persons age 25 years+, 2012-2016	32.0%
<b>Health</b>	
With a disability, under age 65 years, percent, 2012-2016	6.8%
Persons without health insurance, under age 65 years, percent	▲ 8.3%
<b>Economy</b>	
In civilian labor force, total, percent of population age 16 years+, 2012-2016	63.0%
In civilian labor force, female, percent of population age 16 years+, 2012-2016	57.1%
Total accommodation and food services sales, 2012 (\$1,000) (c)	90,830,372
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	248,953,592
Total manufacturers shipments, 2012 (\$1,000) (c)	512,803,454
Total merchant wholesaler sales, 2012 (\$1,000) (c)	666,652,486



2016 COURT STATISTICS REPORT  
Statewide Caseload Trends

*2005-2006 Through 2014-2015*



JUDICIAL COUNCIL  
OF CALIFORNIA



**Total Civil Filings, by County and Case Type**  
Fiscal Year 2014-15

**Superior Courts**  
**Table 4a**

COUNTY	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
<b>STATEWIDE</b>	<b>718,321</b>	<b>192,761</b>	<b>32,808</b>	<b>21,207</b>	<b>133,638</b>	<b>5,108</b>	<b>375,178</b>	<b>150,382</b>
Alameda	24,385	8,721	1,234	851	6,445	191	10,830	4,834
Alpine	(I) 153	(I) 89	(I)	(I) 5	(I) 84	(I)	(I) 60	(I) 4
Amador	529	194	17	18	155	4	240	95
Butte	3,453	1,019	146	87	770	16	1,992	442
Calaveras	593	219	13	18	184	4	289	105
Colusa	180	51	8	4	38	1	109	20
Contra Costa	15,143	4,372	613	358	3,240	161	8,021	2,750
Del Norte	343	62	4	4	45	9	215	66
El Dorado	2,472	834	105	72	632	25	1,180	458
Fresno	16,719	4,210	811	410	2,808	81	8,923	2,586
Glenn	371	35	7	4	24	0	294	42
Humboldt	2,123	736	31	32	664	9	990	397
Imperial	2,260	582	68	53	446	15	1,213	465
Inyo	231	96	3	3	87	3	91	44
Kern	12,957	1,856	538	337	946	36	8,604	2,607
Kings	1,988	331	58	36	236	1	1,457	200
Lake	1,276	402	22	27	350	3	683	191
Lassen	420	110	1	8	101	0	208	102
Los Angeles	232,649	65,462	12,396	8,074	43,059	1,933	113,946	53,241
Madera	2,268	538	97	61	379	4	1,473	257
Marin	3,491	1,426	203	138	1,033	52	1,245	820
Mariposa	185	29	6	6	17	0	132	24
Mendocino	1,490	570	47	40	475	8	678	242
Merced	3,631	826	139	82	598	7	2,058	747
Modoc	128	59	2	2	46	0	44	34
Mono	173	81	3	10	61	7	50	42
Monterey	5,261	1,425	182	156	1,065	22	2,961	875
Napa	1,748	640	78	60	488	16	707	401
Nevada	1,209	411	42	43	312	14	509	289
Orange	56,424	16,295	2,766	1,818	11,380	331	26,298	13,831
Placer	4,957	1,808	335	170	1,245	58	2,187	982
Plumas	232	73	4	11	52	6	111	48
Riverside	42,738	9,992	1,433	1,012	7,308	239	23,038	9,708
Sacramento	53,818	7,717	1,719	804	5,035	159	41,143	4,958
San Benito	1,162	177	31	16	127	3	489	186
San Bernardino	48,143	9,339	1,466	958	6,879	246	25,527	13,277
San Diego	53,422	17,016	2,527	1,786	12,086	617	24,619	11,787
San Francisco	15,577	6,497	836	863	4,635	163	6,246	2,834
San Joaquin	12,553	2,811	546	267	1,951	47	7,386	2,356
San Luis Obispo	9,162	979	168	110	666	85	1,478	706
San Mateo	7,438	1,775	359	111	1,235	70	3,983	1,680
Santa Barbara	5,841	1,638	284	193	1,119	42	2,804	1,399
Santa Clara	20,293	6,760	1,110	570	4,913	167	9,382	4,151
Santa Cruz	3,259	1,026	107	86	791	42	1,478	755
Shasta	2,923	843	107	89	629	18	1,590	490

**Total Civil Filings, by County and Case Type**  
**Fiscal Year 2014-15**

**Superior Courts**  
**Table 4a**

COUNTY	Total Civil (A)	Unlimited Civil					Limited Civil (G)	Small Claims (H)
		Total Unlimited Civil (B)	Motor Vehicle PI/PD/WD (C)	Other PI/PD/WD (D)	Other Civil Complaints & Petitions (E)	Small Claims Appeals (F)		
STATEWIDE	718,321	192,761	32,808	21,207	133,638	5,108	375,178	150,382
Sierra	38	26	1	0	25	0	11	1
Siskiyou	704	197	7	21	167	2	433	74
Solano	7,381	1,816	287	157	1,318	54	4,425	1,140
Sonoma	6,403	2,121	309	236	1,535	41	3,086	1,196
Stanislaus	7,701	1,679	291	171	1,080	31	4,903	1,219
Sutter	1,449	475	98	31	341	7	747	227
Tehama	1,327	284	28	19	238	1	565	478
Trinity	244	118	4	1	112	1	87	39
Tulare	7,054	1,388	263	148	951	26	4,698	988
Tuolumne	627	290	26	29	235	0	346	289
Ventura	11,954	3,385	669	456	2,178	82	6,026	2,543
Yolo	2,193	656	119	51	485	1	1,166	371
Yuba	1,165	303	48	24	230	1	732	130

**Column Key:**

(B) Civil Unlimited includes columns (C)-(F.)

(E) Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions that are now reported in Table 11a.

**Notes:**

(I) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM III – Resolution for Rosalie Kramm**

=====

Agenda Description:   Review and approval of resolution

=====

Brief Summary:

Resolution honoring former Board member, Rosalie Kramm.

=====

Support Documents:

Attachment – Resolution

=====

Fiscal Impact:       None

=====

Report Originator:   Paula Bruning, 8/27/2018

=====

Recommended Board Action: Staff recommends the Board adopt the resolution.

Department of Consumer Affairs  
**Court Reporters Board  
of California**  
**Resolution**

*WHEREAS, Rosalie A. Kramm has faithfully and devotedly served as a Board member of the Court Reporters Board from July 3, 2013, through August 7, 2018; and*

*WHEREAS, she served as Vice Chair from June 26, 2015, to July 6, 2017, and she served as Chair of the Interpreted Depositions Task Force, Chair of the Exhibit Handling Task Force, and Co-Chair of the Website Subcommittee; and*

*WHEREAS, she was integral in developing the Board's 2015 – 2018 Strategic Plan and provided direction on reaching its goals, and she contributed to the scope of practice regulatory revisions; and*

*WHEREAS, she strongly advocated for protection of consumers from corporations practicing outside the requirements of the laws set forth by the State of California; and*

*WHEREAS, she has more than 37 years of professional experience as a Certified Shorthand Reporter, having served the community as a deposition reporting agency owner; and*

*WHEREAS, she has been involved with industry associations as a member of the National Court Reporters Association, having received the 2017 Santo J. Aurelio Award for Altruism, and as a member of the Deposition Reporters Association, having served as President; and*

*WHEREAS, throughout her years of service, at all times Rosalie A. Kramm gave fully of herself and her ideas and acted forthrightly and conscientiously, always with the public interest and welfare in mind;*

*NOW, THEREFORE, BE IT RESOLVED, that the members of the Court Reporters Board express heartfelt appreciation to Rosalie A. Kramm for the outstanding contribution she made during her years of service on the Court Reporters Board and to the consumers of California.*

*Presented this 17<sup>th</sup> day of September 2018.*

---

*Davina Hurt, Board Chair*

---

*Yvonne K. Fenner, Executive Officer*

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM IV – Report of the Executive Officer**

=====

Agenda Description: Report on:

- A. CRB Budget Report
- B. Transcript Reimbursement Fund
- C. Enforcement Activities
- D. School Update, including reports on status of existing schools
- E. Business Modernization

=====

Support Documents:

Attachment, Item C – Enforcement Statistics

=====

Fiscal Impact: None.

=====

Report Originator: Yvonne Fenner, 8/27/2018

=====

Recommended Board Action: Informational only

# Consumer Protection Enforcement Initiative

## Fiscal Year 2017-2018 Enforcement Report

### July 1, 2017 - June 30, 2018 FINAL (updated 8/25/18)

#### Complaint Intake

Complaints	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Received	8	4	5	6	2	8	7	7	11	11	11	4	84
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Assigned for Investigation	8	4	5	6	2	8	7	7	11	11	11	4	84
Average Days to Close or Assign for Investigation	1	1	1	1	1	1	1	1	1	1	1	1	1
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 *

Convictions/Arrests Reports	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Received	0	0	0	0	1	0	1	0	0	2	0	0	4
Closed	0	0	0	0	0	0	0	0	0	0	2	1	3
Average Days to Close	0	0	0	0	0	0	0	0	0	0	52	129	77
Pending	0	0	0	0	1	1	2	2	2	4	2	1	2 *

#### Investigation

Desk Investigation	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Initial Assignment for Desk Investigation **	8	4	5	6	3	8	8	7	11	13	11	4	88
Closed ***	0	3	2	6	3	6	10	8	6	14	14	25	97
Average Days to Close (Straightline) ***	0	109	115	74	100	127	122	98	21	38	188	248	140
Pending ***	57	58	61	61	60	62	59	58	63	60	57	36	58 *

Field Investigation (Sworn)	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Assignment for Sworn Field Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0

All Investigation	July	August	Sept	Oct	Nov	Dec	January	Feb	March	April	May	June	Total
Closed **	0	3	2	6	3	6	10	8	6	14	16	26	100
Average Days to Close (Straightline) **	0	109	115	74	100	127	122	98	21	38	188	248	138
Pending **	57	58	61	61	61	63	61	60	65	64	59	37	59 *

\*Average number of cases pending per month

\*\* Intake complaints and convictions

\*\*\* Intake complaints only

### Enforcement Actions

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	1	0	0	0	1	0	0	1	1	1	1	2	8
AG Cases Pending	3	3	3	3	4	3	3	4	4	5	6	8	4 *
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete SOIs	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	0	0	0	0	0	0	0	0	1	0	0	1	2
Accusations Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete Accusations	0	0	0	0	0	0	0	0	20	0	0	46	33
Petition to Revoke Probation (PRP)	0	0	0	0	1	0	0	0	0	0	0	0	1
Average Days to Complete PRP	0	0	0	0	108	0	0	0	0	0	0	0	108
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	0	1	0	1	0	0	0	0	0	2
Stipulations	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	0	0	0	0	1	0	0	1	0	0	0	2
Average Days to Complete [Straightline]	0	0	0	0	0	940	0	0	364	0	0	0	652
Interim Suspension Orders	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	0	1	0	1	0	1	2	4	2	1	4	7	23
Average Days to Complete [Straightline]	0	103	0	28	0	63	180	38	25	42	88	157	98

\*Average number of cases pending per month

## COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

### AGENDA ITEM V – Legislation

#### =====

#### Agenda Description:

##### A. Non-Licensee-Owned Firms Subcommittee Report – AB 2084 (Kalra)

#### =====

#### Brief Summary:

After discussions with the Governor's Office, it was decided to try a different approach from firm registration, and AB 2084 (Kalra) was amended as shown in Attachment 1. It passed out of the Senate Business, Professions and Economic Development Committee on August 29, 2018. It passed the Senate floor on August 30, 2018, and passed the Assembly floor August 31, 2018.

#### =====

#### Agenda Description:

##### B. Briefing on current legislation related to the court reporting industry and/or the Court Reporters Board with discussion and possible action.

#### =====

Brief Summary: (Bills with a notation of \*\*\* are of particular interest or impact to court reporting or the Court Reporters Board specifically)

#### **AB 767 (Quirk-Silva) – Master Business License Act**

(Enrolled 9/5/18)

This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer an online master business license system to simplify the process of engaging in business in this state.

#### **\*\*\*AB 2138 (Chiu and Low) – Licensing boards: denial of application: criminal conviction** (Attachment 2)

(Enrolled 9/4/18)

This bill would ease the restrictions regarding licensure requirements for prior offenders by limiting a board's discretion to deny a new license application or suspend or revoke an existing license to cases where the applicant or licensee was formally convicted of a substantially related crime or subjected to formal discipline by a licensing board. Nonviolent offenses older than seven years would also not be eligible for license denial or suspension.

#### **AB 2182 (Levine) – Privacy: Department of Justice**

(No longer applicable)

#### **\*\*\*AB 2354 (Rubio) – Family law: court reporters**

(Did not make it out of suspense)

This bill would require courts to provide a court reporter at every hearing at which testimony is received in either a proceeding that relates to child custody or a proceeding under the Domestic Violence Prevention Act.

#### **\*\*\*AB 2483 (Voepel) – Indemnification of public officers and employees: antitrust awards**

(Failed to pass)



This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. associated with the initial license, or for the application for an examination.

**\*\*\*AB 2531 (Gallagher) – Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems. (Attachment 3)**

(Enrolled 8/31/18)

This bill would require, on or before January 1, 2020, the Court Reporters Board to adopt standards for certifying operators of computer-aided transcription systems. The bill would authorize the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems. The bill would also require, on or before January 1, 2024, the board to report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2020, and January 1, 2024, have successfully been certified pursuant to the standards developed by the board.

**\*\*\*AB 2664 (Holden) – Court reporters: official reporter pro tempore**

(Attachment 4)

(Enrolled 9/5/18)

This bill would require the court to appoint an official reporter pro tempore pursuant to a written stipulation of the parties, if possible. The bill would require the court, if the parties attempt to arrive at a stipulation and are unable to do so, and at least one of the parties continues to seek the appointment of an official reporter pro tempore, to appoint an official reporter pro tempore that meets specified criteria. The bill would also require the court, if a party objects to the appointment of a particular reporter submitted by the requesting party, or if parties request appointment of different reporters, to appoint an official reporter pro tempore from among the reporters submitted by the parties if the reporter is available and meets specified criteria. The bill would also make technical, nonsubstantive changes to these provisions.

**\*\*\*AB 2757 (Reyes) – Court reporters**

(Did not make it out of suspense)

This bill would increase the fee charged for original transcripts and copies purchased at the same time, and copies purchased thereafter without the original transcript, incrementally commencing July 1, 2019, except as specified. The bill would also provide that the fee for transcription is an additional 50% for special daily copy service. The bill would require the Judicial Council to report to the Legislature by January 1, 2023, with regard to transcript fees, as specified.

**SB 984 (Skinner) – State boards and commissions: representation: appointments**

(Did not make it out of suspense)

This bill would require all appointed state boards and commissions to be comprised of a specific number of women based on the total number of board or commission members. This bill would also require the office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

**SB 1137 (Vidak) – Veterans: professional licensing benefits**

(Enrolled 8/28/18)

This bill would require the Department of Veterans Affairs and the Department of Consumer Affairs to consult with each other in order to take appropriate steps to increase awareness and notification for veterans regarding professional licensing benefits.

**SB 1298 (Skinner) – The Increasing Access to Employment Act**

(Did not make it out of suspense)

This bill would prohibit the Department of Justice from releasing criminal information to specified employers about a job applicant whose convictions were expunged or dismissed at least seven years prior to applying for the job.

**SB 1480 (Hill) – Professions and Vocations**

(To enrolling 8/31/18)

This omnibus bill would require the Department to prioritize through its Consumer Protection Enforcement Initiative the enforcement of complaints against licensees involving allegations of serious harm to a minor. Other provisions of this bill are specific to individual programs.

=====

Support Documents:

Attachment 1, Item A – AB 2084 (Kalra)

Attachment 2, Item B – AB 2138 (Chiu)

Attachment 3, Item B – AB 2531 (Gallagher)

Attachment 4, Item B – AB 2664 (Holden)

=====

Report Originator: Yvonne Fenner, 9/4/2018

=====

Recommended Board Action: Staff recommends the Board review to support, oppose, or remain neutral on relevant bills. If support or opposition positions are taken, staff recommends writing a letter to the Governor's Office to notify of Board's position.

**ENROLLED SEPTEMBER 5, 2018  
PASSED IN ASSEMBLY AUGUST 31, 2018  
PASSED IN SENATE AUGUST 30, 2018  
AMENDED IN SENATE AUGUST 24, 2018**

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**Assembly Bill      No. 2084**

Introduced by Assembly Member Kalra

February 7, 2018

An act to add Section 8050 to the Business and Professions Code, relating to shorthand reporters.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2084, Kalra. Shorthand reporters.

Existing law requires, upon court order or, in certain cases, upon request of a party to the action, an official court reporter or reporter pro tempore to take down in shorthand all testimony, objections made, rulings of the court, exceptions taken, arraignments, pleas, sentences, arguments of the attorneys to the jury, and statements and remarks made and oral instructions given by the judge or other judicial officer. Existing law requires shorthand reporters to be licensed and regulated by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law prohibits a person from being appointed to the position of official reporter of any court unless the person has first obtained a license to practice as a certified shorthand reporter from the board. Existing law requires applicants and licensees to pay a fee that is deposited into the Court Reporters' Fund, which is a continuously appropriated fund, except fine and penalty money in the fund is not continuously appropriated. Existing law makes a violation of these provisions a misdemeanor.

This bill would prohibit an individual or entity that engages in any act that constitutes shorthand reporting, or that employs or contracts with another party to perform shorthand reporting, as specified, from engaging in specified business practices. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program. The bill would also authorize the Attorney General, a district attorney, a city attorney, or the board to bring a civil action for a violation of these provisions and would subject an individual or entity that violates these provisions to a civil fine not exceeding \$10,000 per violation, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8050 is added to the Business and Professions Code, to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based upon the quality and price of shorthand reporting services.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees other than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.

(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled if he or she is the prevailing party, to recover reasonable attorney's fees.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**ENROLLED SEPTEMBER 4, 2018  
PASSED IN ASSEMBLY AUGUST 30, 2018  
PASSED IN SENATE AUGUST 28, 2018  
AMENDED IN SENATE AUGUST 24, 2018  
AMENDED IN SENATE JUNE 20, 2018  
AMENDED IN ASSEMBLY MAY 25, 2018  
AMENDED IN ASSEMBLY APRIL 2, 2018**

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**Assembly Bill      No. 2138**

Introduced by Assembly Members Chiu and Low

February 12, 2018

An act to amend Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released

from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.



(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 1 (commencing with Section 5000) of Division 3.
- (ii) Chapter 6 (commencing with Section 6500) of Division 3.
- (iii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iv) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.
- (vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or <sup>4</sup> on the basis of the acts underlying the

conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

(1) Been convicted of a crime.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal

Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting

probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480; or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

- (1) Considering the denial of a license by the board under Section 480.
- (2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

- (1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.
- (2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

- (1) Grant the license effective upon completion of all licensing requirements by the applicant.
- (2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.
- (3) Deny the license.
- (4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

- (1) Grant the license effective upon completion of all licensing requirements by the applicant.
- (2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.
- (3) Deny the license.
- (4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(c) This section shall become operative <sup>5</sup>/<sub>4</sub> July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.



**ENROLLED AUGUST 31, 2018**  
**PASSED IN ASSEMBLY AUGUST 29, 2018**  
**PASSED IN SENATE AUGUST 28, 2018**  
**AMENDED IN SENATE AUGUST 23, 2018**  
**AMENDED IN SENATE JUNE 4, 2018**  
**AMENDED IN ASSEMBLY APRIL 12, 2018**  
**AMENDED IN ASSEMBLY APRIL 4, 2018**

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**Assembly Bill      No. 2531**

Introduced by Assembly Member Gallagher

February 14, 2018

An act to add Article 7 (commencing with Section 8060) to Chapter 13 of Division 3 of the Business and Professions Code, and to amend Section 54.8 of the Civil Code, relating to courts.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2531, Gallagher. Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems.

Existing law requires that a participant in any civil or criminal proceeding, court-ordered or court-provided alternative dispute resolution, or administrative hearing of a public agency, who is hearing impaired be provided with a functioning assistive listening system or a computer-aided transcription system, upon his or her request. Existing law requires, if a computer-aided transcription system is requested, sufficient display terminals be provided to allow the hearing impaired individual to read the real-time transcript of the proceeding without difficulty. Existing law requires the Judicial Council to perform various tasks related to assistive listening systems and computer-aided transcription systems, including the development and maintenance of a system to record utilization by the courts of these systems.

This bill would require an individual requiring the services of an operator of a computer-aided transcription system to give advance notice of this need, as specified, and would require the operator to provide the speech-to-text equipment to be used, unless otherwise provided by the court. The bill would require a sign to be posted in a prominent place indicating the availability, and how to request, the services of an operator. The bill would also require the Judicial Council to develop and approve official forms for notice of the availability of the services of an operator and to develop and maintain a system to record utilization by the courts of the services of certified operators of computer-aided transcription systems, the services of sign language interpreters, and the services of otherwise uncertified operators, interpreters, or captioners. The bill would also change references to "hearing impaired" to "deaf or hard of hearing."

Existing law authorizes a court reporter to be present in the jury deliberating room during jury deliberation if the services of the court reporter for the purpose of operating a computer-aided transcription system are required for a juror who is hearing impaired.

This bill would instead authorize an operator of a computer-aided transcription system to be present for that purpose.

Existing law requires the Court Reporters Board of California to license and regulate the practice of shorthand reporting, defined to generally mean, among other things, the making of a verbatim record of any oral court proceeding.

This bill, on or before January 1, 2020, would authorize the board to identify a certification process for operators of computer-aided transcription systems that is conducted by a state or national association. The bill, on or before January 1, 2022, upon appropriation by the Legislature, would require the board to adopt standards for certifying operators of computer-aided transcription systems and would authorize the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems. The bill, on or before January 1, 2026, would also require the board to report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2022, and July 1, 2025, have successfully been certified pursuant to the standards adopted by the board.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 7 (commencing with Section 8060) is added to Chapter 13 of Division 3 of the Business and Professions Code, to read:

Article 7. Operators of Computer-Aided Transcription Systems

8060. (a) (1) On or before January 1, 2020, the board may identify a certification process for operators of computer-aided transcription systems, as described in Section 54.8 of the Civil Code, that is conducted by a state or national association.

(2) The identification of a certification process by the board pursuant to this subdivision shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) On or before January 1, 2022, upon appropriation by the Legislature, the board, subject to Section 8005.1, shall adopt standards for certifying operators of computer-aided transcription systems under Section 54.8 of the Civil Code. The board may satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems under Section 54.8 of the Civil Code.

8061. (a) On or before January 1, 2026, the board shall report to the Legislature the number of operators of computer-aided transcription systems that, between January 1, 2022, and July 1, 2025, have successfully been certified pursuant to the standards adopted pursuant to subdivision (b) of Section 8060.

(b) The report required by this section shall be submitted pursuant to Section 9795 of the Government Code.

8062. (a) The board's general enforcement powers and duties under this chapter shall not apply to this article.

(b) Notwithstanding Section 8030, the Court Reporter's Fund is not appropriated to carry out the purposes of this article.

SEC. 2. Section 54.8 of the Civil Code is amended to read:

54.8. (a) (1) In any civil or criminal proceeding, including, but not limited to, traffic, small claims court, family court proceedings and services, and juvenile court proceedings, in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration, or in any administrative hearing of a public agency, where a party, witness, attorney, judicial employee, judge, juror, or other participant who

is deaf or hard of hearing, the individual who is deaf or hard of hearing, upon his or her request, shall be provided with a functioning assistive listening system or a computer-aided transcription system. Any individual requiring this equipment or the services of an operator of a computer-aided transcription system shall give advance notice of his or her need to the appropriate court or agency at the time the hearing is set or not later than five days before the hearing.

(2) The operator of a computer-aided transcription system shall provide the speech-to-text equipment to be used, unless otherwise provided by the court.

(b) Assistive listening systems include, but are not limited to, special devices that transmit amplified speech by means of audio-induction loops, radio frequency systems (AM or FM), or infrared transmission. Personal receivers, headphones, and neck loops shall be available upon request by individuals who are deaf or hard of hearing.

(c) If a computer-aided transcription system is requested, sufficient display terminals shall be provided to allow the individual who is deaf or hard of hearing to read the real-time transcript of the proceeding without difficulty.

(d) A sign shall be posted in a prominent place indicating the availability of, and how to request, an assistive listening system and the services of an operator of a computer-aided transcription system. Notice of the availability of the systems shall be posted with notice of trials.

(e) Each superior court shall have at least one portable assistive listening system for use in any court facility within the county. When not in use, the system shall be stored in a location determined by the court.

(f) The Judicial Council shall develop and approve official forms for notice of the availability of assistive listening systems and the services of an operator of computer-aided transcription systems for individuals who are deaf or hard of hearing. The Judicial Council shall also develop and maintain a system to record utilization by the courts of these assistive listening systems, the utilization of computer-aided transcription systems, the utilization of the services of certified operators of computer-aided transcription systems who are certified pursuant to Section 8060 of the Business and Professions Code, the utilization of the services of sign language interpreters, and the utilization of the services of otherwise uncertified operators, interpreters, or captioners.

(g) If the individual who is deaf or hard of hearing is a juror, the jury deliberation room shall be equipped with an assistive listening system or a computer-aided transcription system upon the request of the juror.

(h) An operator of a computer-aided transcription system may be present in the jury deliberating room during a jury deliberation if the services of the operator for the purpose of operating a computer-aided transcription system are required for a juror who is deaf or hard of hearing.

(i) In any of the proceedings referred to in paragraph (1) of subdivision (a), or in any administrative hearing of a public agency, in which the individual who is deaf or hard of hearing is a party, witness, attorney, judicial employee, judge, juror, or other participant, and has requested use of an assistive listening system or the services of an operator of a computer-aided transcription system, the proceedings shall not commence until the system is in place and functioning.

(j) As used in this section, "individual who is deaf or hard of hearing" means an individual with a hearing loss, who, with sufficient amplification or with the services of a computer-aided transcription system, is able to fully participate in the proceeding.

(k) In no case shall this section be construed to prescribe a lesser standard of accessibility or usability than that provided by Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant to that act.

**ENROLLED SEPTEMBER 5, 2018  
PASSED IN SENATE AUGUST 31, 2018  
PASSED IN ASSEMBLY AUGUST 31, 2018  
AMENDED IN SENATE AUGUST 24, 2018  
AMENDED IN SENATE JUNE 4, 2018**

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**Assembly Bill      No. 2664**

Introduced by Assembly Member Holden

February 15, 2018

An act to amend Sections 68086 and 70044 of the Government Code, relating to court reporters.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2664, Holden. Court reporters: official reporter pro tempore.

Existing law authorizes the court to appoint an official reporter pro tempore when needed for the judicial business of the superior court of the county to be diligently carried on and so a particular matter may proceed to trial or hearing without delay. Existing law authorizes a pro tempore official reporter to be appointed by the presiding judge of the court or the judge presiding in the department where the reporter will serve.

This bill would instead authorize a pro tempore official reporter who is present in the courtroom providing that service to be appointed by the presiding judge of the court or the judge presiding in the department where the reporter will serve. The bill would also make conforming and technical changes and would revise obsolete provisions.

Existing law requires the Judicial Council to adopt rules to ensure, among other things, that if an official court reporter is not available, a party is authorized to arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter and that the costs are recoverable as taxable costs by the prevailing party.

This bill would additionally require the Judicial Council to adopt rules to ensure that at the arranging party's request the court would be required to appoint the certified shorthand reporter to be present in the courtroom and serve as the official reporter pro tempore unless there is good cause shown for the court to refuse that appointment. The bill would also require that the fees and charges of the certified shorthand reporter be recoverable as taxable costs by the prevailing party.

Vote: majority. Appropriation: no. Fiscal committee: yes. Local program: no.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 68086 of the Government Code is amended to read:

68086. The following provisions apply in superior court:

(a) In addition to any other fee required in civil actions or cases:

(1) For each proceeding anticipated to last one hour or less, a fee of thirty dollars (\$30) shall be charged for the reasonable cost of the court reporting services

provided at the expense of the court by an official court reporter pursuant to Section 269 of the Code of Civil Procedure.

(A) The fee shall be charged to the party, or parties if filing jointly, that filed the paper that resulted in the proceeding being scheduled. If no fee has been charged, and a party subsequently requests a court reporter, that party shall be charged the fee if a reporter is to be provided by the court.

(B) All parties paying the fee shall deposit the fee with the clerk of the court as specified by the court, but not later than the conclusion of each day's court session.

(C) The fee shall be charged once per case for all proceedings conducted within the same hour if the total time taken by those proceedings is one hour or less. If the total time taken exceeds one hour, the fee shall be charged and collected pursuant to paragraph (2).

(D) The fee shall be deposited into the Trial Court Trust Fund and distributed back to the court from which the fee was collected on a dollar-for-dollar basis.

(E) The fee shall be refunded as soon as practicable to the remitting party or parties if no court reporting services were provided.

(2) For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official court reporter on the first and each succeeding judicial day those services are provided pursuant to Section 269 of the Code of Civil Procedure.

(A) All parties shall deposit their pro rata shares of these fees with the clerk of the court as specified by the court, but not later than the conclusion of each day's court session.

(B) For purposes of this paragraph, "one-half day" means any period of judicial time, in excess of one hour, but not more than four hours, during either the morning or afternoon court session.

(b) The fee shall be waived for a person who has been granted a fee waiver under Section 68631.

(c) The costs for the services of the official court reporter shall be recoverable as taxable costs by the prevailing party as otherwise provided by law.

(d) The Judicial Council shall adopt rules to ensure all of the following:

(1) That parties are given adequate and timely notice of the availability of an official court reporter.

(2) That if an official court reporter is not available, a party may arrange for, at the party's expense, the presence of a certified shorthand reporter to serve as an official pro tempore reporter. At the arranging party's request, the court shall appoint the certified shorthand reporter to be present in the courtroom and serve as the official reporter pro tempore unless there is good cause shown for the court to refuse that appointment. The fees and charges of the certified shorthand reporter shall be recoverable as taxable costs by the prevailing party as otherwise provided by law.

(3) That if the services of an official pro tempore reporter are utilized pursuant to paragraph (2), no other charge shall be made to the parties.

(e) The fees collected pursuant to this section shall be used only to pay the cost for services of an official court reporter in civil proceedings.

(f) The Judicial Council shall report on or before February 1 of each year to the Joint Legislative Budget Committee on the fees collected by courts pursuant to this section and Section 68086.1 and on the total amount spent for services of official court reporters in civil proceedings statewide in the prior fiscal year.

SEC. 2. Section 70044 of the Government Code is amended to read:

70044. (a) When needed in order that the judicial business of the superior court in the county may be diligently carried on and a particular matter may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in that matter, or until a regular official reporter becomes available for that service. A pro tempore official reporter who is present in the courtroom providing that service may be appointed by the presiding judge of the court or the judge presiding in the department where the reporter will serve. If the appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by the pro tempore reporter or pursuant to paragraph (2) of subdivision (d) of Section 68086.

(b) A pro tempore official reporter who is licensed as described in Section 69942, and who has been appointed a pro tempore official reporter by the court pursuant to Section 69941, and is present in the courtroom may serve in any matter without further order of the court or stipulation of the parties.

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM VI – Fee Increase Regulation**

=====

Agenda Description: Status update on fee increase regulatory package

=====

Brief Summary:

At its July 19, 2018, meeting, the Board adopted the Final Statement of Reasons with the rejection of Comment #1.

Staff prepared and sent the Request for Approval of Regulations to the Department of Consumer Affairs.

=====

Support Documents:

None

=====

Fiscal Impact: Increase in fund balance.

=====

Report Originator: Yvonne Fenner, 9/4/2018

=====

Recommended Board Action: Informational.

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM VII – Sunset Review**

=====

Agenda Description: Discussion and possible action

=====

Brief Summary:

At its July 19, 2018, meeting, the Board appointed a task force to work with staff in preparing a draft of the Sunset Review Report for Board consideration before submission to the Legislature. As a result, the Sunset Review Task Force developed responses to the legislative sunset review questions.

=====

Support Documents:

Attachment – Draft Sunset Review Report (bound separate from agenda packet)

=====

Report Originator: Yvonne Fenner, 9/10/18

=====

Recommended Board Action: Staff recommends the Board review and approve the draft Sunset Review Report to be submitted to the Legislature, giving the executive officer authority to make non-substantive corrections to the final report.



## COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

### **AGENDA ITEM VIII – Licensing of Voice Writers**

=====

Agenda Description: Discussion and possible action

=====

#### Brief Summary:

At its July 19, 2018, meeting, the Board directed staff to acquire input from stakeholders regarding the possibility of voice writers becoming licensed in California to report court and deposition proceedings. It was initially suggested that town hall meetings take place, but there was insufficient time to put the logistics in place; therefore, a simple survey was developed to take the pulse of industry stakeholders regarding voice writers.

The survey consisted of one question: Do you support voice writers being licensed in California? There were three choices of response: Yes, No, and Neutral. Additionally, there was a comment field. The survey was sent to licensees using a voluntary email list provided on license renewals as well as the subscriber list of interested stakeholders.

The Board received 1,421 responses, including 872 comments. 66% of the responses were No, 21% of the responses were Yes, and 13% of the responses were neutral.

A summary of the comments accompanying the No responses made it clear that the survey respondents are not familiar with the current state of voice writing because they objected to no reporter being present, akin to electronic reporting, as well as stating no realtime record is available and asserting a lack of any type of written record, all of which do not reflect voice writing. 30% of the No responses were concerned about competition. 20% felt that the machine stenography was the most effective and efficient manner for creating a verbatim record. 19% asserted a lack of standards, training, and background.

A summary of the comments accompanying the Yes responses include viewing it as positive to have a human being over just a machine to create the record. The shorter education time was viewed as a positive. One person used the analogy of machine shorthand “taking over” pen writers. A few people offered the feeling that we are at a turning point in the industry with so many schools closing and that all options should be considered.

=====

Fiscal Impact: It is expected that revenue from license fees and exam fees would increase slightly to accommodate a broader license base which includes voice writers.

=====

Report Originator: Yvonne Fenner, 9/10/2018

=====

Recommended Board Action: Staff requests the Board provide direction on whether to pursue legislative or regulatory changes to allow voice writers to practice in California as licensees.

## COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

### AGENDA ITEM IX – Examination Pass Rates

=====

Agenda Description: Discussion and possible action on trending pass rates of the three portions of the license exam.

=====

#### Brief Summary:

The license exam consists of three portions: English (written), Professional Practice (written), and Dictation (skills). At each meeting, the Board reviews pass rates to watch for trends that may require Board action. The most recent pass rates for English are included on Attachment 1, for Professional Practice on Attachment 2, and for Dictation on Attachment 3.

Because of the extremely low pass rate on the July 2018 dictation exam, staff did some analysis of the test and of the test results.

First, we looked at the timing. We know from timing at the test that the average was 185, 187, and 189 words per minute overall. Staff individually timed each minute of each group to verify that those averages were accurate.

Additionally, staff looked at the errors of the failed transcripts. It was determined that the number of wrong words or dropped words occurred almost equally between the witness and the main questioning speaker, which makes sense as they had the largest roles. Grader feedback was that the colloquy was another common source of error, either misidentifying a speaker (5-point mistake) or dropping words immediately after colloquy.

One of the interesting facts that we saw in looking at the analysis is that 17.8% of the candidates have taken the exam 10 times or more.

=====

#### Support Documents:

Attachment 1 – Exam Statistics

Attachment 2 – Error Analysis of July 2018 Dictation Examination

=====

Report Originator: Yvonne Fenner, 9/10/2018

=====

Recommended Board Action: Staff recommends the Board review the pass rates and discuss issues demonstrated from pass rate trends. A number of suggestions have been received to try to improve the pass rate and are presented as follows for Board consideration:

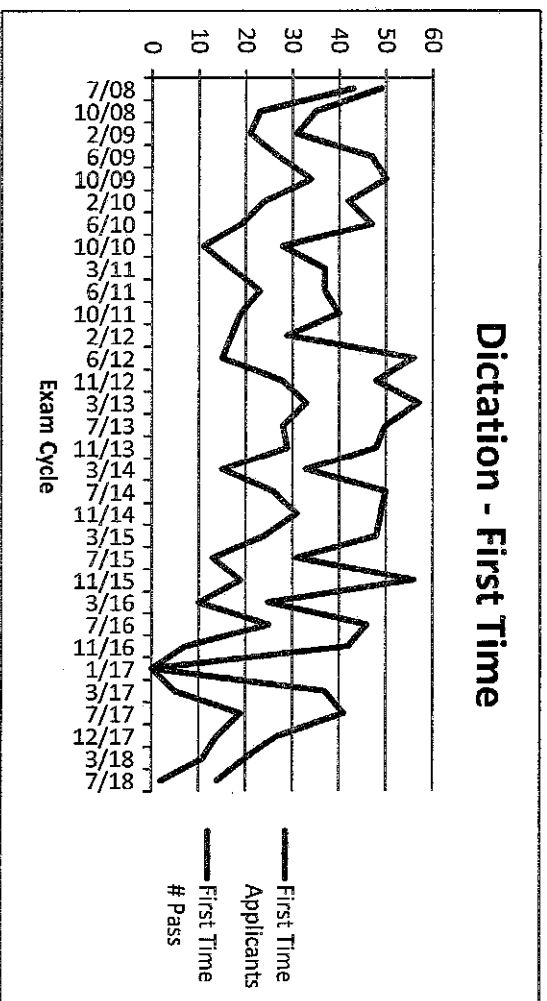
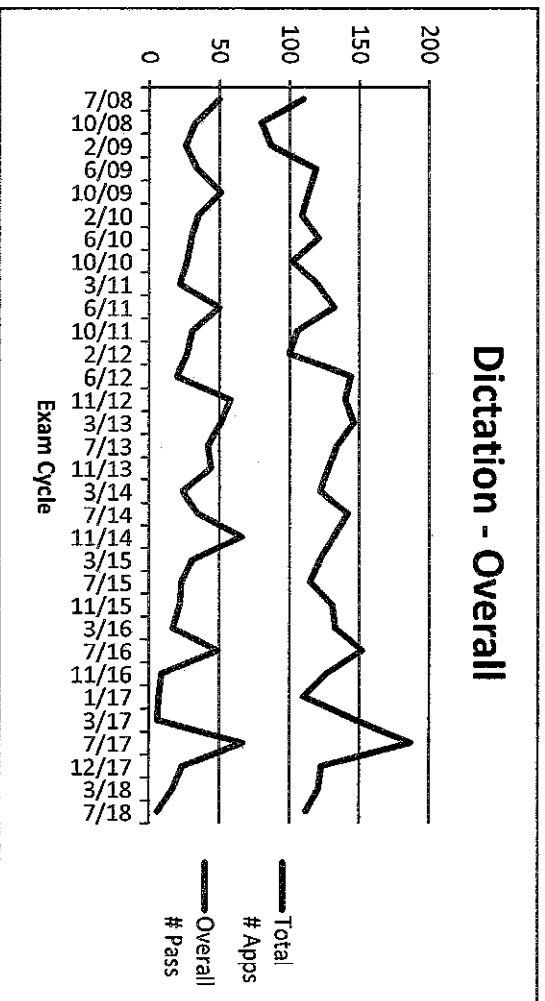
1. Read the same test three times before transcription.
2. Read two different tests to each group, allowing the candidate to choose which one to transcribe.
3. Switch to all new readers. An offshoot of that idea was to pool all the teachers' names and draw out four to read the test so they change each time.
4. Require those re-taking the exam to spend 40 hours in a court reporting school classroom before being eligible to re-test.
5. Require passing two qualifiers before being eligible to take the exam. (Historically it was three and changed to one.)

# Dictation Exam

Attachment 1  
Agenda Item IX

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008	110	50	45.5%	49	43	87.8%
Oct 2008	80	33	41.3%	35	23	65.7%
Feb 2009	87	26	29.9%	31	21	67.7%
Jun 2009	119	34	28.6%	47	27	57.4%
Oct 2009	114	51	44.7%	50	34	68.0%
Feb 2010	109	35	32.1%	42	24	57.1%
Jun 2010	121	30	24.8%	47	19	40.4%
Oct 2010	102	27	26.5%	28	11	39.3%
Mar 2011	120	22	18.3%	37	17	45.9%
Jun 2011	132	50	37.9%	37	23	62.2%
Oct 2011	106	31	29.2%	40	19	47.5%
Feb 2012	100	27	27.0%	29	17	58.6%
Jun 2012	144	20	13.9%	56	15	26.8%
Nov 2012	140	58	41.4%	48	28	58.3%
Mar 2013	146	51	34.9%	57	33	57.9%
Jul 2013	134	42	31.3%	50	28	56.0%
Nov 2013	128	44	34.4%	48	29	60.4%
Mar 2014	122	24	19.7%	33	15	45.5%
Jul 2014	142	35	24.6%	50	26	52.0%
Nov 2014	132	66	50.0%	49	31	63.3%
March 2015	122	31	25.4%	48	24	50.0%
July 2015	115	23	20.0%	31	13	41.9%
Nov 2015	131	22	16.8%	56	19	33.9%
March 2016	133	17	12.8%	25	10	40.0%
July 2016	152	49	32.2%	46	25	54.3%
Nov 2016	127	9	7.1%	42	7	16.7%
Jan 2017 (Nov 2016 retest)	110	7	6.4%	n/a	n/a	n/a
Mar 2017	147	6	4.1%	37	5	13.5%
Jul 2017	187	67	35.8%	41	19	46.3%
Dec 2017	123	24	19.5%	27	14	51.9%
Mar 2018	121	17	14.0%	20	11	55.0%
Jul 2018	112	6	5.4%	14	2	14.3%

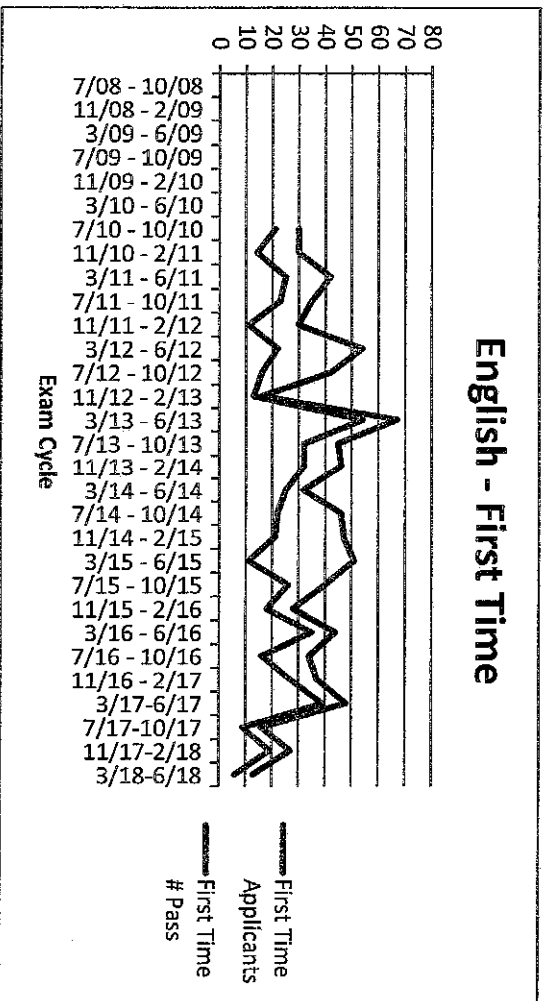
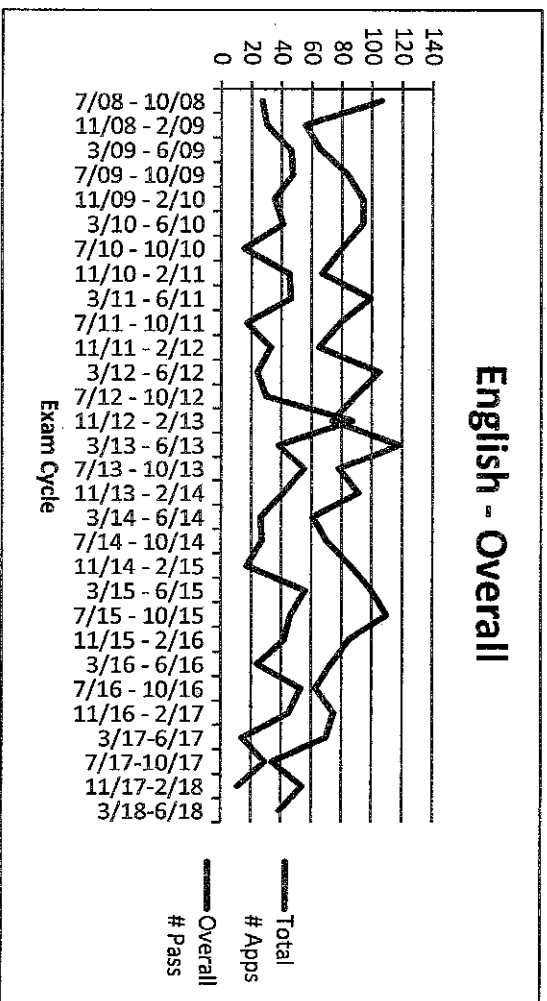
## Dictation Exam



## English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	106	71	65.7%			
Nov 2008 - Feb 2009	56	27	48.2%			
Mar 2009 - Jun 2009	66	30	45.5%			
Jul 2009 - Oct 2009	84	46	54.8%			
Nov 2009 - Feb 2010	94	47	50.0%			
Mar 2010 - Jun 2010	94	35	37.2%			
Jul 2010 - Oct 2010	80	41	51.3%	30	21	70.0%
Nov 2010 - Feb 2011	67	15	22.4%	30	14	46.7%
Mar 2011 - Jun 2011	99	45	45.5%	42	25	59.5%
Jul 2011 - Oct 2011	79	46	58.2%	35	23	65.7%
Nov 2011 - Feb 2012	65	17	26.2%	30	11	36.7%
Mar 2012 - Jun 2012	105	33	31.4%	54	22	40.7%
Jul 2012 - Oct 2012	89	24	27.0%	42	16	38.1%
Nov 2012 - Feb 2013	74	30	40.5%	16	13	81.3%
Mar 2013 - Jun 2013	118	87	73.7%	67	54	80.6%
Jul 2013 - Oct 2013	78	38	48.7%	45	32	71.1%
Nov 2013 - Feb 2014	91	55	60.4%	46	32	69.6%
Mar 2014 - Jun 2014	61	41	67.2%	32	25	78.1%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - June 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%
Mar 2018 - June 2018	39	11	28.2%	13	6	46.2%

## English Exam

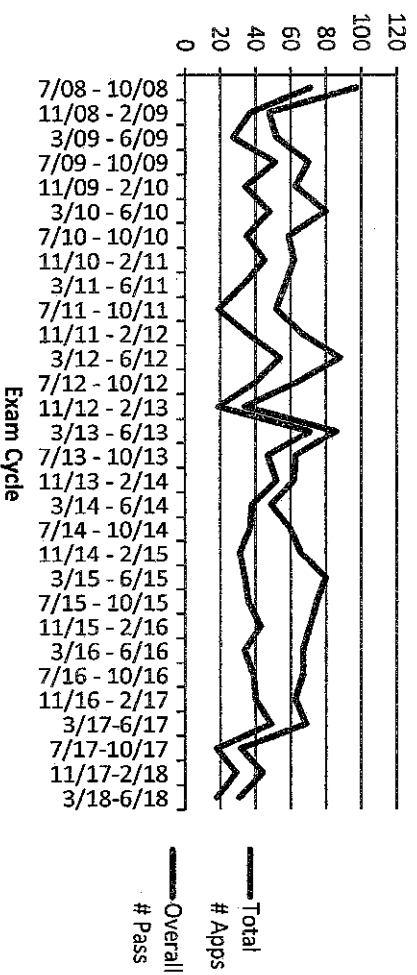


## Professional Practice Exam

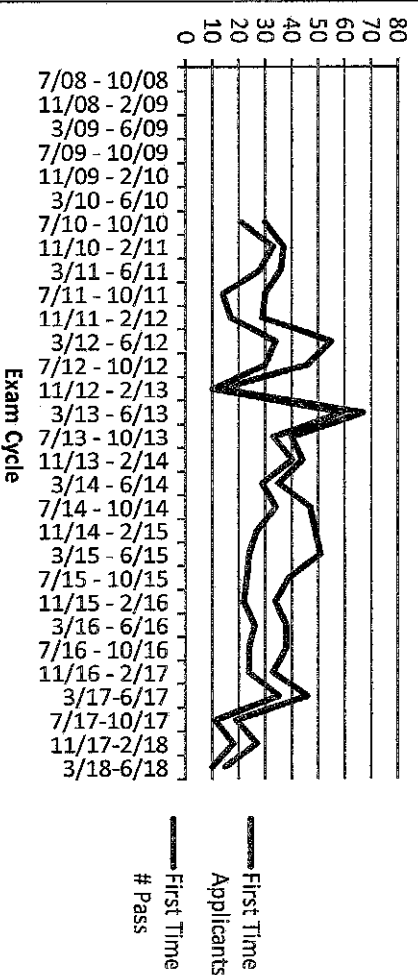
Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	97	71	73.2%			
Nov 2008 - Feb 2009	48	37	77.1%			
Mar 2009 - Jun 2009	52	27	51.9%			
Jul 2009 - Oct 2009	70	51	72.9%			
Nov 2009 - Feb 2010	63	34	54.0%			
Mar 2010 - Jun 2010	80	48	60.0%			
Jul 2010 - Oct 2010	59	35	59.3%	30	21	70.0%
Nov 2010 - Feb 2011	62	45	72.6%	37	33	89.2%
Mar 2011 - Jun 2011	57	33	57.9%	36	28	77.8%
Jul 2011 - Oct 2011	52	19	36.5%	30	14	46.7%
Nov 2011 - Feb 2012	66	35	53.0%	29	17	58.6%
Mar 2012 - Jun 2012	88	54	61.4%	55	34	61.8%
Jul 2012 - Oct 2012	64	40	62.5%	46	30	65.2%
Nov 2012 - Feb 2013	34	19	55.9%	13	10	76.9%
Mar 2013 - Jun 2013	86	71	82.6%	67	59	88.1%
Jul 2013 - Oct 2013	63	47	74.6%	40	33	82.5%
Nov 2013 - Feb 2014	62	52	83.9%	44	40	90.9%
Mar 2014 - Jun 2014	49	38	77.6%	35	29	82.9%
Jul 2014 - Oct 2014	60	37	61.7%	47	34	72.3%
Nov 2014 - Feb 2015	66	31	47.0%	49	27	55.1%
Mar 2015 - June 2015	80	34	42.5%	51	24	47.1%
Jul 2015 - Oct 2015	75	36	48.0%	39	23	59.0%
Nov 2015 - Feb 2016	71	43	60.6%	34	22	64.7%
Mar 2016 - Jun 2016	67	34	50.7%	38	26	68.4%
Jul 2016 - Oct 2016	67	39	58.2%	38	24	63.2%
Nov 2016 - Feb 2017	63	40	63.5%	33	24	72.7%
Mar 2017 - Jun 2017	69	49	71.0%	46	35	76.1%
Jul 2017 - Oct 2017	32	18	56.3%	19	11	57.9%
Nov 2017 - Feb 2018	44	29	65.9%	27	18	66.7%
Mar 2018 - Jun 2018	31	18	58.1%	15	10	66.7%

## Professional Practice Exam

### Professional Practice - Overall



### Professional Practice - First Time





GROUP ONE

Error Analysis of July 2018 Dictation Examination

School	Times?*	Ms. Alton (Kathy)			Witness-Mr. Maxwell (Bob)			Ms. Vanella (Dixie)			Mr. Greene (Jay)			Wrong Speaker	Omitted Speaker	Inserted Speaker	Punctuation	Reverse	Spelling	# of pages**		Score
		Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words							Page	Page	
Tri-Community/5+	19		1		17	38	3	12	24	2							6			4	11	103
Sierra Valley	12	3	7	1	19	21	3	21	18	8	1						2			4	8	104
Argonaut	12	2	1	2	28	16	6	20	7	3	3			1			4		1	5	13	96
Bryan	9	1	2		12	11	9	23	4	11	2		1	1	1		6		2	8	13	94
Bryan	10				20	17	4	18	7	2	3		2			2	7		3	7	12	93
South Coast	10	3	2	1	6	30	6	15	32	3		3		1			2	1	2	3	12	111
South Coast	10				10	14		17	18	4	1			1			3	2	1	9	13	75
Sierra Valley	8	3	1	3	12	11	9	18	3	5	2		2	1		1	1		1	2	9	81
South Coast	3	1	2	1	11	25	2	4	12	8							7	1	2	12	14	76
Sierra Valley	8	4	6	1	10	14	1	15	13	3	2	1		3			2	1	1	3	12	89
Sage	8	1	3		19	10	7	11	7	3	3	1	1		1		5		3	12	13	79
Tri-Community	8	2			14	8	7	13	8	2	5	3	2	2			10		1	12	12	85
Bryan	8	2	12		7	40	1	16	30	6	1		1				2		1	3	12	119
South Coast	6	2			16	18	7	15	4	5	7	4	1				1	2	3	11	12	85
South Coast	5			1	16	18	4	18	11	4	2	2		1			3	2	1	6	12	87
South Coast	5	4	1		14	15	8	9	6	2	3	1	1	2			2		1	4	12	77
South Coast	5	2			19	7	2	13	3	6	2		2				10		1	13	13	67
Sierra Valley	5		3	1	8	24	3	9	24	1	1		1				5	1	2	4	12	83
Golden State	4	1		2	14	19	1	9	1	4				2		1	6	1	3	5	12	76
Sage	8	3	4		6	19	1	18	33	4										4	12	88
Bryan	4	1	3		7	37		4	39		1		1						4	4	11	97
South Coast	4	1	3	1	21	19	3	9	9	4	2	1		1			3		1	6	12	82
Sierra Valley	4		9		2	23		3	38			8			2		1			3	9	94
Taft	4		1		11	8	2	24	6	8	1	1	2	1			5		1	4	13	75
Sierra Valley	4	4	2		12	25	2	16	28	1							3	1	2	4	12	96
Sierra Valley	4	1	4		1	16	5	1	61	7	1						3	1	1	2	8	102
South Coast	3	1	2		20	22	4	17	12	7							2		1	5	12	88
Work Experience	3	1	6		4	36		3	47	1	1	1							1	3	12	101
South Coast	3		1		7	15	2	19	9	4	2						2	1	2	13	13	64
College of Marin	3	2			4	7		18	10	5				9			1		4	3	13	96
Downey	2	1	1		15	23	4	21	6	4	1						2	1	1	7	12	80
Cypress	1	1			11	9	5	9	6	5	1			2		1	8	1	1	13	13	72
Downey	1	2			12	21	1	14	6	5				1			4		4	8	13	74
Tri-Community	1	1	1	2	19	13	6	21	5	4		1	2				5	1	1	6	12	82
Downey	1	1			19	5	3	24	9	9	2	2					4		1	6	12	79
Bryan	1		2	2	9	13	10	13	5	3	8	8	2	1			5	2	4	13	13	91
		51	80	18	450	667	131	510	561	153	58	37	21	30	4	5	132	19	58			
		4.8%	5.9%	5.6%	42.1%	49.6%	40.6%	47.7%	41.7%	47.4%	5.4%	2.8%	6.5%									
			5.4%			45.6%			44.7%			4.2%										

\* Total number of times examinee has applied for dication exam.  
 \*\* Total number of pages graded out of number of pages submitted.

**GROUP TWO**

**Error Analysis of July 2018 Dictation Examination**

School	Times?*	Ms. Alton (Kathy)			Witness-Mr. Maxwell (Bob)			Ms. Vanella (Dixie)			Mr. Greene (Jay)			Wrong Speaker	Omitted Speaker	Inserted Speaker	Punctuation	Reverse	Spelling	# of pages**		Score
		Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Speaker	Omitted Speaker	Inserted Speaker	Punctuation	Reverse	Spelling	Page	Page	
Tri-Comm/5+	19		4		16	19	6	14	12	3	1				1	1	3	1	1	3	11	85
Downey	15	1		1	18	23	5	21	8	2	1	2		1			7		1	7	13	95
South Coast	13	1	4		12	16	2	12	17	6	1							3	1	4	13	75
Downey	10		11		4	21		12	31										2	3	12	81
Downey	11		1		19	16	3	25	9	1	1	1	3	2	1		2	1	3	5	12	100
Sage	7	1	1		12	3	7	7	6	2							5		2	13	13	46
Argonaut	10	1	2		28	15	5	15	10	4	2	1					2		1	12	12	86
Downey	9				8	32	2	6	16	1	3	4					3		3	10	12	78
Argonaut	8																			1	15	235
Argonaut	9	1			21	12	3	16	8	3	2		1				5		2	11	13	74
Downey	8	1	1		9	21		8	32						1		3		3	5	12	83
Sierra Valley	7				4	38	3	13	43	1	1	2			6		4	2	1	3	9	142
Bryan	7	4	3		8	22	1	11	21	2		1		1					2	3	11	80
Sierra Valley	5	1	1		4	22	2	6	30	12						2	6		2	3	9	96
Bryan	5	1			11	8	4	12	16	5	1			2			6		1	5	12	75
Sierra Valley	4	5	2		16	11	3	26	9	2	1		1			1	5			5	10	86
South Coast	2	3	1		7	10	1	19	8	4	2	2					9		4	13	13	70
Downey	2				8	12	3	8	3	4							11		1	12	12	50
Golden State	2		1		4	37	2	11	39	1							3		1	6	13	99
Golden State	2		4		12	10	4	19	4	3	1		2				10		7	13	14	76
Tri-Community	2				15	36	3	9	11	3				1	1	1	6		4	6	11	102
Downey	2	1			6	6	3	9	5	4	1	4		1			2		3	13	13	49
Golden State	1	9	2		11	8		23	16	4	1	1	1	1		2	3			3	13	94
Downey	12	3	4	3	12	30	1	11	14	3	2						2	2	2	5	12	89
College of Marin	1				13	1	1	13	2	3	5			1			4	1	2	14	14	50
West Valley	1	1		1	5	23	1	9	22	2							9		4	11	11	77
Tri-Comm/5+	24				10	2	3	30	1	17				1		1	2		2	3	12	77
5+	3				9	6	3	5	4	6	2						8		2	13	13	45
Downey	1	3	4	1	8	27	3	10	10	5				1			6			4	11	82
Cypress	1				10	3		2	1	1	3			1			13		2	13	13	40
		37	46	6	320	490	74	382	408	104	31	18	8	13	10	7	139	10	59			
		4.8%	4.8%	3.1%	41.6%	50.9%	38.5%	49.6%	42.4%	54.2%	4.0%	1.9%	4.2%									
			4.6%			45.9%			46.5%			3.0%										

\* Total number of times examinee has applied for dictation exam.  
 \*\* Total number of pages graded out of number of pages submitted.

**GROUP THREE**

**Error Analysis of July 2018 Dictation Examination**

School	Times?*	Ms. Alton (Kathy)			Witness-Mr. Maxwell (Bob)			Ms. Vanella (Dixie)			Mr. Greene (Jay)			Wrong Speaker	Omitted Speaker	Inserted Speaker	Punctuation	Reverse	Spelling	# of pages**		Score
		Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words	Wrong Words	Dropped Words	Inserted Words							Page	Page	
South Coast	11		1		1	18		13	11	8	1	1		1			10		1	9	13	79
Humphreys	12	1	5		15	41	3	26	26	10	1	2						1		3	11	131
Golden State	8	1	1		9	21	3	8	26	5	1						2		1	6	13	78
Taft	10				16	16	5	13	12	6	1	2		1			2		2	4	13	80
Bryan	7	1	1		15	7	8	22	12	7				1				1		6	12	79
Tri Community	7		3		7	11	2	13	13	5	1			4			4		3	9	11	82
South Coast	5	1	1	1	12	36	6	12	14	2	1						2	1	2	6	12	91
South Coast	5		1		16	21	3	16	14	7	1									6	12	79
South Coast	5	4	8		4	6		11	28	4				3			1	1		2	12	82
South Coast	7		2		6	20		11	34	2									1	5	12	76
Sage	7				10	24	1	14	27	2	1		1						2	9	13	82
Downey	5				9	23	6	11	13					1		1	2		2	8	12	76
Downey	5	4	4		4	23	1	5	34	2							1		1	3	12	79
College of Marin	5	1			18	13		18	10	3	2	2	1	2			4		1	13	13	83
Argonaut	4	1	1		10	10	5	21	9	8				1			4		3	10	13	77
Bryan	4		1		1	20		11	29			9	1	1			1			3	12	78
Tri Community	4	1	2	1	20	14	3	18	22	2							1	1	2	6	11	87
Work Experience	3	1	9		2	24		7	25	2				3						1	10	85
Sierra Valley	4	2		2	10	7	6	30	33	3							8		2	4	9	103
Downey	4	1	2		8	29	5	8	17	2	2	2	1							3	11	77
PR	4			1	4	15	3	21	8	5	4	4		1			3		2	8	13	75
South Coast	3				11	21	9	7	18	2	2	2					1		2	6	12	75
South Coast	3		3		18	25	1	19	7	12						1	3		2	10	13	95
Golden State	3	2	1		21	17		14	11	1	1			1			2		2	5	13	77
Golden State	2		1		14	22	1	9	19					2		1	2		4	5	13	87
5+	7																			1	23	206
South Coast	25				3	31	6	4	44	4					1		5	1	1	5	12	104
Taft	1		2		12	22	2	20	18	4							2	2	2	7	13	86
Downey	1	1	1		11	11	2	16	6	4	1				1		2		4	11	11	64
		<b>22</b>	<b>50</b>	<b>5</b>	<b>287</b>	<b>548</b>	<b>81</b>	<b>398</b>	<b>540</b>	<b>112</b>	<b>20</b>	<b>24</b>	<b>4</b>	<b>22</b>	<b>2</b>	<b>3</b>	<b>62</b>	<b>8</b>	<b>42</b>			
		<b>3.0%</b>	<b>4.3%</b>	<b>2.5%</b>	<b>39.5%</b>	<b>47.2%</b>	<b>40.0%</b>	<b>54.7%</b>	<b>46.5%</b>	<b>55.4%</b>	<b>2.8%</b>	<b>2.1%</b>	<b>2.0%</b>									
			<b>3.7%</b>			<b>43.8%</b>			<b>50.2%</b>			<b>2.3%</b>										

\* Total number of times examinee has applied for dictation exam.  
 \*\* Total number of pages graded out of number of pages submitted.

## COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

### **AGENDA ITEM X – Future Meeting Dates**

=====

Agenda Description:    Proposed Meeting Dates

=====

Support Documents:

Attachment – 2018 and 2019 Board Calendars

=====

Current scheduled activities:

Exam Workshop:

October 12 – 13, 2018 – Sacramento

October 26 – 27, 2018 – Sacramento

March 8 – 9, 2019 – Sacramento

April 12 – 13, 2019 – Sacramento

=====

Recommended Board Action: Information exchange

# A YEAR-AT-A-GLANCE CALENDAR 2018 COURT REPORTERS BOARD OF CALIFORNIA

**JANUARY 2018**

S	M	T	W	Th	F	S
		1	2	3	4	5
	6	7	8	9	10	11
	12	13	14	15	16	17
	18	19	20	21	22	23
	24	25	26	27	28	29
	30	31				

**FEBRUARY 2018**

S	M	T	W	Th	F	S
				1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28	29	30			

**MARCH 2018**

S	M	T	W	Th	F	S
				1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
	28	29	30	31		

**APRIL 2018**

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**MAY 2018**

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**JUNE 2018**

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**JULY 2018**

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**AUGUST 2018**

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**SEPTEMBER 2018**

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**OCTOBER 2018**

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**NOVEMBER 2018**

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**DECEMBER 2018**

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

**ACTIVITY**

	BD - Board Meeting or Activity
	Exam - Dictation Exam
	Workshop - Exam Workshop
	TF - Task Force Meeting
	TH - Town Hall Meeting
	OA - Occupational Analysis
	Shaded Dates - Board Office is Closed

**CITY**

LA - LOS ANGELES	SAC - SACRAMENTO
SD - SAN DIEGO	SF - SAN FRANCISCO
ONT - ONTARIO	
<b>GENERAL LOCATION</b>	
NC - NORTHERN CALIFORNIA	
SC - SOUTHERN CALIFORNIA	

# A YEAR-AT-A-GLANCE CALENDAR 2019 COURT REPORTERS BOARD OF CALIFORNIA

**JANUARY 2019**

S	M	T	W	Th	F	S
			2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**FEBRUARY 2019**

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

**MARCH 2019**

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**APRIL 2019**

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**MAY 2019**

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

**JUNE 2019**

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

**JULY 2019**

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**AUGUST 2019**

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**SEPTEMBER 2019**

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

**OCTOBER 2019**

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**NOVEMBER 2019**

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**DECEMBER 2019**

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**ACTIVITY**

	BD - Board Meeting or Activity
	Exam - Dictation Exam
	Workshop - Exam Workshop
	TF - Task Force Meeting
	TH - Town Hall Meeting
	OA - Occupational Analysis
	Shaded Dates - Board Office is Closed

**CITY**

LA-LOS ANGELES	SAC-SACRAMENTO
SD-SAN DIEGO	SF-SAN FRANCISCO
ONT-ONTARIO	

**GENERAL LOCATION**

NC-NORTHERN CALIFORNIA
SC - SOUTHERN CALIFORNIA

## COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

### **AGENDA ITEM XI – Public Comment for Items Not on the Agenda**

=====

Public members are encouraged to provide their name and organization (if any).  
The Board cannot discuss any item not listed on this agenda, but can consider  
items presented for future board agendas.

COURT REPORTERS BOARD MEETING – SEPTEMBER 17, 2018

**AGENDA ITEM XII – Closed Session**

=====

Agenda Description:

- A. Pursuant to Government Code Section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.
- B. Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation

=====

Fiscal Impact:       None

=====

Report Originator:   Yvonne Fenner, 8/28/2018