



COURT REPORTERS BOARD OF CALIFORNIA

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MEETING OF THE COURT REPORTERS BOARD

**Monday, February 4, 2019
11:00 a.m. to conclusion**

**Department of Consumer Affairs Headquarters
1625 North Market Boulevard
Hearing Room – First Floor, South 102
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. REVIEW AND APPROVAL OF SEPTEMBER 17, 2018, MEETING MINUTES..... 3
- II. REPORT OF THE EXECUTIVE OFFICER..... 20
 - A. CRB Budget Report
 - B. Transcript Reimbursement Fund
 - C. Enforcement Activities
 - D. Exam Update
 - E. CRB Today Newsletter, Fall 2018
 - F. Business Modernization
- III. FEE INCREASE REGULATION BIFURCATION AND IMPLEMENTATION..... 43

Discussion and action

 - A. License Fee Increase
 - B. Exam Fee Increase
- IV. SUNSET REVIEW – Discussion and possible action 45
 - A. Update on status of report submitted before December 1, 2018
 - B. Update on timeline for Sunset Review (hearing dates, questions from legislature, etc.)
 - C. Determination of representatives from the Board to provide testimony at hearing
 - D. Update on supplemental questions to the report
- V. LICENSING OF VOICE WRITERS – Discussion and possible action 46
 - A. Background Information (e.g. Description of Method of Voice Writing, Result of Previous Discussions, Survey, etc.)
 - B. Current Law Regarding Inclusion of Voice Writers in Licensing Population and Examination Requirements
 - C. Potential Actions by the Board for Licensing Voice Writers

(continued)

- i. Make no change to the law
- ii. Change statutes to test and certify voice writers separately
- iii. Clarifying changes to practice act as a result (e.g. school recognition, stenographic notes v. voice writing notes, etc.)

VI.	<u>STRATEGIC PLAN</u> – Review and adoption of draft plan.....	48
VII.	<u>FUTURE MEETING DATES</u>	59
VIII.	<u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</u>	61
	The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a)).	
IX.	<u>CLOSED SESSION</u>	62
	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 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 – FEBRUARY 4, 2019

AGENDA ITEM I – Review and Approval of September 17, 2018, Meeting Minutes

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Agenda Description: Review and approval of minutes

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Brief Summary:

Minutes from September 17, 2018, meeting

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Support Documents:

Attachment – Draft minutes for September 17, 2018

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Fiscal Impact: None

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Report Originator: Paula Bruning, 1/14/2019

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Recommended Board Action: Staff recommends the Board approve minutes.



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COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF STRATEGIC PLANNING SESSION AND OPEN SESSION SEPTEMBER 17, 2018

Attachment
Agenda Item I

DRAFT

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:33 a.m. at the Department of Consumer Affairs HQ2, 1747 North Market Boulevard, Sacramento, California.

ROLL CALL

Board Members Present:

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

Board Members Absent:

Carrie Nocella, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Anthony Pane, Assistant Chief Counsel
Paula Bruning, Executive Analyst
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. STRATEGIC PLANNING SESSION

The Board engaged in strategic planning during open session with the assistance of facilitators Trisha St. Clair and Elizabeth Coronel from SOLID Training and Planning Solutions of the Department of Consumer Affairs (DCA). Input was offered by representatives of the industry associations and the public.

The facilitators will utilize the information discussed during the session to develop a draft strategic plan for the Board's review. Once approved, the facilitators will meet with staff to create an action plan with objectives for the Board.

The Board took breaks from 10:49 a.m. to 10:59 a.m., and 12:04 p.m. to 2:00 p.m., and then returned to open session.

II. APPROVAL OF JULY 19, 2018, MEETING MINUTES

Ms. Lasensky requested that the word "to" be added after "the intent of the bill is" to the first line of the second paragraph under the subheading "Consideration of Positions on Legislation" on page 5 of the minutes.

Ms. O'Neill moved to approve the minutes as amended. 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. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

III. RESOLUTION FOR ROSALIE KRAMM

Ms. Hurt shared that Ms. Kramm resigned from the Board. She referred to the resolution prepared for Ms. Kramm on page 36 of the Board agenda packet and read it aloud. Ms. Kramm was unable to attend the Board meeting to personally receive the resolution.

Ms. Lasensky stated that it has been a pleasure to work with Ms. Kramm on this Board. She has always been a delight, shared good insight, provided direction based on a lot of experience, and has a wonderful sense of humor. Ms. O'Neill expressed her appreciation for Ms. Kramm, stating that it was an honor to work with someone of her intelligence. She has a grasp of the profession and where it's going in the future. She thanked her for devoting the time she has to the consumers of California. Ms. Hurt echoed the previous comments. She stated that Ms. Kramm brought a lot of knowledge as a licensee to what is happening in the profession and will be missed. Ms. Fenner shared that it has been a true privilege to work with such an intelligent, forward-thinking person, and staff will miss her enthusiasm.

Diane Freeman stated that Ms. Kramm is wonderful to the profession. She is loved as a person and as a professional with a wealth of knowledge and experience.

Ms. Lasensky moved to adopt the resolution. 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. O'Neill, and Ms. Hurt.

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

IV. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner stated that there are no new budget reports to present to the Board since the last meeting. Ms. Hurt inquired as to when staff had last received a budget report. Ms. Fenner indicated that the last report for fiscal year 2017-18 was received and presented at the meeting held July 19, 2018. Ms. Hurt asked when the fiscal year ended and began. Ms. Fenner indicated that the fiscal year runs July 1 – June 30. She indicated that she received a preliminary report the week prior to the meeting, but there were questions that needed to be answered before presenting it to the Board. She added that lack of reports is an ongoing result of the change over to Fi\$CAL, which is California's new financial operating program. She indicated that representatives from the DCA Budget Office were in attendance at the meeting to answer questions.

Mark Ito, budget manager, and Marie Reyes, budget analyst, provided a projection of the fiscal month 12 budget report (see attachment). He stated that the system is transacting appropriately, but the report is just an extract.

Ms. Hurt stated that the Board's fiscal responsibility is important as it relates to conducting business. Historically, the Board made strategic decisions on changing fees based on grossly erroneous reports. The Board is, therefore, concerned to not have concrete information.

Mr. Ito stated that the Budget Office knows what the Board's expenditures are. The projection provided is believed to be mostly accurate, and they are working with Ms. Fenner to verify the accuracy of the expenditures.

Ms. O'Neill noted all the red numbers on the report. Ms. Hurt indicated that cuts have been made wherever possible, but costs of operating and staff have increased even though the budget has not. Mr. Ito stated that as long as there is savings indicated on the bottom line, staff can realign the budget and line items appropriately. Ms. Fenner stated that realigning the budget makes it more difficult to find historical data for budget change proposals, etc.

Ms. Hurt inquired about the 13 percent surplus. Ms. Fenner stated that the surplus is what will be reverted to the main fund. Ms. Hurt asked how it related to the Transcript Reimbursement Fund (TRF). Ms. Fenner stated that it is not enough funding to give the Board six months of operating expenses in reserve; therefore, transfers to the TRF are still not possible.

Ms. Lasensky noted that the report is for the last fiscal year and asked if a budget projection for the current fiscal year is available. Ms. Fenner stated that staff is still awaiting the report for the current fiscal year. Ms. Hurt asked when that could be expected. Mr. Ito stated that it is early in the fiscal year, but he believed that an extract could be made to put together a projection based on numbers through August 30.

Ms. Hurt stated that it is difficult to plan for the future without projections. Mr. Ito stated that it is a struggle with the new system, but they are committed to ensuring the Board has updated information on expenditures and projections.

Ms. Fenner stated that the assigned budget analyst has been very responsive, and it is refreshing to work with a dependable and customer-oriented individual.

Mr. Ito stated that his office would start putting together the projections for fiscal year 2018-19.

B. Transcript Reimbursement Fund

Ms. Fenner stated that there have not been any changes to the status of the TRF. She added that invoices for applications that were provisionally approved before the temporary shutdown are being paid from the funds set aside for them.

C. Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 38 of the Board agenda packet. There were no remarkable trends.

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

Ms. Fenner stated that the contract for the next dictation examination was finalized, and it will take place at the DoubleTree Hotel in Sacramento on November 2, 2018.

E. Business Modernization

Ms. Fenner stated that staff is finalizing the mapping portion of its business modernization efforts. Staff from DCA's SOLID Training and Planning Solutions have been working with Board staff to chart processes with the goal of updating the database.

V. LEGISLATION

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

Ms. Hurt stated that they continued to work with Assemblymember Kalra's office and stakeholders on the bill to rein in inappropriate behavior of non-licensee-owned firms. She reported that since the last meeting, the bill took a different direction from the original efforts toward firm registration. The focus shifted to protecting the transcript and ensuring the rules and regulations that are in place are followed whether a licensee or non-licensee handles it. This refocus has brought additional stakeholders onboard.

Ms. Hurt added that AB 2084 was successful in passing through the Assembly and the Senate and now awaits the Governor's consideration. She thanked Assemblymember Kalra, Assemblymember Mullin, and Senator Hill for their work, as well as the Deposition Reporters Association and California Court Reporters Association. She stated that the subcommittee worked hard to spread awareness of the importance of the bill.

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 40 through 42 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.

AB 2138 (Chiu and Low) – Ms. Fenner stated that a letter of opposition was sent to the authors' offices as per the direction given by the Board at its meeting on July 19, 2018. The bill is now at the Governor's office. Since the language changed significantly since the last Board meeting, Ms. Fenner brought the bill back to the Board to consider its position.

Ms. Hurt expressed that the bill has good intentions to try to get more people licensed, but there are different issues with various professions as to substantially-related crimes. The Board was reluctant to use a broad brush and say that the parameters set out in the bill work for court reporting as well. It appears that the amendments are a result of feedback provided by a range of professions. Ms. Hurt asked the Board if they would like a position letter sent to the Governor's office.

Ms. Lasensky stated that the original bill had serious problems for consumer protection. She requested a breakdown of the amendments.

Ms. Fenner agreed that the bill's authors heard the concern expressed by the boards and bureaus. She stated that the amendments allow each board to list out in regulation specific crimes that are important to its mission to protect its consumers. The bill also contains reporting requirements that would need to be posted to the Board's website.

Ms. O'Neill stated that she reviewed the changes but was still not completely happy with the bill. Ms. Lasensky stated that she believes the Board needs to speak to the needs of the consumer and be on the record with its concerns.

Ms. Lasensky moved that the Board write a letter to the Governor's Office requesting veto on AB 2138. 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. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

AB 2354 (Rubio) – Ms. Fenner reported that this bill was held in the suspense file.

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

AB 2531 (Gallagher) – Ms. Fenner stated that the bill is sponsored by CCRA and deals with CART reporters and the standards that are required. The Board may be responsible for identifying the appropriate certification process and adopting standards upon appropriation by the Legislature.

Ms. Hurt clarified that this would not be a license, but approval of a certifying body, so no fees would be collected by the Board. Ms. Fenner added that the Board would also have reporting requirements. Ms. Lasensky noted that additional work would be imposed on staff without additional revenue. Ms. O'Neill was hesitant to support a bill that would add work without adding funding. Ms. Hurt appreciated the importance of ensuring that the deaf and hard of hearing have appropriate support by operators that can do the job well, but agreed it would be difficult without funding.

Ms. Fenner inquired of Mr. Pane whether the Board would be able to identify the certification process through policy instead of by regulation. Mr. Pane responded that the bill exempts the Board from promulgating regulations for this section. He affirmed the Board could establish a policy with the criteria.

Rachel Barkume, on behalf of CCRA, stated that the intent of the bill is a multistep process to determine where the need is. She reiterated that the Board would recognize a state or national association to certify CART providers, and Judicial Council would gather information regarding how many ADA accommodation requests were made in court for a separate CART provider. The final goal is to have CART providers licensed by the Board, which would be revenue generating, but the background information is needed first to determine if there is a true need. She stated there is anecdotal information that courts are saying that deaf or hard of hearing individuals can just use the official reporter's realtime screen for their interpretation. She asserted that this practice is not an adequate ADA compliant method and there needs to be separate CART certified reporter in the courtroom for those individuals.

Ms. Hurt asked if the Board would be responsible for collecting the pertinent information. Ms. Barkume responded that the certifying body designated by the Board, such as CCRA or NCRA, may be able to provide the statistics needed.

Ms. O'Neill stated that she was reading proposed code section 8060(b) to state that the Board does not do anything about certifying CART operators until money has been appropriated by the Legislature. Ms. Fenner confirmed that she read that correctly. Ms. O'Neill then stated that the reporting requirements in proposed code section 8060(a) may not be as costly as originally thought if the certifying body designated by the Board shares their statistics with the Board as suggested by Ms. Barkume.

Ms. Hurt asked legal counsel for confirmation as to the Board's interpretation of the proposed code. Mr. Pane responded that when reading the language, the Legislature is presumed to know what it is doing in crafting its statutes. The condition "upon appropriation" triggers the process to begin. Therefore, if there is no appropriation, the process is not effectuated.

Ms. Hurt stated that the proposed work and cost for the Board now appears more manageable with the ability to create policy instead of going through the difficult hurdle of the regulatory process. Ms. O'Neill agreed, stating that she feels more fiscally

responsible supporting the bill knowing that the Board does not have to adopt standards unless there is appropriation by the Legislature.

Ms. Fenner stated that if the bill is signed, she envisioned the Board would put together a task force to gather industry input on certification criteria, and then await appropriation to designate a certifying body. Ms. Lasensky shared support for the bill.

Ms. O'Neill moved that the Board support AB 2531 and write a letter to the Governor's Office requesting signature on the bill. 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. O'Neill, and Ms. Hurt

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

AB 2664 (Holden) – Ms. Fenner stated that the Board previously supported this bill, but it had since been minimally and non-substantially amended.

The Board continued their support of the bill and directed staff to write a letter to the Governor's Office requesting signature on AB 2664.

VI. FEE INCREASE REGULATION

Ms. Fenner stated that the rulemaking package is under review at Business, Consumer Services and Housing Agency (Agency). Once returned, she will expedite delivery to the Office of Administrative Law (OAL) for their final review, which may take up to 30 days.

Mr. Pane added that OAL posts the regulation in a quarterly publication when chaptered which determines the effective date. Ms. Fenner stated that it may be effective as early as January 1, 2019. If it takes longer than a couple of weeks, she will file a request to have it effective upon filing rather than waiting for the quarterly deadline.

Ms. Hurt asked if it is typical for a regulation to takes years to get a regulation to this place. Mr. Pane responded that the regulatory process is not quick. The Governor's Office implemented an additional process approximately a year ago that requires Agency review. Because OAL is so exacting before it promulgates a regulation, DCA and Agency want to ensure it has a thorough review before sending it forward to OAL so that it is not rejected.

VII. SUNSET REVIEW

Ms. Hurt reported that at its meeting on July 19, 2018, the Board appointed Ms. O'Neill and Ms. Lasensky as a task force to work with staff in preparing a draft of the Sunset Review Report. The draft report was included as a separately bound document with the Board agenda packet. She then invited feedback and corrections. The Board reviewed the document and suggested edits.

Ms. Fenner pointed out that some sections are missing language or charts because she is awaiting some information such as bill status or data from other entities. She indicated that the date on the first page will be updated once the report is finalized. She stated that she would update page 5 with information from the new strategic plan. She will also update the status of AB 2084 on pages 6, 25, 31, and 41.

Ms. Lasensky requested that the second "in" be made lowercase on the first line of the third paragraph under subsection 4 on page 6.

Ms. Hurt inquired if it would help to explain why the Board does not belong to any national associations, as described in subsection 5. Ms. O'Neill responded that it's not relevant since the only national association, NCRA, does not have a category for boards.

Ms. Fenner stated that she would update the status of the rulemaking package for the fee increase as mentioned in the third paragraph on page 6.

Ms. Hurt requested citation of the fee authority be added to the information provided in subsection 14 on page 12. She suggested reorganization of the fee history information to precede the TRF information.

Ms. Fenner stated that data for subsection 15, Budget Change Proposals, would be updated on page 13.

Ms. Lasensky requested the addition of a period at the end of the sentence under subsection 22(d) on page 18. She also requested the addition of periods at the end of the sentences under subsections 47 and 51 on page 32.

Ms. Fenner indicated that staff is awaiting confirmation of the Total Enforcement Expenditures for FY 2017/18 on page 33. The amount indicated in the report is a projection.

Ms. Fenner provided an expanded explanation of section 10 of the report titled, "Board Action and Response to Prior Sunset Issues," starting on page 36. She stated that there are 10 issues from the prior report, each followed by the legislative staff recommendation and Board response. Following that information is an underlined portion preceded by two asterisks which is the Board's current response to the issue.

Ms. Fenner made a note on page 46 to check the page numbers for CRB Issues No. 1 after edits are made to the report to ensure they are accurate. She will also update page 46 with updates from this meeting under CRB Issue No. 2.

Ms. Fenner stated that the report is still a work in progress, but none of the upcoming changes would be substantive enough to necessitate full Board review and a meeting. She recommended the Board authorize the task force to approve the final changes. If the task force deemed the changes significant, another meeting could be held.

Ms. Hurt moved to allow the Sunset Review Task Force to review the final changes and make nonsubstantive corrections to the final report. 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. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Nocella
Abstain: None
Recusal: None

MOTION CARRIED

The Board took a break at 3:12 p.m. and returned to open session at 3:17 p.m.

VIII. LICENSING OF VOICE WRITERS

Ms. Hurt introduced voice writing court reporter Tori Pittman who was calling in from North Carolina to respond to questions. Ms. Pittman appeared at the Board's meeting held on July 19, 2018.

Ms. Fenner shared that in lieu of gathering feedback via town hall meetings, Ms. Davis suggested the Board conduct a survey. Not only did the Board save time and money, but there was great response to the survey. The 1,421 responses are summarized on page 65 of the Board agenda packet.

Ms. Fenner shared that approximately two-thirds of the responders were opposed to the Board licensing voice writing. When reading the comments, it became clear that those opposed were not familiar with the current state of voice writing, such as having the ability to provide realtime. Ms. Fenner clarified that the Board would be licensing voice writers using the same requirements that are used for steno machine reporters including taking the license examinations.

Ms. Fenner stated that she worked with the Board's legal counsel, Shela Barker, to start to identify places in the law that would require change to license voice writers. Ms. Barker did not see any necessary legislative changes to start licensing voice writers based on the definition of shorthand reporting found in Business and Professions Code (BPC) section 8017. The courts may have further requirements for employing voice writers.

Ms. Fenner stated that she would consult with Ms. Pittman regarding security measures for the skills exam. They have already discussed the types of things staff would need to look for. Ms. Pittman was very helpful in providing information about disqualifying candidates for being too loud or distracting.

Ms. Hurt inquired if the survey should be sent to other stakeholders that would be using voice writer services. Ms. Fenner did not believe it mattered to the consumers. It may be a competition issue among reporters, but the Board believes competition and an array of individuals who can supply the demand for court reporting services is good for the consumer. It would be up to the consumer to choose a stenographic reporter or a voice writer.

Ms. Lasensky recalled from the last discussion that voice writing may be an advantage and opportunity for individuals who were unable to report by means of a steno machine due to disability, which could increase the population of reporters in the field. Ms. Fenner stated

that the survey yielded several comments from licensees who were interested in switching to voice writing due to physical limitations.

Ms. Lasensky asked if current licensees would need to obtain a new certification if they want to provide voice writing as a service. Ms. Fenner responded that the Board would need to test their skills. The written test would be the same so it is unclear at this time if they would need to retake English and Professional Practice.

Ms. Freeman was impressed by the presentation provided by Ms. Pittman at the July Board meeting. She asserted that voice writing is a viable option to fill the shortage of court reporters. She did not see a difference in service between voice writing and steno writing when considering that both types of operators must pass the California skills exam to be licensed. She said that some voice writers are skilled enough to offer realtime.

Ms. O'Neill added that not all voice writers offer realtime, just like not all steno writers offer realtime. She had no concern over licensing voice writers, stating that the Board has a rigorous test to protect consumers and ensure all operators can provide a product on a level expected by the Board. Ms. Hurt agreed, stating that the standards are the same for both.

Ana Fatima Costa agreed, stating that adding reporters to the workforce without lowering standards of certification is a great option. She shared that one of her former apprentices changed to voice writing recently, and it has been much easier for her.

Ms. O'Neill expressed that giving an opportunity to those who have experienced physical deterioration as a result of steno writing may help avoid a dwindling workforce.

Lorri Doll, instructor at Argonaut Court Reporting Program, inquired how voice writers would qualify and prove their eligibility to take the Board's exams. She emphasized that reporters need to be well-rounded, not just capable of creating a transcript. Ms. Fenner responded that voice writers currently may be able to qualify through work experience or by having an RPR certificate. The Board may decide to pursue a legislative change to allow them to qualify by way of certification from the National Verbatim Reporters Association (NVRA).

Ms. Pittman thanked the Board for the opportunity to participate in the meeting. She was amazed at the incredible survey response received. It appeared to her that many of the negative comments were as a result of individuals not understanding the current state of voice technology and hoped that with more education in California there would be more buy-in. She offered to talk with Board staff about the skills exam. She pointed out that voice writers listen to dictated steno notes to create a transcript. To some it may appear that the voice writer is listening to a room audio file, but they are not.

Ms. Hurt inquired about the safety nets for backing up records. Ms. Pittman responded that voice writers are able to create audio sync files just like a machine writer. One file is the dictated steno notes from the mask attached to the computer. This is translated with the software in real time. Another file is created for the room audio. Some reporters also create a second voice backup on a separate recording device so that if there is a technical failure, they can create the record using their voice steno notes and run it through Dragon software to translate it.

Ms. Hurt thanked Ms. Pittman for her explanations. She stated that this is the second meeting where the topic of licensing voice writers was discussed. The Board has heard a lot about a shortage of court reporters in California. She inquired what steps the Board would need to take to move forward with licensing voice writers.

Mr. Pane stated that legal staff reviewed BPC section 8017 and found that no statutory change was needed to license voice writers. The language as worded specifically references machine, which voice writing uses as well. Since voice writing technology was available at the time the statute was passed, the Legislature is presumed to know what it is doing. He stated that the Board could promulgate regulations specifically allowing voice writers to be authorized under this statute, but it's not necessary. He also indicated that the Board needs to keep the standards and process the same for both types of writers. He suggested that legal look at the Board's entire practice act and determine what, if any, tweaks need to be made to outline the process for effectuating all the pieces that are needed.

Ms. Hurt inquired what would be needed if the Board determined at a later time that licensing voice writers was creating problems for consumers. Ms. Fenner responded that the Board could then specify through the regulations which forms of making a verbatim record were acceptable and which were not. Mr. Pane added that the Board may then also want to pursue statutory changes if data and policy rationale reveal there is a problem.

Ms. Fenner stated that if the Board moved forward with licensing voice writers, she would gather information from subject matter experts to ensure all necessary security measures are put in place.

Ms. Fenner inquired with legal counsel if the Board would be able to offer testing of voice writers at the next skills exam. Mr. Pane suggested the Board allow time for legal staff to comb through all the Board's statutes, regulations, and internal processes before accepting voice writer applicants. Ms. Fenner agreed and added that the application deadline for the November test is quickly approaching on October 3, 2018.

Ms. Fenner stated that NVRA has a test that is equivalent to the RPR. She asked if the Board would like to use the sunset review report to add NVRA's test as an avenue by which voice writers may qualify for the test. Ms. Hurt shared apprehension for adding anything via sunset review that may be controversial.

Ms. Costa expressed that people often find change to be difficult. She does not see voice writers as competition for machine writers, but as just another option available as it already is on the East Coast and in Canada. She suggested the Board offer a test run as a separate group at its next exam for those who would like to try it.

Ms. Hurt recommended that the Board not rush into the change but give adequate time to establish the process and security measures to be most successful. Ms. Fenner hoped for implementation by spring 2019.

Ms. O'Neill moved to direct staff to pursue the necessary steps to allow voice writers to practice in California as licensees. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered.

Ms. Hurt proposed the Board put a five-year time limit on the program. Ms. Fenner responded that it will be up to the marketplace to determine if there is a place for voice writers. Ms. Lasensky indicated that the complaint process would still be in place to weed out bad actors.

A vote was conducted by roll call.

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

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

IX. EXAMINATION PASS RATES

Ms. Fenner shared that while grading the last dictation examination, staff worked to identify where the problems were. They reviewed survey comments where readers had been identified as reading too fast and conducted a thorough analysis of the types of errors candidates made. She directed attention to the analysis starting on page 73 of the Board agenda packet.

Ms. Fenner stated that staff ruled out issues with any one particular speaker after noting that the mistakes were equal between the witness and the questioning attorney – the two readers who had the largest speaking roles. She indicated that punctuation was graded liberally and did not make a difference in whether candidates passed or not. She stated that staff timed the speed of every minute of every group to ensure it never went above 200 words per minute. Staff did find that candidates had a difficult time making the transition during colloquy which can cause a candidate to get five errors each time they misidentify a speaker.

Ms. Fenner indicated that 17.8 percent of candidates had taken the test 10 or more times. As discussed at previous meetings, there have been several school closures in recent times. The Board has seen large groups of students “qualify” for the test just as a school closes. Unfortunately, when those students are not successful in passing the exam, they do not have a school to return to. It appears candidates are just coming back hoping for an easy test instead of working to get faster and more accurate.

Ms. Fenner expressed that staff feel the tests are compliant with policy, given fairly, and entry level. Staff received five suggestions for improving the pass rate, which were on page 66 of the Board agenda packet for consideration. Ms. Fenner stated that the fourth and fifth suggestion were discussed at the last Board meeting wherein staff counsel gave caution to creating any additional barriers to licensure.

Ms. Hurt read the other suggestions from page 66. Ms. Fenner added that historically staff has avoided the second part of suggestion three, using current teachers as readers, so that there is not an unfair advantage to their students. Ms. Hurt stated that the first suggestion, reading the same test three times, seemed to be too much of a hand-holding scenario that may lower consumer protection. Ms. O'Neill agreed.

Ms. Fenner stated that the second suggestion, reading two tests to each group, was done in the 1980s but it did not have an effect on the pass rate. The readers and staff are willing to extend their day and read two tests to each group, one court and one deposition.

Ms. Hurt reminded the participants that the Board's obligation is to implement a fair test. Ms. Lasensky added that the Board also has a responsibility to the consumer and expressed that the suggestions appear to weaken the exam. Ms. Hurt agreed that most of the suggestions are not consumer protection friendly, but that she was open to the reading of two tests as indicated in the second suggestion. Ms. O'Neill was open to the reading of two tests for a specified period of time where after the results would be analyzed to determine if it is helpful.

Ms. Hurt inquired as to the fee for the exam. Ms. Fenner responded that there is a \$40 application fee, which is good for three years, and there is a \$25 fee for each of the three portions of the exam. The proposed fee increase regulation will raise the exam fee to \$50 per portion of the exam.

Ms. Freeman indicated that she liked the idea of students being required to return to school for a set amount of time before retesting. She asked what the criteria is for hiring readers. Ms. Fenner stated that the same individuals have been reading the test for approximately four years with a substitute from time to time. The readers must be able to read at 200 words per minute for 15 minutes at a time. Ms. O'Neill commented that it is a learned skill.

Ms. Fenner asked if requiring candidates to requalify would necessitate a legislative change. Mr. Pane stated that it is usually a regulatory change, but he was not sure for this Board.

Ms. Hurt asked what would be required to move forward with the reading of two tests at each exam. Ms. Fenner stated that she would need direction from the Board. She stated that it could be implemented at the November 2018 test. Ms. Hurt asked why the practice was discontinued in the 1980s. Ms. Fenner stated that it did not make a difference in the pass rate.

Ms. Fenner recommended the Board set a time frame for which the practice of reading two exams will be conducted. After that time, the Board could then review any trends to determine if the practice should continue. She also indicated that there are currently no hardships in extending the testing day by reading two tests because the candidate pool is small, however, if the candidate pool increases significantly, the practice may need to be reexamined.

Ms. Hurt asked how reading two tests may affect future online testing. Ms. Fenner responded that anything offered to brick-and-mortar test candidates has to be offered to online test candidates.

Ms. Fenner added that offering two tests may actually prove more beneficial to consumers. The test candidate will need some endurance to write for 30 minutes for two tests instead of 15 minutes for one test. There will be a short break while the readers get out the second script and identify themselves, and then they will continue to the second test.

Ms. O'Neill moved that beginning November 2018, two tests will be read to each dictation group from which each candidate will choose one dictation test to transcribe. This will continue for the trial period of calendar years 2019 and 2020. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Ms. Costa thanked the Board for their thorough research behind the scenes. She stated that the data provided was tremendous. She also expressed appreciation for offering this additional opportunity to candidates and for implementing it immediately.

Ms. Hurt also thanked Board staff for collecting all the information needed to make a good decision. Ms. Fenner complimented staff for volunteering to gather and analyze the data to ensure all candidates have a fair opportunity to pass the test.

A vote was conducted by roll call.

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

Opposed: None

Absent: Ms. Nocella

Abstain: None

Recusal: None

MOTION CARRIED

X. FUTURE MEETING DATES

Ms. Fenner state that she will notify the Board if there is an immediate necessity for a meeting when finalizing the Sunset Review Report. She anticipated the next meeting would be in spring 2019.

XI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

The Board convened into closed session from 4:20 p.m. to 4:42 p.m.

XVI. CLOSED SESSION

- 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. *This item was deferred.*

Ms. Hurt indicated that there was nothing to report from closed session.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 4:42 p.m.

DAVINA HURT, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS OF CALIFORNIA
BUDGET REPORT
FY 2017-18 EXPENDITURE PROJECTION
FM 11 - Activity Log July 1, 2018
Updated 9/17/2018

OBJECT DESCRIPTION	FY 2016-17		FY 2017-18				
	ACTUAL EXPENDITURES (MONTH 13)	PRIOR YEAR EXPENDITURES FM 11	BUDGET STONE 2017-18	CURRENT YEAR EXPENDITURES FM 11	PERCENT SPENT	CURRENT YEAR PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Civil Service - Perm	235,560	216,652	241,000	243,059	100%	243,059	(2,059)
Statutory Exempt (EO)	89,988	82,434	84,000	97,898	100%	97,898	(13,898)
Temp Help (907)	17,538	15,144	11,000	14,195	100%	14,195	(3,195)
Board Member Per Diem	5,300	5,000	8,000	2,800	100%	2,800	5,200
Overtime	11,461	11,461	6,000	10,532	100%	10,532	(4,532)
Staff Benefits	212,563	193,651	172,000	220,957	100%	220,957	(48,957)
TOTALS, PERSONNEL SVC	572,410	524,342	522,000	589,440	100%	589,441	(67,441)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	19,534	13,076	0	2,293	0%	422	(422)
Fingerprint Reports	539	490	9,000	434	5%	434	8,566
Minor Equipment	155	155	1,000		0%	0	1,000
Printing (General)	2,992	2,169	0	3,540	0%	3,540	(3,540)
Communication	4,134	3,785	1,000	3,757	376%	3,757	(2,757)
Postage (General)	9,056	8,910	6,000	7,013	117%	7,013	(1,013)
Insurance	4	0	0	1,327	0%	1,327	(1,327)
Travel In State	40,939	35,814	23,000	20,300	88%	20,300	2,700
Training	14	14	2,000	0	0%	0	2,000
Facilities Operations	44,795	44,637	29,000	49,192	170%	49,209	(20,209)
C & P Services - Interdept.	0	0	111,000	0	0%	0	111,000
C & P Services - External (General)	11,004	11,004	27,000	2,629	10%	2,629	24,371
DEPARTMENTAL SERVICES:							
OIS Pro Rata	96,382	90,750	116,000	128,010	110%	116,000	0
Administration Pro Rata	53,791	47,663	62,000	0	0%	62,000	0
IA with OPES	89,444	92,694	0	66,240	0%	0	0
DOI - ISU Pro Rata	920	913	2,000	2,087	104%	2,000	0
Communication Division Pro Rata	7,704	7,337	3,000	161	5%	3,000	0
PPRD Pro Rata	0	0	4,000		0%	4,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	39	32	3,000	1,667	100%	1,667	1,333
Data Processing	148	148	2,000	3,636	100%	3,636	(1,636)
EXAM EXPENSES:							
Exam Rent - Non State	37,622	37,622	0	31,151	100%	31,151	(31,151)
Administrative - Ext	17,246	17,246	0	0	0%	2,629	(2,629)
C/P Svcs-External Expert Examiners	30,249	25,217	39,000	27,924	0%	27,924	11,076
ENFORCEMENT:							
Attorney General	46,706	43,296	97,000	25,452	100%	25,452	71,548
Office Admin. Hearings	11,736	8,816	16,000	720	100%	720	15,280
Court Reporters Service	450	350	0	1,150	0%	1,150	(1,150)
Evidence/Witness Fees	4,148	219	26,000	2,769	100%	2,769	23,231
Major Equipment	0	0	0	0	0%	0	0
Other Items of Expense	0	0	0	743	0%	904	(904)
TOTALS, OE&E	529,751	492,357	579,000	382,194	102%	373,632	205,368
TOTAL EXPENSE	1,102,161	1,016,699	1,101,000	971,634	101%	963,073	137,927
Sched. Reimb. - Fingerprints	(588)	(343)	(17,000)	(392)		(392)	0
Sched. Reimb. - External/Private/Grant	(705)	(470)	(1,000)	(940)		(940)	(60)
Unsched. Reimb. - Inves Cost Recovery	(8,991)	(8,991)	0	(3,372)		(3,372)	3,372
NET APPROPRIATION	1,091,877	1,006,895	1,083,000	966,931	101%	958,370	141,238
SURPLUS/(DEFICIT):							13.0%

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM II – Report of the Executive Officer

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Agenda Description: Report on:

- A. CRB Budget Report
- B. Transcript Reimbursement Fund
- C. Enforcement Activities
- D. Exam Update
- E. CRB Today Newsletter, Fall 2018
- F. Business Modernization

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Support Documents:

- Attachment 1, Item A – FY 2018-19 Expenditure Projection FM04
- Attachment 2, Item A – CRB Fund Condition
- Attachment 3, Item B – TRF Fund Condition
- Attachment 4, Item C – Enforcement Statistics
- Attachment 5, Item E – CRB Today Newsletter, Fall 2018

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 1/25/2019

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Recommended Board Action: Informational only

**COURT REPORTERS BOARD
BUDGET REPORT
FY 2018-19 EXPENDITURE PROJECTION
FISCAL MONTH 04- ACTIVITY LOG**

	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19			
	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 12)	CURRENT YEAR EXPENDITURES 10/31/2018	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Civil Service-Perm	226,688	235,680	243,059	81,806	32%	246,037	7,963
Statutory Exempt (EO)	88,008	89,968	97,898	32,680	39%	98,040	(14,040)
Temp Help Reg (907)	13,614	17,538	14,195	10,358	94%	15,118	(4,116)
Bd / Commns (901, 920)	3,800	5,300	2,800	1,800	23%	3,967	4,033
Overtime	9,480	11,481	10,532	5,376	90%	10,491	(4,491)
Staff Benefits	189,237	212,583	220,957	82,894	45%	249,309	(63,309)
TOTALS, PERSONNEL SVC	530,827	572,410	589,441	214,913	38%	622,959	(73,959)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	3,401	19,534	2,293	1,178	0%	4,713	(4,713)
Fingerprint Reports	341	639	434	0	0%	438	8,562
Minor Equipment	1,164	255	0	0	0%	440	560
Printing	3,021	2,982	3,540	43	0%	3,184	(3,184)
Communication	4,597	4,134	3,757	1,365	136%	4,163	(3,163)
Postage	9,124	9,066	7,013	150	3%	8,398	(2,398)
Insurance	0	4	1,327	0	0%	0	0
Travel In State	29,437	40,939	20,300	2,659	12%	29,225	(6,225)
Travel, Out-of-State	0	14	450	0	0%	5	(5)
Facilities Operations	44,747	44,705	49,192	32,669	113%	46,245	(17,245)
C & P Services - Intercept	0	0	0	0	0%	0	84,000
C & P Services - External	3,852	11,004	2,629	25,557	95%	76,672	(49,672)
DEPARTMENTAL SERVICES:							
OIS Pro Rata	61,970	98,382	129,010	24,000	33%	72,000	0
Administration Pro Rata	53,943	53,791	0	23,667	33%	71,000	0
IA w/ OPES	47,938	89,444	68,240	667	0%	2,000	0
DOI- ISU ProRata	983	920	2,087	1,333	33%	4,000	0
Communications DIV	3,000	7,704	161	1,867	33%	5,000	0
PPRD Pro Rata	0	0	0	0	0%	0	0
INTERAGENCY SERVICES:							
Consolidated Data Center	41	39	1,667	19	1%	582	2,418
DP Maintenance & Supply	1,005	148	3,636	803	40%	1,596	404
Central Admin Svc - Pro Rata	46,897	0	0	0	0%	0	0
EXAMS EXPENSES:							
Exam Rent - Non State	26,406	37,822	31,151	0	0%	31,393	(31,393)
Administrative - Ext	15,399	17,246	0	10,070	0%	10,882	28,118
C/P Svcs-External Expert Examiners	22,259	30,249	27,924	0	0%	26,811	(26,811)
ENFORCEMENT:							
Attorney General	37,166	46,706	25,452	20,300	12%	60,900	108,100
Office Admin. Hearings	4,239	11,736	20	5,060	32%	15,180	820
Court Reporters	625	450	1,150	300	0%	742	(742)
Evidence/Witness Fees	2,500	4,148	2,769	0	0%	3,139	22,861
Major Equipment	0	0	0	730	0%	0	2,920
Other Items of Expense	0	0	743	4,203	0%	9,000	0
TOTALS, OE&E	420,045	529,751	382,195	156,439	26%	487,707	110,293
TOTAL EXPENSE	950,872	1,102,161	971,636	371,352	32%	1,110,666	36,334
Sched. Reimb. - Fingerprints	(539)	(588)	(392)		0%	(25,000)	0
Sched. Reimb. - External/Private/Grant	(940)	(706)	(940)		0%	(25,000)	0
Unsched. Reimb. - Inves Cost Recovery	(778)	(8,991)	(3,372)		0%		0
NET EXPENSE	948,615	1,091,874	966,932	371,352	34%	1,060,666	36,334
SURPLUS/(DEFICIT):							3.3%

0771 - Court Reporters Board of California Analysis of Fund Condition

(Dollars in Thousands)

Prepared on 1/25/19

GOVERNOR'S BUDGET 2018-19

	CY 2017-18	BY 2018-19	BY +1 2019-20	BY+2 2020-21	BY+3 2021-22
BEGINNING BALANCE	\$ 604	\$ 434	\$ 85	\$ 395	\$ 700
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 604	\$ 434	\$ 85	\$ 395	\$ 700
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees	\$ 17	\$ 17	\$ 17	\$ 17	\$ 17
4127400 Renewal fees	\$ 826	\$ 809	\$ 1,428	\$ 1,428	\$ 1,428
4129200 Other regulatory fees	\$ 11	\$ 12	\$ 12	\$ 12	\$ 12
4129400 Other regulatory licenses and permits	\$ 29	\$ 33	\$ 50	\$ 50	\$ 50
4163000 Income from surplus money investments	\$ 6	\$ 2	\$ 6	\$ 10	\$ 15
Totals, Revenues	\$ 889	\$ 873	\$ 1,513	\$ 1,517	\$ 1,522
Transfers and Other Adjustments					
T00410 Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2	\$ -	\$ -	\$ -	\$ -	\$ -300
Totals, Revenues and Transfers	\$ 889	\$ 873	\$ 1,513	\$ 1,517	\$ 1,222
Totals, Resources	\$ 1,493	\$ 1,307	\$ 1,598	\$ 1,912	\$ 1,922
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 981	\$ 1,129	\$ 1,116	\$ 1,138	\$ 1,161
8880 Financial Information System for California (State Operations)	\$ 2	\$ -	\$ -	\$ -	\$ -
9892 Supplementary Pension Payments (State Operations)	\$ -	\$ 12	\$ 25	\$ 12	\$ 12
9900 Statewide General Administrative Expenditures (Pro Rata) (Statewide Operations)	\$ 76	\$ 81	\$ 62	\$ 62	\$ 62
Total Disbursements	\$ 1,059	\$ 1,222	\$ 1,203	\$ 1,212	\$ 1,235
FUND BALANCE					
Reserve for economic uncertainties	\$ 434	\$ 85	\$ 395	\$ 700	\$ 687
Months in Reserve	4.3	0.8	3.9	6.8	6.6

NOTES:

D. ASSUMES NO TRANSFER TO THE TRANSCRIPT REIMBURSEMENT FUND IN CY AND ONGOING.

0410 - Transcript Reimbursement Fund
Analysis of Fund Condition
(Dollars in Thousands)

Updated: 12/28/18

2019-20 Governor's Budget

	ACTUAL 2017-18	CY 2018-19	BY 2019-20
BEGINNING BALANCE	\$ 147	\$ 43	\$ 8
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 147	\$ 43	\$ 8
REVENUES AND TRANSFERS			
Revenues:			
4163000 Income from surplus money investments	\$ 1	\$ -	\$ -
Totals, Revenues	\$ 1	\$ -	\$ -
 Totals, Resources	 \$ 148	 \$ 43	 \$ 8
EXPENDITURES			
Disbursements:			
1111 Program Expenditures (State Operations)	\$ 105	\$ 35	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata)	\$ -	\$ -	\$ 5
Total Disbursements	\$ 105	\$ 35	\$ 5
FUND BALANCE			
Reserve for economic uncertainties	\$ 43	\$ 8	\$ 3

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.
- D. ASSUMES NO TRANSFERS FROM THE COURT REPORTERS FUND IN CY AND ONGOING

Consumer Protection Enforcement Initiative

Fiscal Year 2018-2019 Enforcement Report

July 1, 2018 - December 31, 2018

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	8	13	11	6	7	15							60
Closed without Assignment for Investigation	0	0	0	0	0	0							0
Assigned for Investigation	8	13	11	6	7	15							60
Average Days to Close or Assign for Investigation	1	1	1	1	1	1							1
Pending	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	1	0	0	0	1							2
Closed	0	1	0	0	0	0							1
Average Days to Close	0	270	0	0	0	0							270
Pending	1	1	1	1	1	2							1 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation **	8	14	11	6	7	16							62
Closed ***	5	11	5	7	4	10							42
Average Days to Close [Straightline] ***	198	109	32	222	17	48							106
Pending ***	39	42	47	46	49	54							46 *

Field Investigation (Sworn)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation	0	1	0	0	0	0							1
Closed	0	0	1	0	0	0							1
Average Days to Close	0	0	41	0	0	0							41
Pending *	0	1	0	0	0	0							0

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed **	5	12	5	7	4	10							43
Average Days to Close [Straightline] **	198	122	32	222	17	48							110
Pending **	40	43	48	47	50	56							47 *

*Average number of cases pending per month

** Intake complaints and convictions

*** Intake complaints only

Enforcement Actions

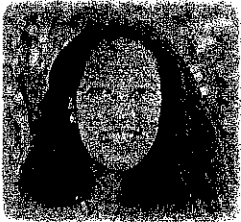
AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	1	1	0	0	0	1							3
AG Cases Pending	9	10	9	8	5	5							8 *
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	2	0	0	0	0	0							2
SOIs Withdrawn	0	0	0	0	0	0							0
SOIs Dismissed	0	0	0	0	0	0							0
SOIs Declined	0	0	0	0	0	0							0
Average Days to Complete SOIs	165	0	0	0	0	0							165
Accusations Filed	1	1	0	1	0	0							3
Accusations Withdrawn	0	0	0	0	0	0							0
Accusations Dismissed	0	0	0	0	0	0							0
Accusations Declined	0	0	0	0	0	0							0
Average Days to Complete Accusations	29	37	0	83	0	0							50
Petition to Revoke Probation (PRP)	0	0	0	0	0	0							0
Average Days to Complete PRP	0	0	0	0	0	0							0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	2	0	0							2
Stipulations	0	1	1	1	1	0							4
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	1	1	3	1							6
Average Days to Complete [Straightline]	0	0	194	200	373	318							305
Interim Suspension Orders	0	0	0	0	0	0							0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	1	2	3	0	0	2							8
Average Days to Complete [Straightline]	29	37	49	0	0	80							51

*Average number of cases pending per month

CRB* TODAY

COURT REPORTERS
BOARD NEWSLETTER

GUARDING THE RECORD
FOR CONSUMER PROTECTION



Message from the Chair

Davina Hurt

Living Life in the Public Eye

Justin Trudeau, the Prime Minister of Canada, has said that "Living your life in the public eye is a greater burden than most people can imagine." Imagine every act and word uttered is open to complete and unrestrained public scrutiny. This runs counter to one's natural inclination for privacy and pure freedom of self. However, the Board wholeheartedly welcomes the review and public scrutiny to support accountability, transparency, and trust.

While the Court Reporters Board is by no means of famed athlete, movie star, or politico status, we do perform our mandated duties in the public eye. As our current sunset review period begins, we are entering the apex of review. Yes, a heavy lift for our small Board and staff. The Legislature will look at every aspect of the Board's actions for the past three years to see if it is effectively and efficiently protecting the various consumers of court reporting services through proper oversight.

This year's sunset review coincides with the launch of the Board's new strategic plan, a serendipitous turn of events akin to a New Year's resolutions. It's a time of looking back at what has been accomplished, evaluate what worked and what was less optimal. It is also a time of creative visioning where we look forward to the next five years. The guideposts for our future progress is in professional qualifications, enforcement, educational oversight, consumer information, and organizational effectiveness.

As part of the strategic planning process, the Board worked with its sister agency SOLID, who facilitated the entire process, including surveying

Message continued on page 2

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Inside this issue ...

Task Force Update	2
Board Member Resigns	3
Legislative Update	3
Fee Increase Update	3
Industry Update	4
Board Vacancy	4
Board Heads Into Sunset Review Cycle	5
TRF Update	5
Student Spotlight	6
Frequently Asked Questions	7
CSRs Needed for Exam Workshops	8
Examination Statistics	8
School Update	8
How to Write SUPER FAST with Stress	9
Dictation Exam Update	10
CSRs Needed to Write Skills Exams	10
Best Practice Pointers Task Force	11
Newly Licensed CSRs	11
CSR Spotlight	12
Citations and Fines Issued	14
Disciplinary Actions	16
Disciplinary Actions Pending	17

Board Members

DAVINA HURT, *Chair*
TONI O'NEILL, CSR, *Vice Chair*
ELIZABETH LASENSKY
GARRIE NOCELLA

YVONNE K. FENNER, *Executive Officer*
PAULA BRUNING, *Layout Designer*

Message continued from cover

industry stakeholders to create a full environmental scan of the factors affecting the Board's activities.

"It's an exciting time to work for the Board," said Yvonne Fenner, executive officer for the Board. "There are so many changes driven by technology and demographics that are affecting the court reporting industry right now. It's an amazing opportunity to influence the direction of those changes for the benefit of the consumer."

Some of those changes include online skills testing and testing of voice writers as another means to capture the record. How will computers, media, and communications continue to develop? Will reliable remote court reporting take hold? What new technology is being developed that will allow court reporters to do their job of creating a verbatim transcript of oral proceedings more easily?

It is a privilege and an honor to serve the consumers of California. Yes, even in the public eye. As George Washington stated, "Truth will ultimately prevail where there is great pains to bring it to light." We do this willingly in furtherance of California consumer protection.

Task Force Update

AB 2084 (Kalra) Becomes Law

Expect the best, plan for the worst, and prepare to be surprised. AB 2084 (Kalra) began this legislative session as a firm registration bill. After multiple discussions with the Governor's Office and industry stakeholders, it was determined that movement forward required a different approach. Namely, the focus changed to drilling in to protections on the integrity of the transcript and transcript delivery process by making the laws that apply to licensees also applicable to entities handling the transcript.

The bill was signed into law on September 21, 2018, by Governor Jerry Brown. As of January 1, 2019, no one, including non-licensee-owned firms, may charge for a transcript that is formatted in violation of the Minimum Transcript Format Standards nor charge fees for court transcripts that are not in compliance with those set out in the Government Code. Additionally, all transcripts must be made available to all parties at the same time, and all parties must be notified of a request for preparation of all or any portion of a transcript, excerpts, or expedites.

Violators are subject to a civil fine up to \$10,000 per violation. The action may be brought by the Attorney General's Office, the CRB, or any city or district attorney.

While it may be a small part of all of the laws that apply to court reporting, it is a significant step forward for consumers in California who now will be able to turn to the CRB for assistance in those areas. "I would expect all reporters and firms to comply with the new law," asserted Yvonne Fenner, executive officer to the Board, "but it will be nice to be able to take a complaint from a consumer knowing that no matter who they hired, the same standards apply."

The CRB is deeply grateful to Assemblyman Kalra for authoring this bill, as well as his staff who so passionately advocated for the consumers of California by successfully shepherding this bill into law. Kudos and much appreciation also goes to the Deposition Reporters Association and to the California Court Reporters Association for their support in moving the bill forward. When the Board Chair Davina Hurt was asked about her thoughts on the bill's passage, she simply quoted Ben Franklin. "Diligence is the mother of good luck" in Sacramento.

Court Reporters Board Member Resigns

It is with a heavy heart that we report that licensee board member Rosalie Kramm has resigned from the Board. Appointed by Governor Brown effective July 3, 2013, Ms. Kramm served the Board through August 7, 2018.

Ms. Kramm served on multiple task forces and subcommittees and strongly advocated for protection of consumers. "Ms. Kramm brought the Board a unique perspective and in-depth knowledge to the everyday occurrences in the profession as a licensee," noted CRB chair, Davina



Hurt. "She has a grasp of the profession and where it's going in the future," added Toni O'Neill, vice chair.

"It has been a true privilege to work with such an intelligent, forward-thinking person," reported executive officer Yvonne Fenner. "Staff will miss her enthusiasm."

Her service to the state was commemorated with a resolution passed by the Board at the September 17, 2018, meeting. Members and staff thanked her for the time she devoted to the consumers of California.

Legislative Update

Another Legislative Year Comes to a Close

In addition to AB 2084 (Katra) being signed into law, another bill affecting court reporters became law, namely AB 2664 (Holden). This new law requires a civil trial court to appoint a court reporter at the request and expense of one of the parties even if there is no stipulation as to the presence of a court reporter.

Bills that were unsuccessful this session included AB 2757 (Reyes), which would have increased the statutory fees for court transcripts, and AB 2531 (Gallagher), which would have tasked the Board with approving certifiers of CART providers.

Fee Increase Update

The Board's regulatory package to effectuate the license and exam fee increases approved at the July 2017 meeting was filed with the Office of Administrative Law (OAL) on October 9, 2018. OAL has 30 working days to review the regulation to ensure that it complies with the standards of the Administrative Procedure Act. OAL reviews for required authority to create or amend the regulation, consistency with existing law, clarity, non-duplication, and necessity, among other standards.

The regulation package was approved by OAL with regard to the license fees on November 20, 2018, and the increase will become effective January 1, 2019.

"As a practical matter, it will take a few more months to implement the change, reported Kim Kale, Licensing Analyst for the Board, "simply because it takes time to change the necessary fields in the databases." She added, "Since renewal forms are printed two months ahead of time, that too will result in a minor delay in implementation."

OAL did not agree with the Board's interpretation of the statute regarding the examination fees. That was removed from the package and will be brought before the Board at its next meeting.

Industry Update

Board Plans for Inclusion of License Voice Writers

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. A survey was deemed the most efficient way to accomplish this task before the next Board meeting in September. 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.

Reviewing the comments accompanying the No responses, it was clear 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, none of which reflect what voice writing is.

Voice writers, in fact, perform the same functions as steno writers. They simply use their voice to create the transcript rather than their hands. A mask is utilized to cover the mouth to minimize any noise from the reporter. The voice writer

uses briefs and arbitrary identifiers, just as a steno reporter does. The voice writer uses voice recognition software to create their transcripts, and they build their dictionaries, just as steno writers do. Just as with steno reporters, once the voice writer's dictionary is robust enough for an excellent translation rate, they can offer realtime services. They create a backup of their note file, just as steno writers do. Many of them create an audio file of the room proceedings, just as many steno writers do.

At the September 27, 2018, meeting, the Board voted to pursue including voice writers as licensees. The voice writers will have to qualify the same way as other test candidates. Since none of the Board-recognized court reporting schools in California offer voice writing at this time, the voice writing candidate would have to qualify by having an RPR; be licensed in Nevada, Texas, or Georgia; or have one year's full-time experience in creating verbatim transcripts of judicial proceedings. They will be required to take the exact same license exam as steno writers, including the two written portions of the exam.

Board staff is working with the Legal Affairs Division and the Office of Information Services on the best way to implement the licensing. It will take some time to change the existing databases. The Board will keep interested parties up-to-date via their website, this newsletter, and emails to the subscriber list. To sign up for notifications from the Board, follow this link: <https://www.dca.ca.gov/webapps/crb/subscribe.php>.

Board Vacancy

The Board currently has one licensee-member vacancy. If you are a licensed CSR, currently working in the profession, and are interested in applying for the vacant seat on the Court Reporters Board, you can use the following link to reach the application on the Governor's Web site: https://www.gov.ca.gov/m_appointments.php.

Board Heads Into Sunset Review Cycle

The California Legislature aptly identified early on the need for protecting the record through court reporting rules and regulation governed by a board. As of late, Virginia is reviewing the need and importance of an oversight board in court reporting. Understandably, California is continually looking to perfect their oversight and streamline costs to cut excess government. Thus, all boards operate on the premise that they will sunset or dissolve on a specific date. The Court Reporters Board will sunset on January 1, 2020, which puts us in the current sunset review cycle where the Legislature looks at all aspects of the Board's activities.

The review starts with the Board providing a report based on questions from the oversight committee, a joint committee made up of the Senate Business, Professions, and Economic Development Committee and the Assembly Business and Professions Committee. That report is due December 1, 2018, and compiled by the Board with assistance from staff.

Based upon a review of the report, legislative staff will provide the Board with additional questions on areas of concern they have. The Board will have a chance to respond in writing. Then comes a hearing before the joint oversight committee. At the end of the process, legislative staff will form a conclusion – hopefully to extend the sunset date of the Board. If that is the case, the joint oversight committee will work with the Board to author legislation to extend the sunset date. The sunset bill often contains language to extend multiple boards, as well as noncontroversial items such as technical corrections to existing law.

While taking the time to compile the report is significant, it allows the Board and staff alike an opportunity to take a look at everything that has been accomplished since the last sunset review. "It's a great opportunity to ensure the Board is on track with meeting its legislative mandates," commented Davina Hurt, Board Chair. "George Strait has a song that says, 'You don't know what you're missing until it's gone.' But, in our case, a full review will reiterate the importance and value of the Court Reporters Board, where we should focus our efforts to improve our protection of the consumer."

Transcript Reimbursement Fund Update

As reported in the Spring 2018 CRB Today, the Transcript Reimbursement Fund (TRF) was temporarily shut down. Unfortunately, the fund remains closed at this time.

The Board must stop transfers to the fund when its overall budget reserve falls below six months. Although previous reports indicated that the Board's fund condition would not fall below six months in reserve until fiscal year 2017-18, a new analysis showed the drop in fiscal year 2016-17. The funding that previously existed in the TRF account from prior transfers and relied upon by the Board in future planning was exhausted.

All TRF applications received on or after July 7, 2017, that had not been approved by the Board were returned in April 2018. Invoices for applications that were previously provisionally approved before the temporary shutdown are being paid from the funds that were set aside for them.

The Board will not be able to accept and process applications until restorative measures put in motion by the Board come to fruition. As part of these measures, the Board voted to increase license fees, which requires a change to the regulations. For more information regarding the status of the fee increase regulation, please refer to page 3.

Applicants may reapply when funding is reestablished. To be added to the Board's email notification list, visit the website's consumer section at www.dca.ca.gov/webapps/crb/subscribe.php.

Student Spotlight

"Those who don't jump will never fly." – Leena Ahmad Almasbat



Nicole Duzich is always looking for a challenge and an adventure or two. She loves experiencing nature and new cultures and is willing to try anything. And try she has.

"I earned a black belt at the age of 12," commented Nicole. "I love skydiving, mountain biking, white-water rafting, anything that takes me out of my comfort zone." The list goes on. She found one of her biggest passions at Bungee America. After her first jump, she spent eight months pursuing a position with the company. Her persistence paid off, and six years later she still loves hiking 10 miles a day as a jumpmaster. *"It's extremely fun to see people conquer their fears,"* Nicole shared.

In middle school she had thoughts of being a lawyer. She got her first glimpse of stenography when a CART reporter provided services for a deaf classmate in high school. After high school, Nicole earned a bachelor's degree in psychology at Cal Poly Pomona. She planned to go into social work but decided to switch directions when the financial aid she needed to earn her master's degree fell through. She started thinking about court reporting as a way to marry her interests in both law and human behavior when a close friend started attending court reporting school. With the support and encouragement of her boyfriend, she jumped in with both feet and enrolled in the court reporting program at Tri-Community Adult Education. She prefers the physical location of the school versus an online program.

"Court reporting school is challenging and demanding,"

Nicole said. "But you have to be willing to *give it your all*." She sees the commitment as necessary because she knows *the reward is worth it*. She added, "There is a lot of test-taking. It is essentially failing until you pass. But once you become comfortable with the idea that you will be failing, you can get past those humps much quicker, and the passes will be that much more rewarding."

Nicole says that staying positive no matter how frustrating things get is the greatest thing that has gotten her through school. She also has a competitive nature and always wants to do her best, especially in subjects she is passionate about. She also learned from her mother to work hard and be grateful for everything she has.

"I know this field will provide for me financially but that's not why I entered it," Nicole said. *"We can't do things just for the money – that won't sustain happiness for a long period of time. Nothing is perfect, but we have the choice to change our outlook and our mindset. I am successful if I can remain happy through the good and the bad."*

After graduation, Nicole hopes to continue working at Bungee America on the weekends while reporting depositions or providing CART services a couple days a week. "I like to go with the flow, but also find it important to be prepared," Nicole said. "Life is unpredictable, and I am very interested in all directions this skill can take me."

She plans to stay in her home state of California and enjoy the "million things that we can do in this state." Outside of obtaining her CSR license, Nicole has grand goals for the next 10 years, including getting married, completing a base jump and a triathlon, and helping the less fortunate.



Frequently Asked Questions

Q What should I do when the judge asks me to include Title IV findings, for example, but the judge does not actually state what those findings are out loud?

A Shorthand reporting is defined as making a record of anything that is stated orally in the proceeding (Business & Professions Code § 8017, Title 16 California Code of Regulations § 2403). If someone asks you to include something that has not been said out loud, you could let them know that you will record anything that is stated orally and that if they want something included in the record, they will have to have its contents said out loud.

Q May a court reporter issue a certificate of non-appearance if the reporter wasn't present at the start time to see if the person appeared?

As a specific example, the court reporter arrived at 1:30, half an hour before the 2:00 start time of a deposition. The receptionist said, "Don't set up. The depo has been canceled." The court reporter asked if the witness was a no-show or if the depo was canceled. The receptionist said the deposition had been canceled. Two weeks later, the attorney from that office asked the court reporter for the certificate of non-appearance. The court reporter stated to her agency that she can't do a non-appearance cert because she left around 1:45, which was before the start time of 2:00 p.m. The attorney is insisting that she do the cert. She stated she could do a cert stating that she was informed the deposition was canceled. May the court reporter issue a certificate of non-appearance in these circumstances?

A No. The court reporter may not certify to something without personal knowledge that it is factually true. In this case, the court reporter would have no personal knowledge whether the deponent showed up before the 2:00 o'clock start time. The court reporter is correct in offering to certify that she was informed of the cancellation.

Q Is a court reporter required to produce the transcript regardless of the outcome of the case or the proceeding?

In this example, a jury trial ends in a hung jury. The DA retries the case. The defendant is found guilty. Appellate counsel files an appeal of the guilty-verdict trial and later files "augmentation" for a limited part of the hung-jury trial. The reporter submits an affidavit indicating that since there was no judgment in the hung-jury trial, she will not produce transcript. Is it appropriate for the court reporter to refuse to produce the transcript based on the outcome of the case?

A No. The transcript should be produced. It is not the role of a court reporter to decide how a transcript is going to be used. The duty of the court reporter is to report judicial proceedings and prepare a verbatim transcript from their notes.

Q I am an official court reporter producing a transcript from another court reporter's notes. May I charge a transcript page rate that is more than what is set out in the Government Code because I am acting more like a scopist than a court reporter as I didn't take the original notes?

A No. The production of court transcripts is billed at the statutory rates set out in the Government Code (§ 69941 et seq). Even though you did not create the original notes, you are producing and certifying the transcript; therefore, you would charge the same rates as provided in the Government Code.



CSRs Needed for Exam Workshops

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

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

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

Examination Statistics

Written Exams				
July 1, 2018 - October 31, 2018		Total	Pass	Overall %
English	Overall	41	24	58.5%
	First Timers	17	11	64.7%
Professional Practice	Overall	32	18	56.3%
	First Timers	18	9	50.0%
March 1, 2018 - June 30, 2018		Total	Pass	Overall %
English	Overall	39	11	28.2%
	First Timers	13	6	46.2%
Professional Practice	Overall	31	18	58.1%
	First Timers	15	10	66.7%

Dictation Exam			
July 2018	Total	Pass	Overall %
Overall	112	6	5.4%
First Timers	14	2	14.3%
March 2018	Total	Pass	Overall %
Overall	121	17	14.0%
First Timers	20	11	55.0%

School Update

Bryan University has graduated its final court reporting class, as conveyed to the Board on June 29, 2018.

Bryan University enjoyed a 78-year history serving students with a reputation for excellence. Established in 1940 by Dr. Mildred T. Bryan as Bryan Stenotype School, the school later became well known as Bryan College. The institution gained university status when it began offering graduate programs.

As with many other private schools in the country, Bryan University lost its accreditor when the U.S. Department of Education ceased recognition of Accrediting Council for Independent Colleges and Schools. This action resulted in Bryan University no longer being able to offer court reporting programs.

Bryan University, now based in Tempe, Arizona, successfully transferred to a new accreditor and continues to offer online classes in many other disciplines outside of court reporting. "We will miss serving the court reporting community of California and sincerely thank everyone for the opportunity to serve for so many years," commented Eric Evans, president of Bryan University.

COURT REPORTERS – How to Write SUPER FAST with Stress

The following blog from Rosalie Kramm is re-printed with her permission. Ms. Kramm is a former member of the Court Reporters Board and continues to inspire us to be the best in all we do.

I was reading a fantastic article in the *Wall Street Journal* about Francesco Molinari's win at the British Open Golf Championship, "The Uncomfortable Practice Habits of a Champion," and immediately thought about court reporters and particularly court reporting students.

The article, by Brian Costa, talks about how in past years Molinari would practice hitting balls on the driving range, hitting perfect shots, was always considered a top golfer, but never made the cut. Molinari was frustrated and decided to hire Dave Alred, a soccer/rugby sports psychologist. Alred wrote the book, "The Pressure Principle." He advises athletes (court reporters) "you need to add stress to sometimes otherwise mindless practice shots" (speed tapes).

Golfers in many ways are like court reporters. They practice at their own speed, improve at their own pace, and don't require teammates to make them successful. Becoming a great golfer takes hundreds of hours of practice and a special talent that only certain people are born with. Court reporters learn their theory and then spend hundreds of hours practicing for speed and accuracy, many hours alone only motivated by their strong desire to be great (or pass a speed test).

When Alred was hired by Molinari, Alred asked, "Do you want to be comfortable, or do you want to be ready?" As a court reporter, I know that I can write clean and fast when everyone is speaking clearly with a consistent cadence. But when it is time to pass the CSR, CRR, RMR... even though the speakers are speaking clearly and with a consistent cadence, nerves set in, and the writing becomes a challenge.

Costa writes, "Molinari went on to win the British Open with a stellar short game and almost robotically steady play on a volatile leaderboard. But his ascent to become the first Italian to win a major championship is rooted partly in a change he made only to the past two years. It wasn't in the way he swung. It was the way he practiced."

Costa goes on, "Their first session together, at the Riviera Country Club outside Los Angeles, was a preview of how things were about to change. Alred had Molinari practice a tricky flop shot on a downhill lie and asked him to keep hitting it until he had stopped five balls within three feet of the hole. It took him 48 tries." Alred made Molinari practice at a high frustration level.

Another sports psychologist, Cordie Walker says, "We want to have learning environments that foster skills that are retained on the golf course." (Speed test.) "Desirable difficulty," a term coined by cognitive psychologist Robert Bjork argues that introducing a certain degree of challenge to the learning process boosts long-term retention.

The bottom line is the experts believe that practicing just for the sake of practice is not good enough. Practice needs to be intense and even uncomfortable. I am thinking it would be good to practice at quick bursts of speeds beyond my capability, slowing down to write sustained complex material, and then have another speed burst. That would be very tiring for my brain, but perhaps a beneficial exercise for increasing speed and accuracy.

I found the article about Molinari to be inspiring. I want to be better. Pushing out of our comfort zone will make us better than ever!

Dictation Exam Update

Two Dictation Exams to be Offered

Because of the extremely low pass rates on the July 2018 dictation exam, Board staff performed an in-depth analysis of the test and of the test results.

First, staff looked at the timing of the test. Each group is timed at the exam, but staff confirmed the average speed was 185 words per minute for group 1, 187 for group 2 and 189 for group 3. Additionally, staff timed each minute of each group to ensure at no time the test went above 200 words per minute.

Staff then looked at the errors on 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 is logical as they had the largest roles. Grader feedback was that the colloquy was a common source of error, either misidentifying a speaker, which is a five-point error, or dropping words immediately after colloquy.

The analysis also revealed that 17.8% of the candidates have taken the exam 10 times or more.

As the test is demonstrably within Board policy, a number of other suggestions to improve the pass rate were considered. The one suggestion the Board voted to pursue is the administration of two tests for each group, one court and one deposition. The tests will be dictated back to back for each group, pausing only long enough for the readers to switch scripts and identification name plates. The candidates will choose which test they will transcribe for grading.

"It is hoped that offering the two tests will help alleviate test nerves, which completely interfere with a candidate's ability to write," noted Board Member Toni O'Neill. "It's a way of basically doubling the number of tests offered to candidates but at almost no additional cost to the Board."

The two-test format began with the November 2, 2018, exam given in Sacramento and will continue through the end of 2020. "The new arrangement went smoothly, and candidates seemed pleased to have the option of picking which test to transcribe," noted Yvonne Fenner, executive officer.

CSRs Needed to Write Skills Exams

Would you like to help write the "CSR"? The Board is looking for licensed court reporters to develop dictation exams.

More tests are needed than ever! The Board recently authorized the reading of two exams to each test group. Additionally, a large bank of tests is needed for the future of online testing.

Participants attend a one-day workshop to learn the ins and outs of creating skills exams. The Board provides a per diem rate of \$150 for the workshop. Travel arrangements will be made by Board staff. For those who live more than 50 miles from the workshop location, hotel accommodations will be reimbursed at the State-approved rate (may vary by county).

Workshop dates and locations will be announced as they become available. If you have a CSR license in good standing and are not mentoring or instructing students, please contact Kim Kale at Kim.Kale@dca.ca.gov to be added to our list!

Best Practice Pointers Task Force Seeks Participants

The Best Practice Pointers Task Force was established in November 2014. Led by Board chair Davina Hurt, the previous group of participants met twice in 2015 and reached their goal of developing a total of 10 practice pointers.

"The practice pointers act as a springboard for discussion," noted Yvonne Fenner, executive officer for the Board. "They are not used as grounds for discipline but are simply advice."

Ms. Hurt will once again be convening the task force to develop additional best practice pointers and seeks to fill the group with new participants. If you are interested in lending your knowledge and experience toward this endeavor, please contact Paula Bruning at Paula.Bruning@dca.ca.gov. If you would like to help but are unable to join the task force, you may send topics for new practice pointers to Ms. Bruning.

You may view the best practice pointers previously adopted by the Board by visiting <https://www.courtreportersboard.ca.gov/licensees/index.shtml>.

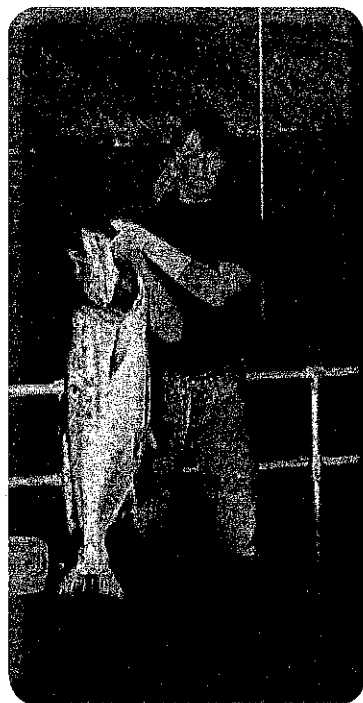
Newly Licensed Certified Shorthand Reporters

April 1, 2018 – October 31, 2018

The Court Reporters Board of California is pleased to welcome the following people to the rolls of licensed California court reporters:

Sarah Anderson, Fullerton, CSR 14280
 Adam Bacud, Walnut, CSR 14277
 Tiffany Barbour, Bakersfield, CSR 14298
 Ilusion Barrera, La Jolla, CSR 14291
 Brijanne Byrd, Sacramento, CSR 14279
 Makayla Croreau, Rialto, CSR 14293
 Selena Duran, Los Angeles, CSR 14281
 Elaina Camacho, Fillmore, CSR 14295
 Sara Giammanco, Stevenson Ranch, CSR 14292
 Brittany Hitchcock, Anaheim, CSR 14287
 Paulina Iturriria, Bakersfield, CSR 14289

Leah Javanfard, Los Angeles, CSR 14286
 Joseph Johnson, San Diego, CSR 14288
 Susan Kiger, Reno, NV, CSR 14294
 Mikayla Lafayette, Cameron Park, CSR 14284
 Amanda Legore, San Diego, CSR 14290
 Mischa Milan, La Puente, CSR 14296
 Briana Pilato, Wildomar, CSR 14278
 Ashleigh Ratliff, Los Angeles, CSR 14297
 Christina Saldade, Selma, CSR 14282
 Lisa Spencer, Arroyo Grande, CSR 14285
 Morgan Wesley, Penryn, CSR 14283

CSR Spotlight*Trudy O'Brien, CSR 13641*

I was a commercial fisherwoman for 17 years. My husband, Jeremiah, and I fished together for 14 years. I am 5'1" and weigh 120 pounds, and at the age of 32 I realized I just wasn't big enough to do it any longer. My husband is 22 years older than me, and I knew that I needed to find something to do that would give us financial security in the event that he ever retires from fishing.

I was following a high-profile trial taking place in Monterey. I saw the court reporter and thought, "Oh, I can do that." *So began the journey.* I came home and told Jeremiah that I was going to become a court reporter, and he said, "Go for it."

In 2001 I started looking for a court reporting school. There are no schools in San Luis Obispo County, but I found a woman who was teaching the StarTran Theory created by Marlene Struss. Halfway through basic theory my teacher moved, so I taught myself the rest of the theory. I also took English and grammar at our local community college here.

When I began speedbuilding, I commuted to West Valley College for two years, driving up on Monday and returning home on Thursday evening. I will never forget the wonderful faculty there. The encouragement and support that I received at West Valley was tremendous from 40 WPM to the qualifier for the CSR. I will forever be grateful to them for helping me through all of those first-time rushes.

After a couple of years, though, the commute took a toll on me. I enrolled in an online program called Simply Steno with Marc Greenberg, which I continued until I was qualified to sit for the RPR. It was suggested by a court reporting friend that I was only going to pass the CSR if I qualify in a four-voice dictation program. I returned to West Valley on Wednesdays and Thursdays.

Taking and passing the CSR was *one of the biggest accomplishments of my life*. It was Friday, March 11, 2011, the day of the earthquake in Japan and the tsunami here on the West Coast. My phone rang in the middle of the night from a concerned crew member asking if our boat was okay. I know that when preparing for the test the next morning my mind was less on how I was going to do on the test and more on hoping the people in Japan were okay, how our boat and Jeremiah were doing, and thinking about my sister in Hawaii. In other words, my test anxiety was lessened because I managed to get out of my own head. I drove home with that feeling you get after taking a speedbuilding test of, "I know I got that one."

One thing I would tell a person going to sit for the CSR is "When you go into the testing room, sit in whatever seat you end up in and know it is the right one. Don't change seats." I would tell a person starting this journey that it is really hard but that every minute of school is worth it. Persistence is the key. *Never give up.*

Once licensed, I wanted the freedom of being an independent contractor so I could take myself off calendar to be with Jeremiah. To establish myself with a deposition agency, I dressed professionally and walked into Merit Court Reporting & Video where I met the owner, Jeri Cain. She took me on as a mentee and taught me everything I know about being the best

GSR Spotlight continued from page 12

court reporter that I can be including all the thousands of details they can't possibly teach you in school. She continues to teach me about this amazing career with passion.

I think the proudest moment for me as a court reporter was one of the first times I was in court and the judge said, "Madame Reporter, could you read that back for me, please?" I remember reading it back just like I was taught to in school, with confidence and in a clear voice. The thing that went through my head was, "Oh, my God, she is talking to me." I still get that feeling and never want to take it for granted.

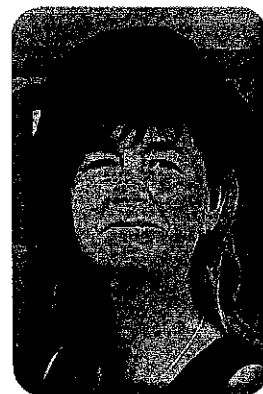
Today, I report depositions and proceedings in our local court, as well as transcriptions from recordings. Family law is fairly challenging as you are often a part of very sad times in people's lives. I think that being able to *be empathic and impartial* are qualities that are a must as a court reporter. And at the end of the day, without feeding off of other people's dilemmas, being able to walk out and say thank you is a blessing.

We have a great organization here in San Luis Obispo called SLO Legal Assistance Foundation. They provide legal services to those who cannot afford it. Every year they have a fundraiser that has a theme. It is one of my favorite events of the year as I get to put together a costume in order to attend. I wanted to be an actress when I grew up, so I have gotten to incorporate that into a once-a-year event. And I am *so proud to be able to help give back to our community* in a way I never thought I would.

I have TPAEUGT on my license plate, and I love telling people that it is the word "faith" in steno. That was a big part in what got me through court reporting school, and it is a huge part in what gets me through the long hours of producing a transcript in a timely fashion. I come straight home after a job and do the transcript in order to be ready for the next job to come. I am so focused on getting it done that other things sometimes get put aside. My biggest priority, though, is my husband, Jeremiah, whose support is paramount in my becoming and continuing to be a court reporter. He has learned to live, eat, and breathe it also. My mom gave me a needlepointing of "Balance is the Idea." I try to look at that once in a while, and when I am not working, I try to get to yoga in order to achieve that.

I have been a court reporter for seven years, but *I learn something new every day* and hope that I will continue to do so. I have been a member of NCRA, DRA, and CCRA since before I became a licensed court reporter. I admire the people who take the time to volunteer for and better our industry, and I will continue to support them and help in any way.

Getting off of the boat was the hardest thing I ever did as it was all that I knew. But now I consider myself one of the luckiest people around because I absolutely loved my first career as a commercial fisherwoman, and I love my second career as a court reporter.



Court Reporters Board of California - Citations and Fines Issued April 2018 - October 2018

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

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

RESPONDENT NAME - COUNTY	LICENSE NO.	DATE ISSUED	VIOLATION	SATIS- FIED
McGarry, Lisa - Riverside County	13114	09/17/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Lauro, Monica - Los Angeles County	11550	09/14/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Desimone, Teresa - Los Angeles County	3637	09/05/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Rivera, Debra - Los Angeles County	10785	08/24/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Tougas, Faith - Riverside County	14137	08/06/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Tougas, Faith - Riverside County	14137	07/18/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Kim, Hanna - Contra Costa County	13083	06/25/2018	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Desimone, Teresa - Los Angeles County	3637	06/19/2018	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	Yes
Tougas, Faith - Riverside County	14137	06/19/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No

Citations continued from page 14

RESPONDENT NAME - COUNTY	LICENSE NO.	DATE ISSUED	VIOLATION	SATIS- FIED
Timberlake, Dawn - Sacramento County	11629	06/13/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Grant, Beth - Sonoma County	10943	06/12/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Alvarado, Tatiana -San Bernardino County	13769	06/07/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (f): Loss or destruction of stenographic notes; Government Code Section 69955 (e): Time requirements for retention of stenographic notes. (failed to retain stenographic notes as required by Code and unable to produce transcript)	Yes
Timberlake, Dawn - Sacramento County	11629	06/05/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Tresidder, Kristi - Santa Clara County	10233	05/31/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Morgan, Betty - Los Angeles County	2212	05/31/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Timberlake, Dawn - Sacramento County	11629	05/15/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Acheson, Beth - Orange County	12766	05/14/2018	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Guzman, Diana - Los Angeles County	13373	04/27/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No

Court Reporters Board of California - Disciplinary Actions Current as of October 31, 2018

To find out whether a licensee has had disciplinary action, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

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

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Bourne, Kamaiya - Los Angeles County	14127	Stipulated Settlement and Disciplinary Order; 4 years probation; \$2,652.50 cost recovery.	10/18/2018	Business & Professions Code Section 8025 (d): Fraud and dishonesty, unprofessional conduct; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcript; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with order of abatement; Section 8025 (h): Failure to pay Citation and Fine.
Wu, Valerie - Riverside County	14027	Stipulated Surrender of License	09/19/2018	Business & Professions Code Section 8025 (d) : Unprofessional conduct; Section 8025 (e): Repeated unexcused failure to transcribe notes; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Comply with legal and/or agreed to delivery, dates, and/or provide prompt notification of delays; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2480 (e): Failure to comply with order of abatement.

Court Reporters Board Of California - Disciplinary Actions Pending Current as of October 31, 2018

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Tougas, Faith - Riverside County	14137	Accusation	10/15/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (e): Repeated unexcused failure to transcribe notes; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcript; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with order of abatement.
Timberlake, Dawn - Sacramento County	11629	Accusation	08/03/2018	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcript; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with order of abatement; Section 8025 (h): Failure to pay Citation and Fine.
Wilson, Michelle	N/A	Statement of Issues	07/16/2018	Business & Professions Code Sections 480 (d): False statement in application; Section 480 (a)(3)(A) and 8025 (c): Acts that would be grounds for discipline of licensee.
Luciano, Catherine	N/A	Statement of Issues	07/13/2018	Business & Professions Code Sections 480 (a)(1): Conviction of a crime; Section 480 (a)(2): Act involving dishonesty, fraud or deceit; Section 480 (3)(A): Acts that would be grounds for discipline of licensee.
Minch, Jennifer - San Bernardino County	14087	Accusation	07/03/2018	Business & Professions Code Section 8025: Failure to notify Board of conviction.
Biggs, Janene - Solano County	11307	Petition to Revoke Probation	11/13/2017	Failure to comply with conditions of probation.



**COURT REPORTERS BOARD
OF CALIFORNIA**

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM III – Fee Increase Regulation, 16 CCR § 2450

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Agenda Description: Status update on fee increase regulatory package bifurcation and action on exam fee.

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Brief Summary:

The portion of the regulations package to increase the Court Reporters Board licensing fees was approved by the Office of Administrative Law (OAL) on November 20, 2018. The increase became effective January 1, 2019. Since the January 2019 renewal forms had been mailed by that date, the increase was implemented starting with the February 2019 license renewals. The new CSR license renewal fee is \$225.00, and the delinquent fee is \$112.50. This also includes an increase for the initial license fee to \$225.00.

At the time of review, OAL found that the Board's proposed increase to the exam fees did not comport with their reading of BPC § 8031(b) which speaks of charging for the written or practical part, which they interpreted as two tests versus the three in existence. BPC § 8031(b) states:

The fee for examination and reexamination for the written or practical part of the examination shall be in an amount fixed by the board, which shall be equal to the actual cost of preparing, administering, grading, and analyzing the examination, but shall not exceed seventy-five dollars (\$75) for each separate part, for each administration.

Per OAL's interpretation, the Board could charge \$75 for one portion of the exam and split the other \$75 between the two other exams, or \$37.50 each.

OAL permitted the Board to essentially bifurcate the regulations package by withdrawing the examination fee portion and allowing the license fee portion to continue. The Board has until May 11, 2019, to finish the examination fee portion of the regulations package.

The Board has three options:

- 1) Amend the examination fee language per OAL's interpretation. This would involve posting a 15-day notice and resubmitting to OAL by May 11.
- 2) Withdraw the examination fee portion of regulations package.
- 3) Withdraw the examination fee portion but make legislative changes to clarify that the Board can set fees up to \$75 per each and every separate portion of the test, or to allow another amount to be determined by the Board. This could be accomplished via the sunset review bill.

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Support Documents: None

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Fiscal Impact: Potential increase in fund balance.

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Report Originator: Yvonne Fenner, 1/22/2019
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Recommended Board Action: Staff recommends option 3. While this means foregoing the increase to revenue until the legislation is passed, it makes sense to make the legislation clear for OAL before the Board moves forward with an increase to examination fees.

Option 1: If the Board decides to pursue option 1, it would need to move to approve amended language to the regulation as follows:

Amend Section 2450 as follows:

§ 2450. Fee Schedule.

(a) The fee for filing an application for examination shall be forty dollars (\$40), one time per three-year cycle ~~and twenty-five dollars (\$25) per separate part per administration.~~ The fee for the dictation portion of the examination shall be seventy-five dollars (\$75) and each portion of the written examination shall be thirty-seven dollars and fifty cents (\$37.50).

Option 2: If the Board decides to pursue option 2, the following motion would be in order:

Move to withdraw the proposed examination fee increase and instruct staff to notify OAL.

Option 3: If the Board decides to pursue option 3, the following motion would be in order:

Move to instruct staff to work with legislative staff to include language in the sunset review bill to clarify 8031(b) to reflect three portions of the license exam, allowing the Board to charge up to \$75 per each of the three portions.

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM IV – Sunset Review

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Agenda Description: Discussion and possible action

- A. Update on status of report submitted before December 1, 2018
 - B. Update on timeline for Sunset Review (hearing dates, questions from legislature, etc.)
 - C. Determination of representatives from the Board to provide testimony at hearing
 - D. Update on supplemental questions to the report
- =====

Brief Summary:

The Sunset Review Report was delivered to the legislature on November 29, 2018, two days ahead of the December 1 deadline.

On December 14, 2018, Board Member Lasensky and the EO met with representatives from Business, Consumer Services and Housing Agency to answer questions about sunset review issues.

On January 7, 2019, Board staff received a series of informal clarification questions from the chief consultant of Assembly Business & Profession Committee and responded the same week.

At this point we are awaiting legislative staff's report and additional questions as well as a date for the hearing.

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Support Documents: None

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Report Originator: Yvonne Fenner, 1/23/2019

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Recommended Board Action: Staff recommends the Board select which Board members will be testifying at the sunset review hearings.

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM V – Licensing of Voice Writers

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Agenda Description:

- A. Background Information (e.g. Description of Method of Voice Writing, Result of Previous Discussions, Survey, etc.)
- B. Current Law Regarding Inclusion of Voice Writers in Licensing Population and Examination Requirements
- C. Potential Actions by the Board for Licensing Voice Writers
 - i. Make no change to the law
 - ii. Change statutes to test and certify Voice Writers separately
 - iii. Clarifying changes to practice act as a result (e.g. school recognition, stenographic notes v. voice writing notes, etc.)

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Brief Summary:

At the September 17, 2018, meeting, the Board directed staff to pursue the necessary steps to allow voice writers to practice in California as licensees. Staff met with the Office of Information Services (OIS) as well as DCA legal counsel to discuss the best way to implement this change. There seem to be three ways to move forward.

Single-license approach: Since voice writers are simply using a different technology, i.e., voice recognition software instead of CAT software, to capture a verbatim record, they could be issued the same Certified Shorthand Reporter (CSR) certificate. We would not know who is reporting with steno equipment versus voice writing equipment. Board staff took an informal survey of licensing boards in states that license both steno and voice writers and found that none of those states have created separate license categories for the two methods of reporting, meaning those states come within this approach.

The benefit to this approach is that it could be implemented immediately.

Within this approach, it is possible to add a data-entry field to the licensee database to distinguish or note steno and/or voice, but this would have to be captured on a voluntary basis as there is no legal requirement for a current licensee to report which test they took or report which method they use on the job. It would take several months for this data field to be implemented, per meetings with OIS. A more specific time estimate can be obtained if the Board decides on this approach.

A potential effect of this approach is that a current licensee could simply make the switch from steno to voice without the Board or the consumer knowing. There is no requirement for the current licensees to retest in a different method. If a current licensee plans to use voice writing, the licensee is still required to meet minimum standards. Essentially any CSR – including those who test as a voice writer – could use either method they choose; they would just be required to meet the minimum standards either way. Is it a problem for consumers if the

reporter they hired has not been tested by the board with that method of capturing the record?

Separate-license approach: A separate license category could be created for voice writers, e.g., CVR similar to the CSR. This would require legislative changes to give the Board authority. While the concept is not controversial and could potentially be included in the sunset review bill, it is unknown if the legislature would view this as expanding regulation which is not always a popular concept in the legislature. The benefit to the consumer is the certainty that the voice writer had been tested specifically in that method of reporting and is minimally competent to practice using that method, which is the same standard for the steno writers being licensed.

License-endorsement approach: An endorsement could be added to the existing CSR showing which test had been passed. The concept is similar to a motorcycle endorsement on a driver's license. Again, this would require a legislative change, with the same caveats as the separate-license approach and the same benefit to the consumer.

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Support Documents: None.

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Report Originator: Yvonne Fenner, 1/22/2019

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Recommended Board Action: Staff recommends the Board make a policy decision on the best approach for consumer protection.

COURT REPORTERS BOARD MEETING – FEBERUARY 4, 2019

AGENDA ITEM VI – Strategic Plan

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Agenda Description: Review and adopt Strategic Plan 2019–2023

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Brief Summary:

The Board completed a strategic planning session on September 17, 2018, with the help of facilitators from SOLID, the training unit of the Department of Consumer Affairs. Staff worked with the facilitators to finalize the new strategic plan, which is attached for Board review and ultimate approval.

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Support Documents:

Attachment – Strategic Plan 2019–2023 - proposed

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 1/14/2019

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Recommended Board Action: Staff recommends the Board adopt the proposed strategic plan.



Court Reporters Board Strategic Plan

2019 – 2023



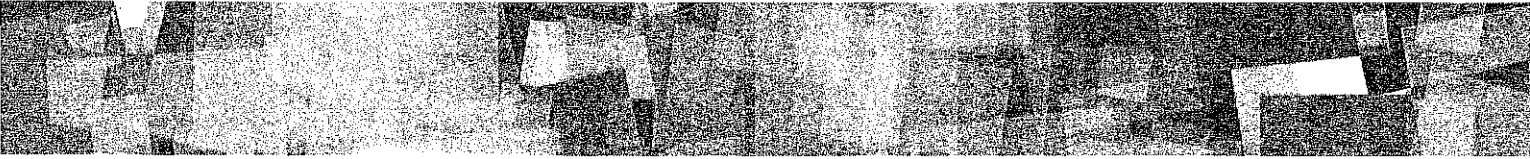
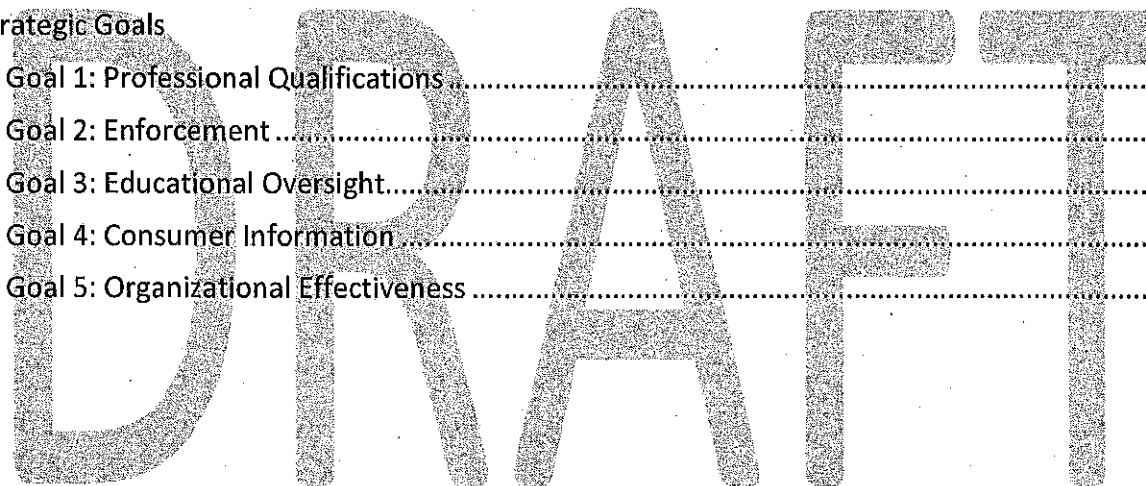


Table of Contents

Court Reporters Board of California Members.....	3
Message from the Board Chair	4
About the Board.....	5
Accomplishments from Prior Strategic Plan	6
Mission.....	7
Vision.....	7
Values.....	7
Strategic Goals	
Goal 1: Professional Qualifications	8
Goal 2: Enforcement	8
Goal 3: Educational Oversight.....	8
Goal 4: Consumer Information	9
Goal 5: Organizational Effectiveness	9





Court Reporters Board of California Members

Davina Hurt, Esq., Public Member, Board Chair

Toni O'Neill, Licensed Member, Vice Chair

Elizabeth Lasensky, Public Member

Carrie Nocella, Esq., Public Member

Vacancy – Licensed Member



Gavin Newsom, Governor

Alexis Podesta, Secretary, Business, Consumer Services, and Housing Agency

Dean R. Grafilo, Director, Department of Consumer Affairs

Yvonne Fenner, Executive Officer, Court Reporters Board

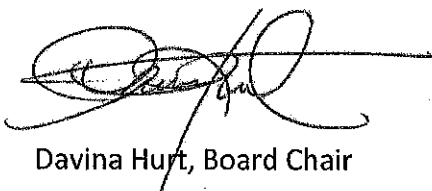
Message from the Board Chair

The Court Reporters Board (CRB) is pleased to present the latest edition of its strategic plan for FY 2019-2022. The following pages detail the hard work and careful attention of the CRB, guided by the executive officer, Yvonne Fenner. Working with internal and external stakeholders, strategic initiatives were outlined for the coming five years in consumer protection of California court reporting. Our goal is to protect the integrity of the transcript, from creation to delivery.

This roadmap will continue the development and success of previous plans. The guideposts for progress is professional qualifications, enforcement, educational oversight, consumer information, and organizational effectiveness. With the helpful guidance of the SOLID facilitators, the CRB was able to identify the most critical tasks under these guideposts to continue fulfillment of its consumer protection mission of protecting the public by ensuring the integrity of the judicial record while maintaining the standard of competency through oversight of the court reporting profession. Setting out these specific goals will aid in measuring our success over time as we work toward setting and maintaining the standards for court reporting, the keystone to a fair judicial system.

Under the previous strategic plan 2015-2018, the Board has made significant progress and will build upon our accomplishments. As the court reporting industry continues to adapt to technology developments, the CRB works to ensure consumers have access to highly trained professionals entering the workforce.

We look forward and are steadfast in maintaining a strong presence on behalf of consumers as we face the challenges of a rapidly changing future. This strategic plan is intended to be a living document, providing a continuing touchstone for the staff yet flexible enough to change as the board faces the external environment and the emergence of new opportunities or conflicts. It is an exciting time to be a part of court reporting. I am honored to continue my leadership and serve as a bridge for knowledge and collaboration. Together, this ambitious proactive plan will have positive impacts for many years to come.



Davina Hurt, Board Chair



About the Board

The CSR Board was established in 1951 by an act of the Legislature. The Board's mandate is to protect the consumers of the state. It does that by: 1) administering a minimum level competency test to determine entry level abilities, 2) regulating the minimum curriculum which court reporting schools and programs must offer, and 3) disciplining licensees when necessary. In addition, the Board administers the Transcript Reimbursement Fund (TRF) which reimburses CSRs for providing transcripts to indigent civil litigants. All the Board's activities, including the TRF, are funded from licensing and examination fees. Thus, the Board is considered a "special fund" or self-funded agency, because no tax dollars from the General Fund support the Board.

The Board is composed of three public members and two licensees. The Governor appoints one public member and two licensees to the Board. The Speaker of the Assembly and the Senate Rules Committee each appoint one public member. All Board members serve staggered, four-year terms.

Since its inception, the Board has licensed 14,308 people. Of those, approximately 6,500 have current licenses. In the profession, licensees are known as either "officials" who work in court, or "freelance" who work through court reporting agencies and report mostly depositions.

Our only office exists in Sacramento. There is an executive officer and a staff of three full-time employees and two part-time. There is an enforcement analyst, an exam/licensing analyst, a TRF Pro Bono Program/school compliance analyst, a TRF Pro Per Program analyst, and a receptionist for the Board.



Accomplishments from 2015 – 2018 Strategic Plan

As a part of strategic planning, the Court Reporters Board reviewed its previous strategic plan goals and identified which objectives were accomplished. The following are among the significant Board accomplishments since the 2015-2018 strategic plan was adopted:

Enforcement: The Board sponsored AB 2082 (Kalra), which was chaptered September 21, 2018. Specifically, this law prohibits any entity providing court reporting services, including non-licensee-owned firms, from requesting compensation for a transcript that is not in compliance with the minimum transcript format standards, requesting compensation for a certified court transcript using fees not set in statute, providing a transcript in advance to one party over another, or failing to notify a party of a request to prepare any portion of a transcript including rough drafts and expedites. A violation is punishable by civil fine not to exceed \$10,000 per violation.

Examination: The Board conducted an occupational analysis with the assistance of the Office of Professional Examination Services (OPES), the purpose of which is to define the profession for CSRs in terms of actual job tasks that new licensees must be able to perform competently at the time of licensure and in terms of the knowledge necessary to perform those tasks. The information gathered via the occupational analysis process allows the Board to ensure the license examinations are relevant to the actual job skills and knowledge needed for a candidate passing the license examination to be minimally competent to practice.

In addition to the traditional occupational analysis, the Board worked with OPES to conduct a speed survey of working reporters to learn how fast entry-level court reporters need to be to be minimally competent. The results of the survey supported continuing to test at the current requirement of 200 words per minute for the skills portion of the license exam.

Consumer Information and Outreach: Board staff worked with DCA's Office of Public Affairs to develop a communications plan. The plan incorporates the goals of educating stakeholders on the Board's services, standards, and complaint process, as well as supporting schools' recruitment efforts to preserve the integrity and continuity of the court reporter workforce for consumer protection.

Practice Standards: To further its mission to protect the consumer, the Board approved and published 10 best practices pointers for use by licensees. The practice pointers are not regulations or statutorily mandated but rather designed to help educate licensees on various areas of practice.



Mission

To protect the public by ensuring the integrity of the judicial record and maintaining the standard of competency through oversight of the court reporting profession.

Vision

Consumers hiring a California licensed court reporter engage the highest quality, most knowledgeable, and ethical professional.

Values

CONSUMER PROTECTION

We make effective and informed decisions in the best interest and for the safety of Californians.

EXCELLENCE

We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development.

INTEGRITY

We are committed to honesty, ethical conduct, and responsibility.

SERVICE

We are professional and responsive to the needs of our stakeholders.

COLLABORATION

We value partnerships. We foster the public's trust through open communication and work in a cooperative, respectful, and courteous manner.

Strategic Goals

Goal 1: Professional Qualifications

The Board promotes the professional qualifications of those practicing court reporting by establishing examination standards and requirements.

- 1.1 Maintain fair testing to provide consumers with competent entry-level reporters.
- 1.2 Expand Best Practice Pointers to keep licensees up-to-date with industry standards.
- 1.3 Facilitate expansion of verbatim reporting methods to provide a sufficient workforce.
- 1.4 Investigate real-time captioning standards and assess industry practices for consumer protection.

Goal 2: Enforcement

The Board protects consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

- 2.1 Monitor compliance by non-licensee-owned firms to ensure integrity of the record.
- 2.2 Inform licensees regarding the role of the Board's enforcement to dispel common misconceptions.
- 2.3 Educate consumers about the Board's complaint process to have a place for recourse in cases of violation.

Goal 3: Educational Oversight

The Board advances higher education standards through educational oversight to increase the quality of education and safeguard consumer protection.

- 3.1 Support schools' recruitment efforts to preserve the integrity and continuity of the workforce.
- 3.2 Increase Court Reporters Board school visits to more effectively monitor compliance with applicable laws and regulations.



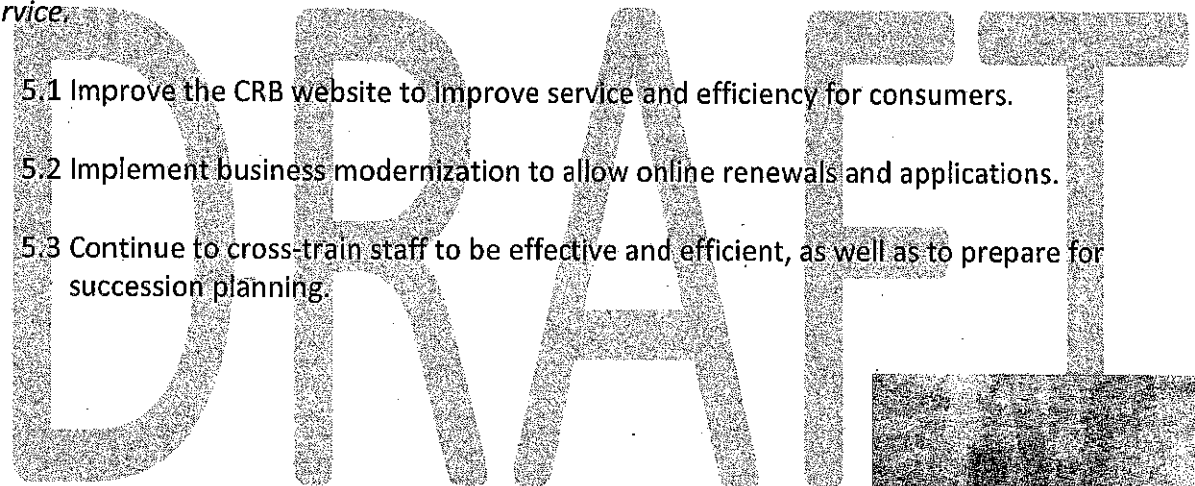

Goal 4: Consumer Information

The Board increases public and professional awareness of its mission, activities, and services, with a focus on practice standards.

- 4.1 Launch a strategic awareness campaign in collaboration with external stakeholders to educate consumers about the court reporting roles and CRB responsibilities and services.

Goal 5: Organizational Effectiveness

The Board enhances organizational effectiveness and strives to improve the quality of customer service.

- 5.1 Improve the CRB website to improve service and efficiency for consumers.
 - 5.2 Implement business modernization to allow online renewals and applications.
 - 5.3 Continue to cross-train staff to be effective and efficient, as well as to prepare for succession planning.
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Prepared by SOLID Planning Solutions,
Department of Consumer Affairs, for
Court Reporters Board
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
September 17, 2018

*This strategic plan is based on stakeholder information and discussions facilitated
by SOLID for the Court Reporters Board from June 2018 to September 2018.
Subsequent amendments may have been made after Board adoption of this plan.*



COURT REPORTERS BOARD
OF CALIFORNIA

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM VII – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2019 Board Calendar

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Current scheduled activities:

Exam Workshop:

March 8 – 9, 2019 – Sacramento

April 12 – 13, 2019 – Sacramento

CSR Dictation Exam:

November 15, 2019 – Sacramento

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Recommended Board Action: Information exchange

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

Attachment
Agenda Item VII

JANUARY 2019

S	M	T	W	Th	F	S
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FEBRUARY 2019

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MARCH 2019

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APRIL 2019

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MAY 2019

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JUNE 2019

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JULY 2019

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AUGUST 2019

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SEPTEMBER 2019

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OCTOBER 2019

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NOVEMBER 2019

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DECEMBER 2019

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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 – FEBRUARY 4, 2019

AGENDA ITEM VIII – Public Comment for Items Not on the Agenda

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Public members are encouraged to provide their name and organization (if any).

The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.

COURT REPORTERS BOARD MEETING – FEBRUARY 4, 2019

AGENDA ITEM IX – Closed Session

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Agenda Description:

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

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 1/14/2019