



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833

Phone (916) 263-3660 / Toll Free: 1-877-327-5272

Fax (916) 263-3664 / www.courtreportersboard.ca.gov

MEETING OF THE COURT REPORTERS BOARD

Friday, November 15, 2019

11:30 a.m. to conclusion

**DoubleTree by Hilton Hotel Sacramento
2001 Point West Way, Sacramento Room
Sacramento, CA 95815**

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

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| | A. AB 5 (Gonzalez) – Worker status: employees and independent contractors. | |
| | B. AB 199 (Calderon) – California Online Notary Act of 2019. | |
| | C. AB 253 (Stone) – Remote court reporting. | |
| | D. AB 312 (Cooley) – State government: administrative regulations: review. | |
| | E. AB 424 (Gabriel) – Depositions: audio or video recordings. | |
| | F. AB 476 (Blanca Rubio) – Department of Consumer Affairs: task force: foreign-trained professionals. | |

(continued)

- G. AB 496 (Low) – Business and professions.
- H. AB 544 (Brough) – Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
- I. AB 613 (Low) – Professions and vocations: regulatory fees.
- J. AB 1385 (Santiago) – Court reporter fees.
- K. SB 16 (Roth) – Courts: judgeships.
- L. SB 53 (Wilk) – Open meetings.
- M. SB 179 (Nielsen) – Excluded employees: arbitration.
- N. SB 601 (Morrell) – State agencies: licenses: fee waiver.
- O. SB 645 (Monning) – Civil discovery: depositions.

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

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	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)).	
XII.	<u>CLOSED SESSION</u>	92
	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.

The meeting room within the hotel is subject to change. In the event of a room change, notice will be posted at the hotel.

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM I – Review and Approval of July 12, 2019, Meeting Minutes

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Agenda Description: Review and approval of minutes

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Brief Summary:

Minutes from July 12, 2019, meeting

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Support Documents:

Attachment – Draft minutes for July 12, 2019

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/29/2019

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Recommended Board Action: Staff recommends the Board approve minutes.



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Attachment
Agenda Item I

COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JULY 12, 2019

DRAFT

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 11:35 a.m. at the DoubleTree by Hilton Ontario Airport, 222 North Vineyard Avenue, Big Bear Room, Ontario, CA 91764.

ROLL CALL

Board Members Present:

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

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

I. APPROVAL OF FEBRUARY 4, 2019, MEETING MINUTES

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

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

Opposed: None

Absent: None

Abstain: Ms. Nocella

Recusal: None

MOTION CARRIED

II. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner stated that page 16 of the Board agenda packet contained the Board's expenditure projections for fiscal month 11. As is typical, the projections indicate that the Board will be very close to the break-even point.

Ms. Hurt inquired about changes to the format of the budget. Ms. Fenner responded that some expenses have been moved from one category to another. One example she provided was that the Travel In State line item now only includes travel for staff and Board members, and the travel expenses for exam development subject matter experts have been moved to the Exam Expenses category.

Ms. Hurt asked if there were any updates on pro rata. Ms. Fenner stated that she did not have any news but realizes along with the members that it is a significant portion of the Board's budget.

Ms. Hurt requested a status update for the online testing contract. Ms. Fenner indicated that the contract is in place. She offered to return to that subject after the Board's discussion on reciprocity, Agenda Item VIII.

Ms. Fenner stated that the Board's overall fund condition could be found on page 17 of the Board agenda packet. She noted that the fund balance reserve was slated to hit the six-month mark in budget year 2020/21, which would allow a transfer to the Transcript Reimbursement Fund (TRF).

B. Transcript Reimbursement Fund

Ms. Fenner indicated that there is not a fund condition analysis for the TRF. She shared that the program was paying invoices for cases that were previously provisionally approved with funds allocated for them.

Ms. Bruning added that although the TRF programs are not accepting applications due to the temporary closure caused by lack of funding, staff was continuing to work behind the scenes by reviewing files that were previously approved on a provisional basis. She explained that the Pro Per Program uses the estimate provided for the transcript to issue a provisional approval letter promising to pay for the transcript once completed. In many cases, the Board has not received the required invoice to either reimburse the applicant who already paid for the transcript or the court reporter if he or she was not yet paid. To date, Ms. Davis had sent over 400 letters to applicants and licensees to close out those old application files. As a result, she was able to pay \$6,700 and close many outstanding files.

C. Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 18 of the Board agenda packet. She stated that the Board typically receives between 100 and 120 complaints per year. She indicated that there was nothing notable or unique about the complaints.

Ms. Hurt asked if there were any particular stakeholders filing complaints. Ms. Fenner responded that most complaints are filed by litigants and attorneys, but some are submitted by courts or other court reporters.

D. Exam Update

Ms. Fenner offered to answer questions regarding the historical examination statistics presented in the Board agenda packet starting on page 20.

Ms. Fenner reported that were 123 candidates scheduled to take the dictation exam that day, of which there are 23 first-time candidates. The Board members wished the candidates success.

Ms. Hurt asked if there were details on how many times the 100 repeat test candidates had taken the test. Ms. Fenner stated that she would obtain the statistics to report to the Board at a later date.

David Striks approached the Board, which he indicated was his third time doing so. He asked the Board to look at the low passage rate as a high failure rate, which has been as high as 96 percent. He suggested the Board gather licensees of varying experience levels to sit for the dictation exam and have their tests graded anonymously. He believes the results will give an indication if the test is in line with industry standards. He also suggested the Board have licensed reporters review the failed exams to determine if they meet industry standards.

Liz Torres, CSR and instructor at Cypress College, inquired how many of the candidates for that day were out-of-state working reporters. Ms. Fenner stated that the statistical summary published after the tests are graded would include percentages. She added that Ms. Kale would have the actual numbers and could be reached the following work day.

E. CRB Today Newsletter, Summer 2019

Ms. Fenner stated that the Summer 2019 CRB Today newsletter was part of the Board agenda packet and that it would be posted to the Board's website within a week. The Board complimented the publication.

F. Business Modernization

Ms. Fenner stated that the next step of the business modernization project is to put together business requirements for the processes staff laid out. Stage one has been approved by Business, Consumer Services and Housing Agency and has been sent to the California Department of Technology for the next step of approval.

She shared that once the project is completed, the Board would be able to accept applications, payments, and complaints online, which would streamline internal processes.

Ms. Fenner indicated that it is her intent to interview vendors jointly with other boards and bureaus that are at the same stage. If another board has similar needs, there may be an opportunity to combine into one contract to save on costs.

Ms. Hurt asked for an estimated date of completion. Ms. Fenner responded that it would depend on the Board's ability to pay for the new system. There may be an ability to start with certain applications online and then grow into other components.

III. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Ms. Fenner stated that a representative from the Executive Office was not able to be in attendance, but that they had submitted a written update which she read to the attendees (see Attachment).

IV. SUNSET REVIEW

Ms. Hurt reported that she and Ms. Fenner visited the Senate on July 8, 2019. Due to last-minute amendments of AB 1520 (Low), she did not feel able to support the bill 100 percent. She stated that typically controversial items are left out of sunset bills so they can move forward quickly and easily. She requested a robust and detailed conversation about this important agenda item. She opened the discussion for public comment.

Holly Moose, on behalf of the California Deposition Reporters Association (CalDRA), urged the Board to support AB 1520 because it would better protect consumers. She acknowledged that the Board is not in place to protect court reporters but is charged with protecting consumers of court reporter services. She stated that the insurgence of foreign corporations providing reporting services is out of hand. She said that litigation against these entities has proven costly, time consuming, and fruitless. She indicated that AB 1520 adds a layer of accountability by using a reporter in charge (RIC) approach which would require a licensee to oversee operations that can only be performed by licensees. She asserted that the Board did not support a prior firm registration bill, SB 270, because it lacked a provision for a licensee in charge or another individual who had passed a Board test.

Ms. Moose stated that CalDRA submitted an amendment request to change "voice recognition" to "voice writing," which they believe was the intent. Additionally, they have requested language be added that limits the number of times a new RIC can be employed if the existing one is disciplined thus avoiding a revolving door situation. They have suggested a minimum one-year suspension of the corporate provider if the RIC is disciplined more than twice in a consecutive five-year period. Additionally, to quell potential concerns of some stakeholders that the licensee may be punished for the misdeeds of the corporate entity, a request for amendment has been made so that the RIC would not be disciplined for conduct committed or directed by another person unless they had knowledge of or knowingly participated in such conduct. Ms. Moose believed this bill is the only option that will provide a level playing field for all reporting agencies operating in California and thanked the Assemblymember Low for authoring the bill.

Rachel Barkume, president of the California Court Reporters Association (CCRA), indicated that CCRA has submitted a letter of support if amended for AB 1520. She agreed with the request to change "voice recognition" to voice writing." However, CCRA is not able to support the language for firm registration as presented because they do not support a RIC model and believe it is improper for a reporter to be put on the line for the action of a corporation. The corporation should have to answer for its own actions. She asserted that it is not enough to say the reporter can only be reprimanded if they have

knowledge or participated in the offenses because the corporation could say the reporter did not know. She stated that there needs to be accountability for the corporation itself and that CCRA supports firm registration in concept. Additionally, they support the sunset bill in total and want the Board to continue. CCRA is actively working with the author on amendments to the language so they may return to a support position, which she asked the Board to also do. She agreed that the sunset bill needs to be without controversial language.

Kelly Shainline, CSR, and Kimberly D'Urso, CSR, approached the Board on behalf of themselves and concerned members of the Protect Your Record Project. Ms. Shainline thanked the Board for its time and the work it has done. She then shared her opposition to the firm registration portion of AB 1520. She stated that the Board has failed to uphold its statutory duty to protect California consumers against unlicensed activity or unauthorized entities, which have severely harmed CSR-owned business across the state.

Ms. Shainline asserted that existing law is critical to the judicial system and protection of consumers, adding that Business and Profession Code (BPC) 8040 and 8044 state that court reporter corporations and all shareholders, directors, and officers must be licensed court reporters. She stated that this is important because CSRs are trained and bound to their duties as sworn officers of the court. She indicated that the Legislature's intended for these laws to protect consumers by ensuring all codes are followed and the integrity of the record and impartiality are maintained. She stated that there is currently only enforcement of individual reporters and that the Board is choosing to not enforce any regulations against unauthorized, unlicensed court reporting firm activity. She indicated that the Board referred to this activity as the underground economy in its 2018-19 sunset review report on page 30, item 41. AB 1520 would legitimize the underground economy in California by allowing any person, organization, or company to pay a fee and hire a RIC to become a court reporting firm and carry out the duties that CSRs are trained and license to do.

She expressed that venture capitalist companies now own many California court reporting firms and carry out the duties of licensees even though they are not authorized to do so. She stated that insurance companies are forcing law firms to use the services of these unauthorized, unlicensed companies, which violates Corporations Code 2259 and BPC 8019. It has also resulted in cost shifting, partiality, and gift giving violations. She alleged that the companies potentially hold trade secrets of their competitors and a database of information on individuals with no protection in place for the consumer. She stated that a RIC model is a shield for corporations with a lot of money, leaving the court reporter on the hook. She stated that many unauthorized corporations are buying CSR-owned business without holding a license. She questioned how a CSR-firm could sell its business to a corporation not owned by a court reporter. She asserted that a former member of the Board resigned, sold her CSR-owned firm to an unauthorized company, and was not disciplined. This person is now in place to step into the RIC model.

Ms. Shainline requested the Board post on its website a list of unauthorized court reporting firms operating in California and include a warning to consumers that there is no recourse for violations caused by the unauthorized activity.

Ms. Moose expressed her appreciation for the views of her colleagues but disagreed that the licensee would be the one taking all the risk. She stated that the author accepted the amended language that the reporter in charge may not be disciplined for conduct permitted

or directed by another person unless the RIC had knowledge of or knowingly participated in such conduct.

Mary Pierce, CSR, supported the comments made by Ms. Moose with one exception. She expressed that there should be a provision in the language that makes the RIC culpable if they should have known about the misconduct.

Ms. Pierce respectfully disagreed with the position of Ms. Shainline and Ms. D'Urso, stating that current law does not have the teeth necessary to regulate the corporations operating illegally in California; therefore, another path for better consumer protection is necessary.

Ms. D'Urso expressed that the bill legitimized the unauthorized corporations. She stated that the appellate decision from Ms. Moose's case shifted the power to reporters to advocate for themselves more than ever. She acknowledged that the Board is in a challenging position but stated that the RIC model would cause more ambiguity. She encouraged the Board to research the case law for pharmacist in charge, which is what the RIC model was based on. She urged the Board to keep these corporations unauthorized in California and focus on enforcing existing law.

Ms. Barkume reiterated that it would be best to not have the firm registration language in AB 1520 as it is obviously controversial.

Ms. Hurt inquired of staff counsel what powers can be given to the sunset review subcommittee to wordsmith language that the Board supports in concept. Ms. Bon responded that if the Board expresses overall intent, it can delegate to the executive officer or subcommittee to work out the language. She indicated that unforeseen circumstances that cannot be accounted for or delegated now would fall outside of the direction.

Ms. Lasensky asked if the Board can move the amended portion out of the bill. Ms. Bon responded that the Board can express its intent. Its options are to support, support if amended, watch, oppose, or oppose if amended. Ms. Lasensky inquired if requesting an amendment would jeopardize the bill. Ms. Bon stated that she could not speak to what the Legislature determines, but that the Board can express its preferences and intentions.

Ms. Hurt read from Issue #6 of the Board's sunset review report. She stated that there is a difference between specifically authorizing and being silent to the fact that foreign corporations can be present.

Ms. O'Neill stated that court reporting firms had to register with the Board in the 1980s. Ms. Fenner reported that she researched historical Board documents to determine why the Board stopped registering firms. She found that the Board found it duplicative to register firms that were also registered with the Secretary of State as a corporation. Ms. O'Neill asked if the Board could return to registering firms. Ms. Fenner responded that she would have to research whether the statutes are still in place.

Ms. O'Neill asked how the Moscone-Knox Act applies to the Board. Ms. Fenner stated that Moscone-Knox Act would apply to most of the corporations because they are offering professional services and are registered with the Secretary of State. It is unclear specifically if they are foreign corporations. The Board's act is silent regarding that. One court could interpret that because they are registered with Secretary of State then they are

fine, but another could determine that they do not have specific permission to perform professional services. Ms. O'Neill shared that the judge in the U.S. Legal case understood the issue, but because the entity was a foreign corporation, he had no jurisdiction over it.

Ms. O'Neill supported the amendment of "voice recognition" to "voice writer" in AB 1520. She expressed her surprise at seeing the firm language in the sunset bill language when reviewing the Board agenda materials. She felt sabotaged because, in her experience, sunset bills do not contain controversial elements. She acknowledged the frustration felt by the court reporting community but did not feel comfortable with the RIC model as presented. The RIC language does not appear to have any teeth for enforcement.

Ms. Hurt inquired if the entity would have to pay a fine and be penalized if they commit a violation. Ms. Fenner responded that the entities would be subject to a fine but not by the Board. The Board would have to take them to court for a civil action.

Ms. Nocella asked what impact the Board would face if the bill is not amended and the Governor vetoes it. Ms. Fenner responded that the Board would be terminated. She shared that the Board of Registered Nursing was sunset in approximately 2010 due to a very similar scenario where controversial language was added to a late amendment and the Governor vetoed the bill. That entity had to work with the Legislature to reconstitute the board, which she believed took place the next legislative year. Ms. Bon added that previously a board that sunset would become a bureau, however, that is no longer the case and a board that sunsets ceases to exist.

Ms. Nocella expressed her anger at the midnight amendments and questioned how that happened. She is supportive of firm registration but is not sure this is the proper path to take. She supported the idea of delegating power to the sunset review subcommittee to work with the author's office to amend the language. She felt uncomfortable taking a position on the bill without understanding the full risks and ramifications to the Board. She did support amending "voice recognition" to "voice writer."

Ms. Lasensky shared that she testified before the Legislature for the sunset review hearing. She stated that this firm registration language was not included in information that she went to support and defend. She expressed that she felt betrayed and believed the controversial language jeopardizes the Board. She preferred that the firm language be separated out, but if that was not an option, she would want amendments that do not put so much onus on the licensee. She indicated that the language puts the Board's enforcement over corporations as civil authority instead administrative. She did agree with changing the voice recognition language.

Ms. Hurt agreed with changing "voice recognition" to "voice writer." She indicated that she understood the strategy of putting firm registration in the sunset bill. The Board has been strong supporters of firm registration and recognizes that it will take many steps to get to a perfect bill. The amendments are an additional step to bringing firms into the proper format for following the law. She is not in opposition the RIC model; however, it is the sunset bill, and she expressed concerns over the bill containing controversial language.

The Board took a break at 12:58 p.m. and returned to open session at 1:17 p.m.

Ms. Hurt expressed appreciation to Assemblymember Low for authoring the Board's sunset bill and for supporting court reporters through the concept of firm registration.

Ms. Hurt indicated that it appeared all the Board members want to support the bill because the Board's existence is important. She shared that the author indicated that he would prefer to move forward without amendments, but she would like to continue communications with his office in an effort to lessen the controversial aspects of the language.

Ms. O'Neill stated that the term "voice recognition" alone would cause her to not support the bill if it went forward as is. Ms. Fenner believed that the author would be open to refinements, but the concepts would remain.

All Board members agreed that the term "voice recognition" should be amended to read "voice writing."

Ms. O'Neill stated that she is not completely against a RIC model, but believed the proposed language needed modification. She reiterated that the proposed language does not have any teeth for the Board to take the necessary action to affect a difference in the behavior of the bad actors. The proposed law would give the Board the authority to sue offenders in civil court which is timely and costly.

Ms. Nocella expressed her support of the bill in the spirit of continuing the Board and of the concept of firm registration but agreed Board representatives were needed to work with the author's office to achieve passage of the bill. She indicated that she supports the separation of the firm registration section only if it jeopardizes the sunset of the Board.

Ms. Lasensky stated that she still had a problem with the RIC model, fearing the reporter will be a fall person for the corporation. She would feel better if there were language that strengthened the reporter's position.

Ms. Nocella requested that CCRA share their requested amendments. Ms. Barkume stated that CCRA would like the Board to have the same jurisdiction over firms that they have over licensees wherein firms would have the same accountability and same type of penalties that licensees have. This bill does not follow that concept.

Ms. Hurt believed that the majority of the Board and stakeholders want firm registration where the firm is 100 percent accountable. She believed that it would take multiple steps to get there. She inquired if the RIC model was another step in the process to get to that place.

Ms. Barkume stated that CCRA's focus is on representing court reporters, and it is their belief that the RIC model puts the licensee in too much jeopardy.

Ms. Fenner indicated that to make the enforcement aspect the same for both licensees and firms, there would need to be an administrative remedy for disciplining firms instead of the proposed civil action ability. She added that if the RIC language was removed, the proposed language still includes several fail-safe steps, such as not allowing reporters to work for firms that are not registered (see proposed section 15, BPC 8051(d)).

Ms. Lasensky indicated that she liked the idea of the administrative remedy. Ms. O'Neill agreed it would have more teeth.

Ms. Barkume that it is CCRA's goal for the firm to be subject to administrative penalties. She added that the Texas board has existing law that they like and would be interested in mirroring their language. CCRA may be able to change their position if the RIC was removed.

Ms. Moose stated that CalDRA likes the RIC model because the licensee would have a stake in the practice. Licensees should be mindful about the integrity of a firm they represent. She reiterated that the RIC would have to know about the misconduct to be subject to discipline. In regard to removing the RIC model, she questioned for how long a firm would lose their registration following discipline. She speculated that a corporation would simply pay a fine and go back to doing business. Ms. Fenner replied that if the bill did not have clear language regarding that matter, it would have to be fleshed out in regulations.

Ms. D'Urso indicated that venture capital firms buying small California firms have incentive to find a RIC for a good sum of money to be their front person. She questioned how the RIC could possibly be accountable for hundreds of employees and asserted that it would be very easy for the corporation to simply blame the RIC, pay a fine, and move on.

Stephanie Leslie, CSR and firm owner, stated that the voice technology language was vague and requested that it be made more specific to a person or writer versus a machine. Ms. Fenner read the definition of voice writer from the National Verbatim Reporter Association: *"An individual court reporter who captures a verbatim record of the spoken word by means of repeating words of the speaker using a closed microphone voice dictation silencer into a system that is capable of digital translation into text."* The Board accepted that definition.

Ms. Nocella encouraged all stakeholders to work together to achieve the best interests of the industry and consumers as well as pass the Boards sunset bill so it may continue to operate.

Ms. O'Neill moved to direct the chair and executive officer to work with the author's office and stakeholders to pass AB 1520, specifically addressing the concerns related to the reporter in charge, enforcement, and the voice writing definition concerns. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Claudia Stevenson, CSR, inquired as to the timeline for the proposed legislation. Ms. Fenner responded that if the bill was not signed by the Governor before October 13, 2019, the Board would sunset on January 1, 2020.

Ms. D'Urso acknowledged the difficult position the Board is in due to the last-minute amendment and thanked the Board for consideration.

A vote was conducted by roll call.

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

MOTION CARRIED

V. LEGISLATION

Ms. Fenner referred to the summaries of legislative bills that staff is following on pages 39 through 41 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 253 (Stone) – Ms. Fenner indicated that equipment would be installed in court rooms and the court reporters would be able to work from their home office or other remote location with software that would connect them. The concept would be like Skype or other live feed. The technology has been around for quite a while. The pitfalls may include loss of connection. It was her understanding that there would be safe guards such as recordings that could be referenced; however, that does not allow the court reporter to interrupt the proceedings if there are problems with the recording.

Ms. Lasensky asked if there would be a mechanism to capture the success or failure of the study. Ms. Hurt stated that they are supposed to prepare a report to the Legislature.

Ms. Hurt stated that she would take a neutral stance on this bill. Ms. O'Neill stated that the matter is of interest but agreed that watch position would be appropriate. Ms. Lasensky and Ms. Nocella agreed.

AB 424 (Gabriel) – Ms. Fenner indicated that this bill was sponsored by CalDRA and would require a CSR signature on any transcription of audio or video that is sent into court.

Ms. Moose reported that she believed the bill was pulled. Ms. Fenner responded that the bill was pulled from committee's hearing but was still a live bill.

AB 1385 (Santiago) – Ms. Fenner reported that this bill would raise the rates for court transcripts, which have not been increased for nearly 30 years. The Board has taken a support position in the past on this concept for prior bills.

Ms. Lasensky expressed her support of the bill, acknowledging that consumers would have to pay more for transcripts, but it is important to have a cost of living increase to retain quality reporters. Ms. O'Neill agreed, stating that there needs to be something to attract new reporters and pro tems to work in court.

Ms. Nocella supported a watch position. She supported the concept of court reporters earning more but worried about the impact to consumers, which is the Board's charge.

Ms. O'Neill agreed that there would be a monetary effect on consumers but reasoned that the alternative was not having a court reporter there at all to take the proceeding because of the unattractive compensation for producing transcripts.

Ms. Hurt agreed that a neutral position may be better; however, she believed an increase was overdue for cost of living. She supported the bill.

Ms. O'Neill moved that the Board write a letter of support for AB 1385. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Ms. Barkume shared that she attended the July 2, 2019, Senate Judiciary Committee hearing, wherein the chair expressed concern that this female-dominated profession had not received an increase in 30 years. The bill did pass the committee unanimously.

Ms. Nocella indicated that she would support the bill and believed that the profession deserves a raise, although she did not believe that the issue was within the proper jurisdiction of the Board and its mission of protecting California consumers.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

SB 53 (Wilk) – Ms. Fenner stated that this bill would require open public meetings and notifications for any advisory committee meeting that is made up of two board members. She stated that advisory committees are usually conducting research and negotiating details that are then reported to the full board for decision.

Ms. O'Neill expressed that putting public meeting notice requirements on a subcommittee appeared to be inefficient.

Ms. Hurt supported the concept of open meetings and having the public be part of the process but agreed that for the advisory committee level this bill would cause inefficiency. She pointed out that advisory committee members often work from their homes, which would then have to be publicly noticed as meeting locations.

Ms. Nocella agreed with the open-meeting concept; however, for a board with limited funds, the notification requirements and extra travel costs would put a strain on this Board's budget.

Ms. Nocella moved to oppose SB 53. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

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

MOTION CARRIED

VI. REGULATIONS FOR AB 2138 IMPLEMENTATION

Ms. Fenner referred to the proposed amended language for consideration on page 52 of the Board agenda packet. She stated that the regulations must be passed by July 2020 to implement new requirements put into place from AB 2138 (Chiu, Chapter 995, Statutes of 2018). The regulations considered for amendment by the Board included sections 2470 and 2471.

Ms. Lasensky moved to approve the proposed text for a 45-day comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and also delegate to the executive officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered.

A vote was conducted by roll call.

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

MOTION CARRIED

VII. STRATEGIC PLAN

Ms. Hurt reported that the Board adopted its 2019-2023 Strategic Plan at its meeting on February 4, 2019. Staff had since worked with the DCA SOLID Training and Planning Solutions staff to develop an action plan timeline for Board consideration.

Ms. Hurt acknowledged there are multiple players and hurdles with the business modernization project but requested that the implementation be moved along as quickly as possible so that the Board could accept credit payments. Ms. O'Neill agreed.

Ms. Hurt inquired if the Board can set up its own social media accounts. Ms. Fenner responded that the Board would set up social media through the DCA Office of Public Affairs (OPA). The Board would provide the content for OPA to post and manage.

Ms. Fenner shared that the Board's website had been updated and brought into compliance with ADA requirements. Ms. O'Neill stated that she is impressed with the refreshed site and found it easy to navigate.

VIII. LICENSE/CERTIFICATE RECIPROCITY

Ms. Fenner referred to the summary of Board testing requirements compared to those of the Registered Merit Reporter (RMR) and Certified Realtime Reporter (CRR) on page 68 of the Board agenda packet. CCRA submitted a request for the Board to consider allowing RMR and CRR reporters to take only the Board's written tests to become California CSRs.

Ms. Barkume, on behalf of CCRA, believed that this was a good option to increase the number of reporters in California. She stated that the two high-level certifications are only obtained by elite reporters who are well qualified. She understands that a regulatory change would be necessary and offered to assist with drafting language.

Ms. Hurt asked how large the pool of RMR and CRR holders is. Ms. Fenner indicated that there are 1,809 RMR and 2,474 CRR holders. Approximately 168 RMR and 287 CRR holders already reside in California.

Ms. Hurt asked if California is the only state that administers four-voice tests. Ms. Fenner reported that every other state that licenses court reporters has either moved to the Registered Professional Reporter (RPR) format for their own test or have accepted the RPR certificate to license in their state. The RPR is considered to be entry level.

Ms. Leslie supported this option due to the desperate need of court reporters. She concurred that RMR and CRR reporters are highly skilled.

Rosalie Kramm, CSR, asserted that anyone who was able to obtain an RMR or CRR certificate would be able to write four-voice testimony and would be able to pass the California test. She stated that they are the best of the best in court reporting.

Ms. Moose echoed the sentiments that RMR and CRR holders are skilled reporters. She shared that CRR holders are not given the opportunity to edit and correct their transcripts when tested.

Ms. O'Neill did not believe the CRR should be reciprocal because they do not transcribe their notes as it is a test for realtime. Additionally, both the RMR and CRR are tested at five-minute increments versus California's continuous fifteen minutes.

Ms. Lasensky commented that the two certificates do not appear to test the same skill set that California tests for.

Ms. Hurt supported the concept of reciprocity if the tests are the same or similar. She was not sure these two certificates met the same qualifications California tests and, therefore, was not ready to say that reciprocity with these certificates was the route to go.

Ms. Nocella requested that more details be presented before deciding. She invited information for the benefit and harm to consumers.

Ms. Leslie urged the Board to move forward quickly with investigating this concept due to the pressing shortage of reporters in California.

Ms. Fenner inquired of legal counsel if it would be appropriate to work on developing proposed regulatory language for Board consideration as a time-saving measure. Ms. Bon suggested the Board differentiate whether they want to gather more information for discussion before moving forward versus gathering more information and developing regulatory language to pursue this option.

Ms. Hurt stated that the Board still has research to do and was hesitant to expend staff time on developing language just yet.

Heatherlynn Gonzalez, CSR, clarified that the RMR is not directly equivalent to the California state exam; however, the skills involved to pass the RMR are unquestionably higher than those needed to pass California's entry level exam.

Ms. Lasensky requested feedback on how much staff time would be needed to put together a rule-making package. Ms. Fenner responded that the time varies based on how technical the subject is. She stated that this concept is broader, but she would be starting from scratch. She estimated that it would take approximately twenty hours.

Ms. Hurt requested more information be presented at the next Board meeting. The Board could then decide how to direct staff to move forward.

IX. ELECTION OF OFFICERS

Ms. Hurt called for election of officers.

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

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

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

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

X. FUTURE MEETING DATES

Ms. Fenner estimated that the Board would need to meet in late fall near November.

XI. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Kramm indicated that she wanted to set the record straight. She shared that she is a past member of the Board, past president of CalDRA, past president of STAR, and she has received the Distinguished Service Award from CalDRA and the Altruism Award from the National Court Reporters Association. She disagreed with statements made earlier in the meeting about her. She stated that she will always support the court reporting profession and her fellow court reporters with all her spirit and energy.

XII. CLOSED SESSION

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.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 3:03 p.m.

DAVINA HURT, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE



Executive Office

1625 North Market Blvd., Suite S-308, Sacramento, CA 95834
P (916) 574-8200 F (916) 574-8613 | www.dca.ca.gov



July 9, 2019

Yvonne Fenner
Executive Officer
Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Executive Officer Fenner:

Thank you for this opportunity to submit a written update from the Department of Consumer Affairs (DCA) to the Court Reporters Board of California. You will find below an update on recent activities at the Department:

UPDATE ON DCA DIRECTOR

The Governor's Office is currently working toward identifying a successor, and our executive team looks forward to working with the Governor's Office to ensure a smooth transition as we prepare for new leadership at the Department.

DIRECTOR'S QUARTERLY MEETING

During this transition, Chief Deputy Director, Chris Shultz, hosted the June 3rd Director's Quarterly Meeting. Chief deputy director Shultz hosted this meeting and communicated his commitment to perform both roles as we prepare for new leadership at the department. He encouraged executive officers and bureau chiefs to send ideas regarding cross-cutting projects where new leadership and the Administration can focus.

EXECUTIVE OFFICER SALARY STUDY

As previously reported, the Department retained KH Consulting to conduct the executive officer salary study. The study aims to provide an in-depth analysis of programmatic and operational complexities of DCA Boards, as well as a salary comparison survey from other states.

On July 8, 2019, the executive officer salary study was distributed to executive officers and board presidents. The executive office is hosting a meeting to discuss the findings of the study and next steps on Friday, July 12th at DCA HQ 1 - Lou Galiano Hearing Room (1:30-2:30 p.m.). Our team would like to extend our appreciation for everyone's patience on the release of this study.

We will be reaching out to each of our programs to set up one-on-one meetings with the executive officer and board president to discuss program-specific findings. We look forward to talking with you about the study.

DCA's OPEN DATA PORTAL

In January, DCA's Office of Information Services (OIS) announced the launch of the [DCA's Open Data Portal](#), a publicly accessible, one-stop shop for licensing statistics and information where users can see trends and changes in licensing data going back three years, filtered by individual board or bureau, even by individual license type.

In April, the OIS Data Governance Team announced the incorporation of enforcement and application data into the Open Data Portal. In the Enforcement Statistics section, users can access information on the number of complaints received and referred for investigation. Also available is data on case aging, including cases that end with or without disciplinary action. In the Application Statistics section, users can access information on the average application processing time of initial exam and license applications, as well as processing times for incomplete applications.

For questions about the Open Data Portal, please contact Sean O'Connor, Chief of OIS's Project Delivery and Administrative Services.

FUTURE LEADERSHIP DEVELOPMENT PROGRAM

On May 22, 2019, this year's cohort of eight individuals graduated from the department's Future Leadership Development Program. Over the past eight months, participants have been developed by their mentors, exposed to pertinent qualities and characteristics of executive leadership, completed and presented a team project that directly impacts DCA as a whole, and networked with internal and external leaders.

Thank you again for your valued partnership. Please let us know if the Department can be of service to your board. If you have any questions, feel free to contact Christopher.Castrillo@DCA.ca.gov.

All the best,



Christopher Castrillo
Deputy Director, Board and Bureau Services
Department of Consumer Affairs

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 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. Business Modernization

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Support Documents:

Attachment 1, Item A – FY 2019-20 Expenditure Projection FM03
Attachment 2, Item A – CRB Fund Condition
Attachment 3, Item C – Enforcement Statistics
Attachment 4, Item D – Exam Statistics

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 11/7/2019

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Recommended Board Action: Informational only

10/14/2019 Extract

**COURT REPORTERS BOARD
BUDGET REPORT
FY 2019-20 EXPENDITURE PROJECTION
FISCAL MONTH 03 - ACTIVITY LOG**

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20				
	ACTUAL	PRELIMINARY	PRELIMINARY	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
OBJECT DESCRIPTION	EXPENDITURES	EXPENDITURES	EXPENDITURES	ACT	EXPENDITURES	SPENT	TO YEAR END	BALANCE
	(MONTH 13)	(MONTH 12)	(MONTH 12)	2019-20	FM 03			
PERSONNEL SERVICES								
Civil Service-Perm	235,560	243,059	245,418	254,000	63,503	25%	254,010	(10)
Statutory Exempt (EO)	89,988	97,898	98,040	84,000	25,368	30%	101,472	(17,472)
Temp Help Reg (907)	17,538	14,195	31,074	11,000	8,040	73%	32,160	(21,160)
Bd / Commsn (901, 920)	5,300	2,800	3,200	8,000	1,100	14%	3,700	4,300
Overtime	11,461	10,532	10,791	6,000	3,403	57%	10,928	(4,928)
Staff Benefits	212,563	220,957	251,540	186,000	65,972	35%	263,887	(77,887)
TOTALS, PERSONNEL SVC	572,410	589,441	640,063	549,000	167,386	30%	666,157	(117,157)
OPERATING EXPENSE AND EQUIPMENT								
General Expense	19,534	2,293	18,575	0	13,839	0%	19,055	(19,055)
Fingerprint Reports	539	434	709	9,000	0	0%	600	8,400
Minor Equipment	155	0	0	1,000	0	0%	0	1,000
Printing	2,992	3,540	3,272	0	27	0%	3,268	(3,268)
Communication	4,134	3,757	3,687	1,000	705	71%	3,859	(2,859)
Postage	9,056	7,013	5,662	6,000	165	3%	7,244	(1,244)
Insurance	4	1,327	1,568	0	0	0%	1,500	(1,500)
Travel In State	40,939	20,300	5,658	23,000	2,020	9%	13,000	10,000
Travel, Out-of-State	14	0	0	0	0	0%	0	0
Training	0	0	0	2,000	0	0%	0	2,000
Facilities Operations	44,795	49,192	67,430	29,000	11,484	40%	45,936	(16,936)
C & P Services - Interdept.	0	0	19	84,000	0	0%	0	84,000
C & P Services - External	11,004	2,629	4,653	27,000	785	3%	12,000	15,000
DEPARTMENTAL SERVICES:								
OIS Pro Rata	96,382	128,010	72,000	58,000	14,500	25%	58,000	0
Administration Pro Rata	53,791	0	71,000	73,000	18,250	25%	73,000	0
IA w/ OPES	89,444	66,240	36,668	0	0		51,080	(51,080)
DOI- ISU ProRata	920	2,087	2,000	2,000	500	25%	2,000	0
Communications DIV	7,704	161	4,000	4,000	1,000	25%	4,000	0
PPRD Pro Rata	0	5,000	5,000	4,000	1,000	0%	4,000	0
INTERAGENCY SERVICES:								
Consolidated Data Center	39	1,667	31	3,000	3	0%	12	2,988
DP Maintenance & Supply	148	3,636	15,488	2,000	0	0%	10,000	(8,000)
EXAMS EXPENSES:								
Exam Rent - Non State	37,622	31,151	11,621	0	0	0%	34,000	(34,000)
Administrative - Ext	17,246	0	0	0	0	0%	0	0
C/P Svcs-External Expert Examiners	30,249	27,924	38,395	39,000	5,487	0%	32,000	7,000
ENFORCEMENT:								
Attorney General	46,706	25,452	38,509	167,000	1,515	1%	37,000	130,000
Office Admin. Hearings	11,736	720	6,140	16,000	0	0%	9,000	7,000
Court Reporters	450	1,150	1,594	0	0	0%	1,300	(1,300)
Evidence/Witness Fees	4,148	2,769	354	26,000	0	0%	2,500	23,500
Major Equipment	0	0	730	9,000	0	0%	1,000	8,000
Other Items of Expense	0	743	0	0	0	0%	0	0
TOTALS, OE&E	529,751	387,195	414,763	585,000	71,280	12%	425,354	159,646
TOTAL EXPENSE	1,102,161	976,636	1,054,826	1,134,000	238,666	21%	1,091,511	42,489
Sched. Reimb. - Fingerprints	(588)	(392)	(490)	(1,000)		0%	(500)	(500)
Sched. Reimb. - External/Private/Grant	(705)	(940)	(1,645)	(17,000)	(755)	4%	(1,097)	(15,903)
Unsched. Reimb. - Inves Cost Recovery	(8,991)	(3,372)	(2,230)			0%		0
NET EXPENSE	1,091,877	971,932	1,050,461	1,116,000	237,911	21%	1,089,914	26,086
SURPLUS/(DEFICIT):				SURPLUS/(DEFICIT):				
				2.3%				

0771 - Court Reporters Board of California Analysis of Fund Condition

Prepared on 11.05.2019

(Dollars in Thousands)

2019-20 Budget Act with Updated 2020-21 Revenue Estimates and FM 3 Projected Expenditures

	PY 2018-19	Budget Act CY 2019-20	BY 2020-21
BEGINNING BALANCE	\$ 434	\$ 348	\$ 587
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 434	\$ 348	\$ 587
REVENUES AND TRANSFERS			
Revenues:			
4121200 Delinquent fees	\$ 16	\$ 23	\$ 23
4127400 Renewal fees	\$ 915	\$ 1,350	\$ 1,350
4129200 Other regulatory fees	\$ 19	\$ 12	\$ 12
4129400 Other regulatory licenses and permits	\$ 21	\$ 25	\$ 25
4163000 Income from surplus money investments	\$ 6	\$ 6	\$ 12
4172500 Miscellaneous revenues	\$ 80	\$ -	\$ -
Totals, Revenues	\$ 1,057	\$ 1,416	\$ 1,422
Transfers and Other Adjustments			
Totals, Revenues and Transfers	\$ 1,057	\$ 1,416	\$ 1,422
Totals, Resources	\$ 1,491	\$ 1,764	\$ 2,009
EXPENDITURES			
Disbursements:			
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,050	\$ 1,090	\$ 1,123
9892 Supplementary Pension Payments (State Operations)	\$ 12	\$ 25	\$ 25
9900 Statewide General Administrative Expenditures (Pro Rata) (Statewide Operations)	\$ 81	\$ 62	\$ 62
Total Disbursements	\$ 1,143	\$ 1,177	\$ 1,210
FUND BALANCE			
Reserve for economic uncertainties	\$ 348	\$ 587	\$ 799
Months in Reserve	3.5	5.8	7.7

NOTES:

- A. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.
- B. ASSUMES INTEREST RATE AT 1.5%.
- C. ASSUMES NO TRANSFER TO THE TRANSCRIPT REIMBURSEMENT FUND IN CY AND ONGOING.

Consumer Protection Enforcement Initiative

Fiscal Year 2019-2020 Enforcement Report

July 1, 2019 - October 31, 2019

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	8	8	12	5									33
Closed without Assignment for Investigation	0	0	0	0									0
Assigned for Investigation	8	8	12	5									33
Average Days to Close or Assign for Investigation	1	1	1	1									1
Pending	0	0	0	0									0 *

Convictions/Arrests Reports	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	0	0	0	0									0
Closed	0	0	1	0									1
Average Days to Close	0	0	102	0									102
Pending	2	2	1	1									2 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation **	8	8	12	5									33
Closed ***	2	9	7	9									27
Average Days to Close [Straightline] ***	33	66	67	39									55
Pending ***	69	68	72	68									69 *

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

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed **	2	9	8	9									28
Average Days to Close [Straightline] **	33	66	71	39									56
Pending **	71	70	73	69									71 *

* Average number of cases pending per month

** Intake complaints and convictions

*** Intake complaints only

Enforcement Actions

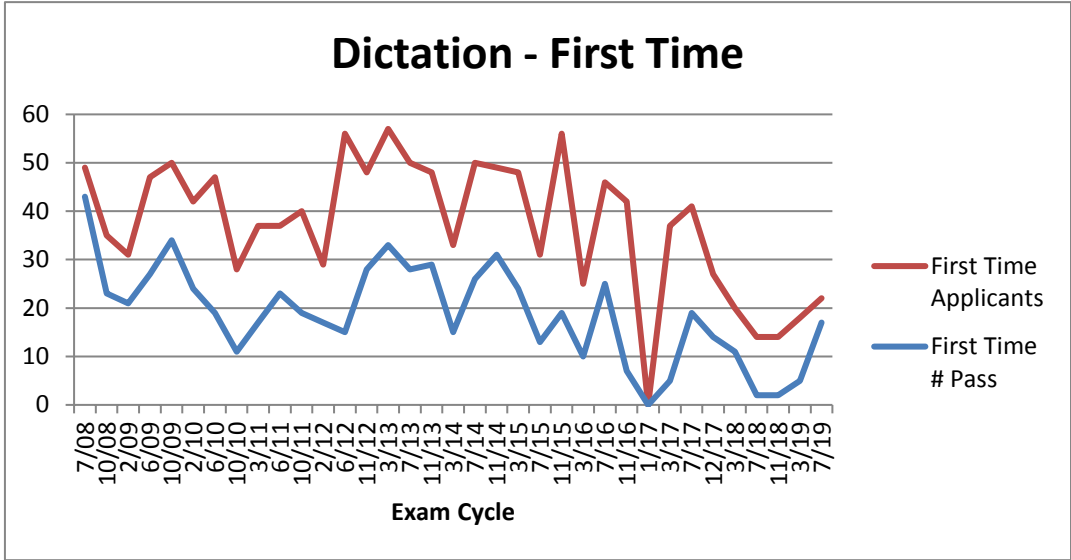
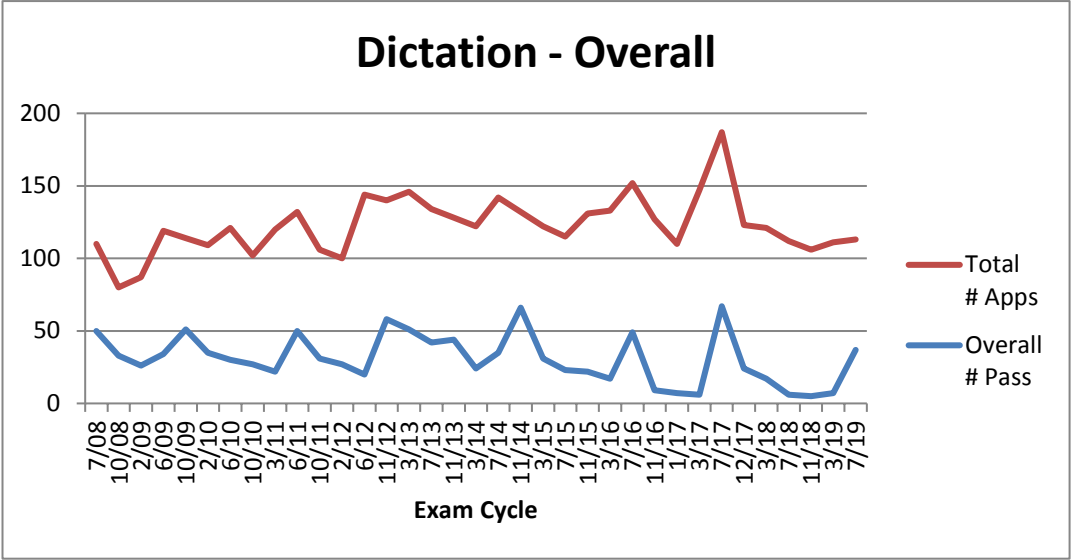
AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	2	2	0									4
AG Cases Pending	3	4	6	6									5*
SOLs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOLs Filed	0	0	0	1									1
SOLs Withdrawn	0	0	0	0									0
SOLs Dismissed	0	0	0	0									0
SOLs Declined	0	0	0	0									0
Average Days to Complete SOLs	0	0	0	86									86
Accusations Filed	0	1	0	1									2
Accusations Withdrawn	0	0	0	0									0
Accusations Dismissed	0	0	0	0									0
Accusations Declined	0	0	0	0									0
Average Days to Complete Accusations	0	111	0	60									86
Petition to Revoke Probation (PRP)	0	0	0	0									0
Average Days to Complete PRP	0	0	0	0									0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	1	0	0	0									1
Stipulations	0	0	0	0									0
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	1	0	0									1
Average Days to Complete [Straightline]	0	384	0	0									384
Interim Suspension Orders	0	0	0	0									0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	1	0	5	0									6
Average Days to Complete [Straightline]	35	0	52	0									49

* Average number of cases pending per month

Dictation Exam

Attachment 4
Agenda Item II.D

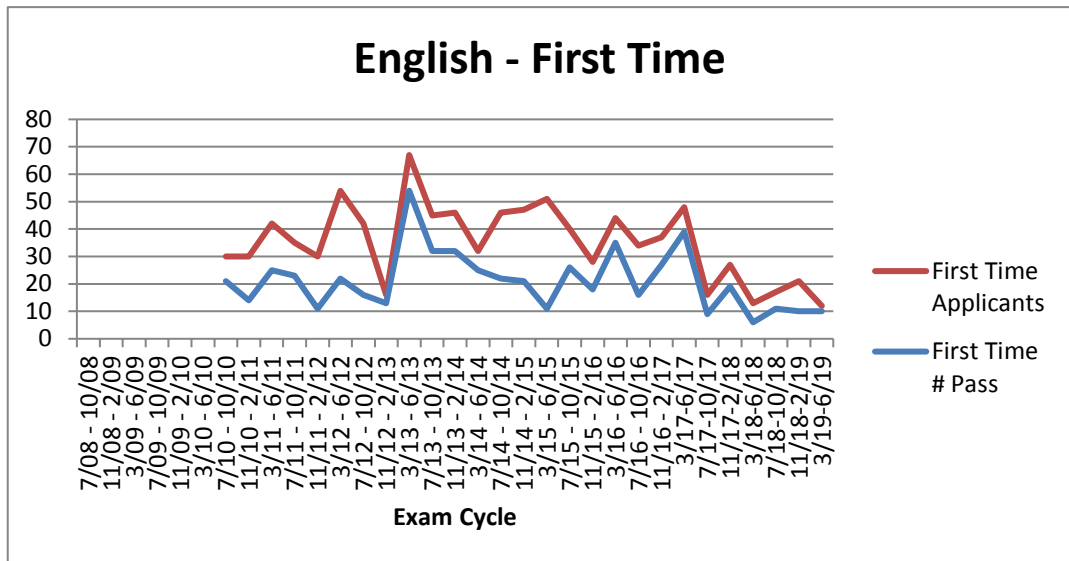
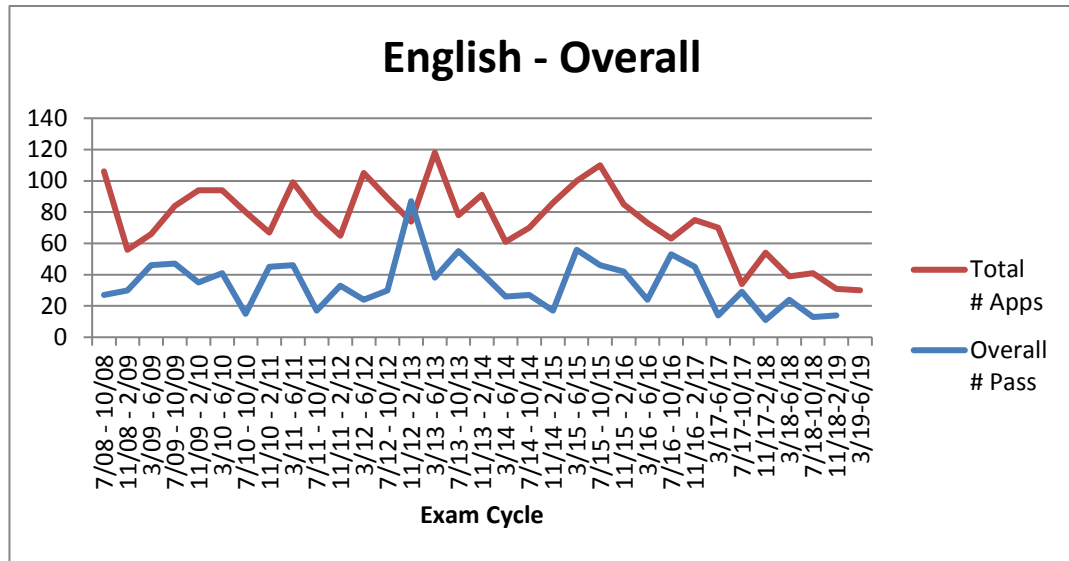
Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008	110	50	45.5%	49	43	87.8%
Oct 2008	80	33	41.3%	35	23	65.7%
Feb 2009	87	26	29.9%	31	21	67.7%
Jun 2009	119	34	28.6%	47	27	57.4%
Oct 2009	114	51	44.7%	50	34	68.0%
Feb 2010	109	35	32.1%	42	24	57.1%
Jun 2010	121	30	24.8%	47	19	40.4%
Oct 2010	102	27	26.5%	28	11	39.3%
Mar 2011	120	22	18.3%	37	17	45.9%
Jun 2011	132	50	37.9%	37	23	62.2%
Oct 2011	106	31	29.2%	40	19	47.5%
Feb 2012	100	27	27.0%	29	17	58.6%
Jun 2012	144	20	13.9%	56	15	26.8%
Nov 2012	140	58	41.4%	48	28	58.3%
Mar 2013	146	51	34.9%	57	33	57.9%
Jul 2013	134	42	31.3%	50	28	56.0%
Nov 2013	128	44	34.4%	48	29	60.4%
Mar 2014	122	24	19.7%	33	15	45.5%
Jul 2014	142	35	24.6%	50	26	52.0%
Nov 2014	132	66	50.0%	49	31	63.3%
March 2015	122	31	25.4%	48	24	50.0%
July 2015	115	23	20.0%	31	13	41.9%
Nov 2015	131	22	16.8%	56	19	33.9%
March 2016	133	17	12.8%	25	10	40.0%
July 2016	152	49	32.2%	46	25	54.3%
Nov 2016	127	9	7.1%	42	7	16.7%
Jan 2017 (Nov 2016 retest)	110	7	6.4%	n/a	n/a	n/a
Mar 2017	147	6	4.1%	37	5	13.5%
Jul 2017	187	67	35.8%	41	19	46.3%
Dec 2017	123	24	19.5%	27	14	51.9%
Mar 2018	121	17	14.0%	20	11	55.0%
Jul 2018	112	6	5.4%	14	2	14.3%
Nov 2018	106	5	4.7%	14	2	14.3%
Mar 2019	111	7	6.3%	18	5	27.8%
Jul 2019	113	37	32.7%	22	17	77.3%



English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	106	71	65.7%			
Nov 2008 - Feb 2009	56	27	48.2%			
Mar 2009 - Jun 2009	66	30	45.5%			
Jul 2009 - Oct 2009	84	46	54.8%			
Nov 2009 - Feb 2010	94	47	50.0%			
Mar 2010 - Jun 2010	94	35	37.2%			
Jul 2010 - Oct 2010	80	41	51.3%	30	21	70.0%
Nov 2010 - Feb 2011	67	15	22.4%	30	14	46.7%
Mar 2011 - Jun 2011	99	45	45.5%	42	25	59.5%
Jul 2011 - Oct 2011	79	46	58.2%	35	23	65.7%
Nov 2011 - Feb 2012	65	17	26.2%	30	11	36.7%
Mar 2012 - Jun 2012	105	33	31.4%	54	22	40.7%
Jul 2012 - Oct 2012	89	24	27.0%	42	16	38.1%
Nov 2012 - Feb 2013	74	30	40.5%	16	13	81.3%
Mar 2013 - Jun 2013	118	87	73.7%	67	54	80.6%
Jul 2013 - Oct 2013	78	38	48.7%	45	32	71.1%
Nov 2013 - Feb 2014	91	55	60.4%	46	32	69.6%
Mar 2014 - Jun 2014	61	41	67.2%	32	25	78.1%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - June 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%
Mar 2018 - Jun 2018	39	11	28.2%	13	6	46.2%
Jul 2018 - Oct 2018	41	24	58.5%	17	11	64.7%
Nov 2018 - Feb 2019	31	13	41.9%	21	10	47.6%
Mar 2019 - Jun 2019	30	14	46.7%	12	10	83.3%

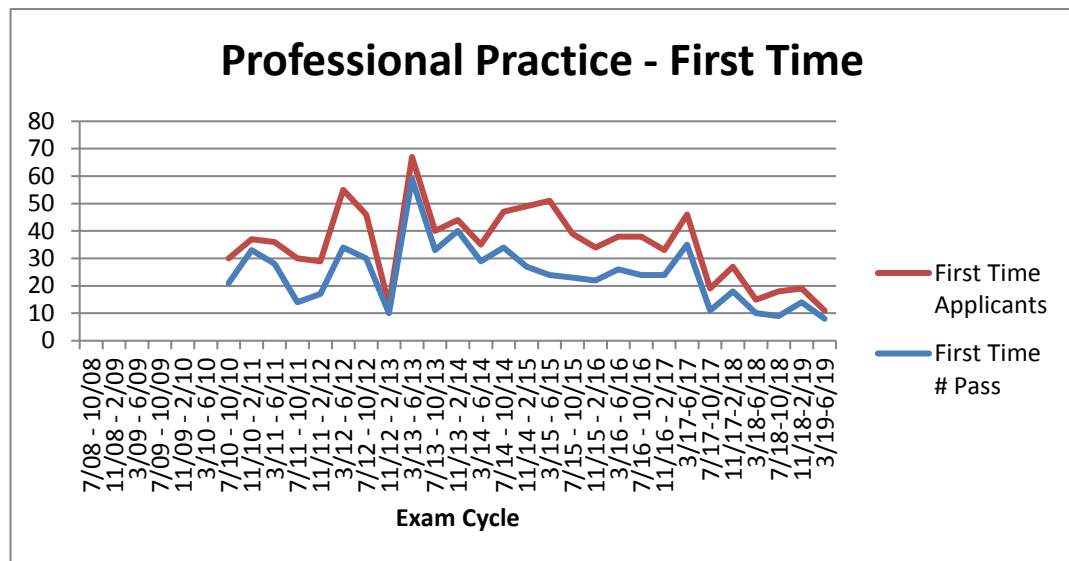
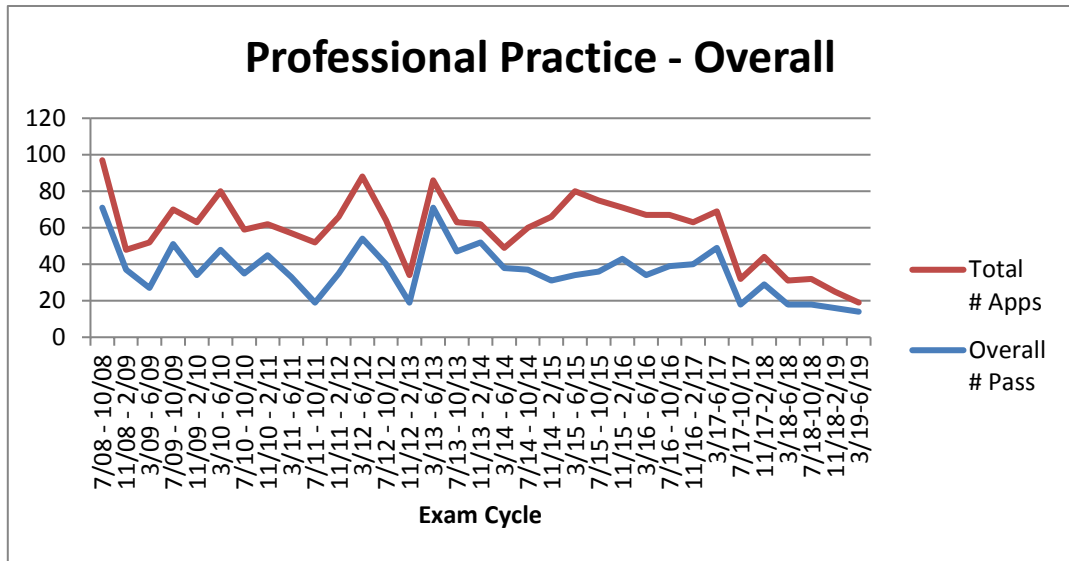
English Exam



Professional Practice Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	97	71	73.2%			
Nov 2008 - Feb 2009	48	37	77.1%			
Mar 2009 - Jun 2009	52	27	51.9%			
Jul 2009 - Oct 2009	70	51	72.9%			
Nov 2009 - Feb 2010	63	34	54.0%			
Mar 2010 - Jun 2010	80	48	60.0%			
Jul 2010 - Oct 2010	59	35	59.3%	30	21	70.0%
Nov 2010 - Feb 2011	62	45	72.6%	37	33	89.2%
Mar 2011 - Jun 2011	57	33	57.9%	36	28	77.8%
Jul 2011 - Oct 2011	52	19	36.5%	30	14	46.7%
Nov 2011 - Feb 2012	66	35	53.0%	29	17	58.6%
Mar 2012 - Jun 2012	88	54	61.4%	55	34	61.8%
Jul 2012 - Oct 2012	64	40	62.5%	46	30	65.2%
Nov 2012 - Feb 2013	34	19	55.9%	13	10	76.9%
Mar 2013 - Jun 2013	86	71	82.6%	67	59	88.1%
Jul 2013 - Oct 2013	63	47	74.6%	40	33	82.5%
Nov 2013 - Feb 2014	62	52	83.9%	44	40	90.9%
Mar 2014 - Jun 2014	49	38	77.6%	35	29	82.9%
Jul 2014 - Oct 2014	60	37	61.7%	47	34	72.3%
Nov 2014 - Feb 2015	66	31	47.0%	49	27	55.1%
Mar 2015 - June 2015	80	34	42.5%	51	24	47.1%
Jul 2015 - Oct 2015	75	36	48.0%	39	23	59.0%
Nov 2015 - Feb 2016	71	43	60.6%	34	22	64.7%
Mar 2016 - Jun 2016	67	34	50.7%	38	26	68.4%
Jul 2016 - Oct 2016	67	39	58.2%	38	24	63.2%
Nov 2016 - Feb 2017	63	40	63.5%	33	24	72.7%
Mar 2017 - Jun 2017	69	49	71.0%	46	35	76.1%
Jul 2017 - Oct 2017	32	18	56.3%	19	11	57.9%
Nov 2017 - Feb 2018	44	29	65.9%	27	18	66.7%
Mar 2018 - Jun 2018	31	18	58.1%	15	10	66.7%
Jul 2018 - Oct 2018	32	18	56.3%	18	9	50.0%
Nov 2018 - Feb 2019	25	16	64.0%	19	14	73.7%
Mar 2019 - Jun 2019	19	14	73.7%	11	8	72.7%

Professional Practice Exam



COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM III – Department of Consumer Affairs Update

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Agenda Description: Report from the DCA Executive Office

AGENDA ITEM IV –Online Skills Testing Update

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Agenda Description: Discussion and possible action to amend the Board's
Online Skills Exam Policy and Procedures

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Brief Summary:

In July of 2017 the Board approved updated exam policies and procedures which would allow for online testing of the skills portion of the CSR exam. A contract is now in place and online testing is ready to proceed.

While going through the contracting process, the Board approved offering two exams at each CSR offered through November of 2020. For security reasons it is not possible to offer two tests under the same conditions as the onsite exam, thus, the Board is faced with delaying implementation of the online test in order to continue to offer two tests or to stop offering two tests and begin implementation of the online test.

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Support Documents:

Attachment 1: Online Skills Examination Policy and Procedures

Attachment 2: Examination statistics included under Agenda Item II

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Fiscal Impact: There will be no fiscal impact during the initial two years of
online testing as onsite testing will remain in place.

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Report Originator: Yvonne Fenner, 11/7/2019

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Recommended Board Action: Staff recommends ending the two tests currently
in place in order to begin offering online testing.

Online Skills Examination Policy and Procedures

EQUIPMENT NEEDED

1. Writer – electronic interface required and to be provided by the candidate. Manual paper writer is not supported.
2. CAT software
3. Computer
4. External webcam equipped with a microphone – must be able to be positioned to the side of the candidate during the exam to show candidate and the steno writer simultaneously.
5. Headphones – must be wired. Bluetooth not permitted. Recommend over-the-ear as opposed to ear buds. There should not be a battery needed for operation of the headphones.
6. Shredder – required only in the case of printing a rough draft.
7. Printer – required only in the case of printing a rough draft. Must be hard-wired to computer.

Adopted: July 2017

EXAMINATION ADMINISTRATION

EMPLOYMENT OF READERS

Persons producing videotapes (commercially) will not be eligible for employment as Readers for the CSR examination.

Adopted: December 1984

PROCTOR PAYMENT

The Board will reimburse the room and travel expenses related to the examination for one chief examiner, and two assistants, plus the four readers.

Adopted: July 1987

EXAMINEE IDENTIFICATION

- 1) A recent passport (not passport type) photo (2" x 2") of the applicant must accompany each examinee's application. An additional photo I.D. will still be required at the exam site.

Adopted: December 1987

- 2) A second photo I.D. will be required of all examinees, in addition to the photo attached to the Final Notice. The approved photos for the 2nd I.D. include Drivers Licenses (with a photo incorporated), Department of Motor Vehicle's Identification Card, United States Passport, Military Identification, Alien Identification Card, Certificate of Naturalization or any other photo identification issued by a State government, or by the United States government.

Adopted: February 1987

OBTAINING APPLICATIONS

Exam applicants will be required to request application forms and materials individually and directly from the Board office.

Adopted: May 1979

FAXED OR E-MAILED APPLICATION

The Board will accept faxed or e-mailed applications for purposes of review, but will require an applicant to submit an original signed application which must be received at the Board office within seven business days of the final filing date before final acceptance is granted by the Board.

Adopted: May 1993

QUALIFICATIONS

- 1) The license status of applicants who claim eligibility because they hold a valid out-of-state license will be confirmed with the state board that issued the license. "Valid" means in full force and effect, not in any status other than current/active, and not suspended or in any other such category resulting from discipline.

Adopted: January 1982

- 2) The Board will accept proof of successful completion of either the G.E.D. (offered by the federal government) or the California High School Proficiency Examination as acceptable equivalents to a high school diploma.

Adopted: January 1981

REQUALIFYING METHOD - DEADLINE

The Board will allow first time applicants to change their qualification method up until the day before the first examination taken by the applicant.

Adopted: August 1989

PRACTICE EXAMINATIONS

The exam fee will include one practice dictation. The practice dictation is not intended for speed-building purposes, but rather as a means to become comfortable with the process. Candidates may repeat the one practice dictation unlimited times in order to familiarize themselves with the process.

Once familiar with the process, it is recommended that candidates schedule a proctored practice exam. The exam fee will include two free proctored practice exams.

Candidates must schedule 72 hours in advance of a proctored practice session or the actual exam.

Adopted: July 2017

INTERNET FAILURE

If Internet failure occurs, the proctor will initially investigate the issue. If the failure is within the first five minutes of the exam, an automatic exam reload will occur. If the failure is more than five minutes into the exam, the exam will end, and the proctor will file an incident report with the Board. The executive officer will review the incident

report on a case-by-case basis to make a determination whether to allow retesting within the same exam cycle and if additional fees will be waived.

Adopted: July 2017

OUTSIDE INTERRUPTIONS (causing failure or disqualification)

1. If someone walks into the testing room after the exam has begun, it will be considered a breach of security and will result in a failed test.
2. With the exception of the proctor, the candidate may not respond to or talk with anyone during the exam. Doing so will result in a failed exam.

Adopted: July 2017

HARD-COPY PROOFREADING

Candidates will be allowed to print one rough draft for proofreading purposes. The printer must be hard-wired to the candidate's computer. The proctor must see the candidate shred the rough draft before completion of the exam.

Adopted: July 2017

SOFTWARE

The only software permitted to be open on the candidate's computer will be:

- CAT software
- Realtime Coach site
- Dictionary (loaded on hard drive, not online)

The most current edition of Merriam Webster's Collegiate Dictionary will be allowed either in hard copy or as a pre-loaded program on the candidate's computer. No access to online dictionary sites will be permitted.

No free-standing electronic spell-checkers will be permitted.

Adopted: July 2017

RECRUITING AT EXAM SITES

No recruitment of examinees will be allowed in the exam area. This will include not only the area immediately adjacent to the exam rooms, but also the "warm-up" rooms and the areas adjacent to them, at a minimum. Staff will work with the exam site personnel to implement this policy.

Adopted: February 1986.

Revised to include 2nd and 3rd sentences December 1987.

(NOTE: This section would be removed if/when the exam is only available online.)

EXTENSION OF THREE-YEAR RULE (Delegation to E.O.)

The Board delegates its authority to the Executive Officer to make the determination as to whether or not to grant the applicant an extension of time up to one year or two exam cycles, per regulations section 2420(d).

Adopted: May 1993

EXAMINATIONS

DICTATION

- 1) In the construction of the Dictation portion of the exam, no less than 1.3 syllabic density, nor more than 1.5 syllabic density, within each 60 second interval of the test material will be allowed.
Adopted: August 1989
- 2) The Board will attempt to avoid the use of hyphenated terms. For purposes of word count and correcting the examination, Merriam Webster's most current College Edition dictionary will be used to determine whether the term should be one word, two words, or hyphenated. In addition, the glossary distributed to examinees in the transcription room will include both slang terms and colloquialisms.
Adopted: February 1987
- 3) The Board adopted a policy to appoint a Lead Reader for the dictation portion of the CSR examination. The Lead Reader has the authority to stop the reading of the transcript, should a disruption occur, if he/she deems necessary.
Adopted: July 1991
(NOTE: This section to be removed if/when the exam is only available online.)
- 4) In the Transcript there should be at least one or two interruptions per page, but four or five interruptions per page are excessive.
Adopted: June 1999
- 5) Seating arrangement of the speakers will be randomly assigned.
Adopted: July 2017
- 6) Online exams will be video recorded (not audio only).
Adopted: July 2017

TRANSCRIPTS

- 1) Examinees will not be allowed to type their transcripts in all caps.
Adopted: June 1990
- 2) Transcripts which do not comply with the Minimum Transcript Format Standards in California Code of Regulations, Title 16, Division 24, Section 2473 will not be graded.
Adopted: April 2010
- 3) Transcripts must be submitted with line numbers and page numbers in order to be graded.
Adopted: April 2010

- 4) Candidates will have two hours and 30 minutes to complete and submit their final transcripts. No breaks will be allowed, including smoking or restroom breaks.
Adopted: July 2017

PROVISION OF STENO NOTES

Online candidates will have two minutes to upload their notes in PDF format to the RTC site following the conclusion of the dictation of the exam and before transcribing the exam. In the event of uploading an incorrect file, the candidate will have an additional two minutes to upload the correct file.

All candidates at live dictation exams are required to provide original paper steno notes or a printout of their original steno notes in PDF format.

Adopted: July 2017

REVIEW BY E.O.

The Board grants the Executive Officer the authority to restore credit (in cases of clerical errors, thereby amending finalized results).

Adopted: March 1979

FAILURE TO APPEAR OR CANCELLATION

If, after an application has been submitted to the Board, an applicant finds that he or she is unable to appear for the exam, the Board must be notified immediately. An eligible applicant who fails to appear for the assigned examination subject shall forfeit his or her fee. If the Board is notified before the Final Notice of Examination is mailed from the Board office that an applicant will not be appearing, the fee will then be held over for the next regularly scheduled examination only. In cases where an applicant must cancel after the Final Notice of Examination is mailed, the Board can vote to hold the fee over for one exam only, if written request is mailed to the Board within 10 days of the exam. California Code of Regulations section 2419(d) specifies the grounds on which the Board can decide to hold the fee over. There will be no refunds issued. There are no exceptions.

Adopted: July 2017

DISQUALIFICATION

Candidates will be automatically disqualified and the exam considered a failure for the following reasons:

- 1) Exam subversion (cheating)
- 2) Communication with anyone other than a proctor
- 3) (online) There is a breach of the confined space in which the candidate is in by any other person.
- 4) (online) Outside person enters testing area
- 5) (online) Ear buds in ears after dictation. Computer speakers off.

Adopted: July 2017

RESULTS

- 1) Staff to discontinue the practice of advising examinees as to their scores on each segment of the two written knowledge portions of the exam.

Adopted: December 1987

- 2) Dictation exam results are to be mailed upon review by the Board.

Adopted: April 2010

SPECIAL ACCESSIBILITY

Applicants with Disabilities: Pursuant to the Americans with Disabilities Act, special testing arrangements are available for applicants who can substantiate the need for reasonable accommodation. It is the responsibility of the applicant to notify the Board of such needs, in writing, when filing each application so that suitable arrangements can be made. Medical verification of the disability must accompany this written notification. The written requests for special arrangements and medical verification must be received with each application in order to receive consideration. No special accommodation will be provided if the required documentation is not submitted with the application.

Candidates with a physical or mental impairment that substantially limits a major life activity may be eligible for a reasonable accommodation in the testing process. A reasonable accommodation is defined as a "Major life activity" which includes limitations in walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self, and performing manual tasks.

If you require a reasonable accommodation, you must notify the Court Reporters Board in writing when filing each application. Medical verification of the disability must accompany this written notification. The written requests for a reasonable accommodation and medical verification must be received with each application in order to receive consideration. The request needs to include what type of accommodation is needed, i.e., additional time, special tools, etc. A reasonable accommodation cannot be granted if the required documentation is not submitted with the application.

Adopted: July 2017

IDENTIFICATION VERIFICATION

Candidates are required to submit two recent passport photographs with their examination application, one of which will be affixed to their final notice. Candidates will be required to show the proctor a valid government-issued photo ID and the final notice generated by the Board.

Adopted: July 2017

PROCTOR PROTOCOL

Proctors will request permission to access the candidate's computer.

Video recording of the candidate's exam session is permissible and may be kept for up to 60 days following the candidate's exam session.

Adopted: July 2017

EXAM SUBVERSION

Exam subversion of any type is a misdemeanor pursuant to Business and Professions Code section 123. The candidate will sign an affidavit agreeing not to save the file in any format or location, nor share the content in any manner.

Adopted: July 2017

GRADING POLICIES

DICTIONARY RESEARCH

A word list will be provided for the dictation/transcription part of the exam. When there is a need to research a word -- spelling, hyphenation, one word/two words -- during transcription, the most recent Merriam-Webster hard copy dictionary is to be used. It is used by graders as the final authority for the spelling/form of a word.

WORD ERRORS

Omitted Word(s): Each word that is dictated and not transcribed is counted as one error, is indicated by the letters "OM," and is marked with a caret and the number of omitted words.

DICTATED:	The car on the right began to slide as it rounded the corner.
TRANSCRIBED:	The car began to slide as it rounded the corner. (three errors)

Wrong Word(s): Each word that is dictated and incorrectly transcribed is counted as one error and indicated by a check mark over the top of the word.

DICTATED:	The car on the right began to slide as it rounded the corner.
TRANSCRIBED:	The car on my right began to slide as it rounded the corner. (one error)

Inserted Word(s): Each word that was not dictated but was transcribed (as opposed to words that were incorrectly transcribed) is counted as one error and is indicated by the letters "IN" and a check mark over the word.

DICTATED:	The car on the right began to slide as it rounded the corner.
TRANSCRIBED:	The car on the right side began to slide as it rounded the corner. (one error)

Misspelled Words: Each misspelled word is counted as one error and is indicated by a check mark over the word and the letters "SP." If the same word is misspelled the same way throughout the transcript, it is counted as one error regardless of how many occurrences there are of the misspelled word.

DICTATED: It does not fall into that **category**.
TRANSCRIBED: It does not fall into that **catagory**.
(one error)

DICTATED: There has been **definite** improvement, but I cannot be
definite about the **definite** areas where it still needs work.
TRANSCRIBED: There has been **definate** improvement, but I cannot be
definate about the **definate** areas where it still needs work.
(one error)

Transposed Words: Transposing adjacent words (or numbers) is counted as one error.

DICTATED: It was a **dark, stormy** night.
TRANSCRIBED: It was a **stormy, dark** night.
(one error)

DICTATED: My address is 56**34** Broadway.
TRANSCRIBED: My address is 56**43** Broadway.
(one error)

Hyphenated Words: Each word on either side of a hyphen counts as one word; e.g., *part-time* is two words, and *brother-in-law* is three words. One error is charged for any one wrong word in a hyphenated combination. (Compound words which are separate words -- e.g., *real estate* is two words, and *editor in chief* is three words -- are counted the same way.)

DICTATED: She had a **part-time** job.
TRANSCRIBED: She had a **full-time** job.
(one error)

DICTATED: My **brother-in-law** said it was not important.
TRANSCRIBED: My **brothers-in-laws** said it was not important.
(two errors)

SPEAKER IDENTIFICATION ERRORS:

Identifying the wrong speaker is counted as five errors and is indicated by the letters "WS." When the same speaker error is repeated in the same series, no further errors are counted.

Inserting a speaker who did not speak at all or inserting the wrong speaker is counted as five errors and is indicated by the letters "INS."

Omitting a speaker is counted as five errors and is indicated by the letters "OMS."

Omitting or inserting an incorrect Q or A is counted as five errors and is indicated by an "X" over the Q or A.

Failing to indicate the questioning attorney when coming out of colloquy is counted as five errors and is indicated by the letters "OMS."

(Gender) If a male speaker is indicated with a female title, one error is counted and is indicated with a check mark over the word. This is counted as one error regardless of the number of times the wrong indication is used.

DICTATED:	MR. JOHNSON: Your Honor, I have just five minutes more.
TRANSCRIBED:	MS. JOHNSON: Your Honor. I have just five minutes more. (one error)

CONTRACTIONS

Contractions are avoided in the dictation portion of the exam. If one is used, either the separate word form or the contracted form will be considered to be correct.

DICTATED:	She wasn't a part of the team at that time.
TRANSCRIBED:	She wasn't a part of the team at that time. (no error)
	She was not a part of the team at that time. (no error)

FEMALE TITLES IN FRONT OF NAMES

The only title in front of a female name that is dictated is "Ms." It is the only female title that is to be transcribed -- "Ms."

NUMBERS

Numbers may be transcribed as words or in figures/digits. If digits are used, each digit is counted as one word. If a digit is incorrect, one error is counted; If a digit is omitted or an extra digit is added, one error is counted. (For information on transposing numbers, see “Transposed Words” under “Word Errors.”)

DICTATED:	There were 425 cartons delivered on Friday.
TRANSCRIBED:	There were 424 cartons delivered on Friday. (one error)

DICTATED:	There were 425 cartons delivered on Friday.
TRANSCRIBED:	There were 4245 cartons delivered on Friday. (one error)

CAPITALIZATION

Failure to capitalize the first word in a sentence is counted as one error.

Failure to capitalize a proper noun is counted as one error.

APOSTROPHES FOR POSSESSIVES

Singular possessive form: Add an apostrophe “s” to the singular form of the word to form the singular possessive. If the singular of a word ends in “s” or “z,” it is acceptable, though not recommended, to add only the apostrophe.

DICTATED:	She was seated to Mary’s right.
TRANSCRIBED:	She was seated to Mary’s right. (no error)

DICTATED:	She was seated to Tess’s right.
TRANSCRIBED:	She was seated to Tess’s right. (no error)

TRANSCRIBED:	She was seated to Tess’ right. (no error)
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TRANSCRIBED:	She was seated to Tesses right. (one error)
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Plural possessive form: Make the word plural. If the plural of the word ends in “s,” add an apostrophe only to the plural form of the word to form the plural possessive. If the plural of the word does not end in “s,” add apostrophe “s” to make the plural possessive form of the word.

DICTATED: He worked with the **Hansons'** agent.
TRANSCRIBED: He worked with the **Hansons'** agent.
(no error)
TRANSCRIBED: He worked with the **Hanson's** agent.
(one error)

DICTATED: He worked with the **Hollises'** agent.
TRANSCRIBED: He worked with the **Hollises'** agent.
(no error)
TRANSCRIBED: He worked with the **Hollis's** agent.
(one error)
TRANSCRIBED: He worked with the **Hollises's** agent.
(one error)

PUNCTUATION

Each incorrect punctuation mark is counted as one error. Errors in punctuation include but are not limited to the following:

Run-On and Comma Splice Sentences: There must be a period or a semicolon between two independent sentences that are not connected by a conjunction.

DICTATED:	They arrived late Friday. We picked them up at the airport.
TRANSCRIBED:	They arrived late Friday. We picked them up at the airport. (no error)
	They arrived late Friday; we picked them up at the airport. (no error)
	They arrived late Friday we picked them up at the airport. (one error)
	They arrived late Friday, we picked them up at the airport. (one error)

DICTATED:	She worked at the hospital at the time; is that
correct/true/right?	
TRANSCRIBED:	She worked at the hospital at the time; is that
correct/true/right?	(no error)
	She worked at the hospital at the time. Is that
correct/true/right?	(no error)
	She worked at the hospital at the time, is that
correct/true/right?	(no error)
	She worked at the hospital at the time is that
correct/true/right?	(one error)

Oxford Comma: A comma before the conjunction in the final item in a series is preferred but is not counted as an error.

DICTATED:	I looked in the house, in the garage, and in the house.
TRANSCRIBED:	I looked in the house, in the garage, and in the house. (no error)
	I looked in the house, in the garage and in the house. (no error)
	I looked in the house in the garage and in the house. (one error)
	I looked in the house in the garage, and in the house. (one error)

Terminal Punctuation: All sentences must have terminal punctuation.

DICTATED:	What time did you arrive?
TRANSCRIBED:	What time did you arrive (one error)

Terminal Punctuation: An obvious question must end in a question mark.

DICTATED:	When will you be able to give me the figures?
TRANSCRIBED:	When will you be able to give me the figures? (no error)
	When will you be able to give me the figures. (one error)
	When will you be able to give me the figures (one error)

Terminal Punctuation: A polite request may end in a question mark or a period.

DICTATED:	Will you give me the names of the people on the committee.
TRANSCRIBED:	Will you give me the names of the people on the committee. (no error)
	Will you give me the names of the people on the committee? (no error)

Terminal Punctuation: Command forms must end in a period.

DICTATED:	Hand that document to counsel.
TRANSCRIBED:	Hand that document to counsel. (no error)
TRANSCRIBED:	Hand that document to counsel? (one error)

Abbreviations: Certain titles absolutely must have a period.

DICTATED:	Mr. Hanson had left the meeting early.
TRANSCRIBED:	Mr. Hanson had left the meeting early. (no error)
TRANSCRIBED:	Mr Hanson had left the meeting early. (one error)

Compound Sentence: When two sentences are joined by one of the conjunctions *and*, *but*, *or*, or *nor*, there must be a comma before the conjunction. When there is not an independent sentence after one of these conjunctions, there is NOT a comma before the conjunction.

DICTATED: I called earlier in the day, but there was no answer.
TRANSCRIBED: I called earlier in the **day, but** there was no answer.
(no error)
TRANSCRIBED: I called earlier in the **day but** there was no answer.
(one error)

DICTATED: Ann wrote to me **daily and** always included a clever joke.
TRANSCRIBED: Ann wrote to me **daily and** always included a clever joke.
(no error)
TRANSCRIBED: Ann wrote to me **daily, and** always included a clever joke.
(one error)

Dash: A dash must be used for broken sentence structure, a sudden change in thought.

DICTATED: We were with my – it was very late at night.
TRANSCRIBED: We were with **my – it** was very late at night.
(no error)
TRANSCRIBED: We were with **my it** was very late at night.
(one error)
TRANSCRIBED: We were with **my, it** was very late at night.
(one error)
TRANSCRIBED: We were with **my. It** was very late at night.
(one error)

AGENDA ITEM V – Sunset Review

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Agenda Description: Discussion and possible action on next steps

A. Voice writing

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Brief Summary: At the February 4, 2019, meeting, the Board had an extensive discussion about the licensing of voice writers. This was a continuation of discussion at several prior meetings. The Board finds that voice writers perform the same job as stenographic reporters but use voice shorthand and voice recognition technology rather than stenographic shorthand and stenographic CAT software. Despite earlier drafts of the sunset bill in which the Board would have been required to either create a designation for voice writing or indicate on each certificate the method of reporting used on the exam, the bill that was ultimately passed sets out in BPC 8016.5(a):

The board shall not issue a certificate for the practice of shorthand reporting by means of voice writing or voice recognition technology.

(b) It is the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing or voice recognition technology.

In order to pursue adding voice writers to the California workforce, the Board should decide how best to approach this task. The two courses of action are as follows:

Option 1: Offer the exam to voice writers who qualify under existing law.

The Board has found that voice writers come within the scope of practice of BPC 8017 and that it can therefore license voice writers who qualify under existing law. Voice writers would need to qualify under existing eligibility requirements to sit for the exam. The Board would issue a certificate with a CSR number to successful candidates, and that certificate would not specify or indicate the method of reporting used for passing the exam. A voice writer with a CSR number from the Board would have the ability to practice, but, while it may issue a license, the Board would not have any input or impact on decisions made by others about hiring of voice writers. As with any holder of a CSR license, voice writers who become licensed by the Board are required to meet the minimum standards of practice. Once licensed, they also should be prepared to provide stenographic notes to the Board because under current law court reporters are required to provide such notes in enforcement cases.

This approach would allow the Board to gather data on licensing and enforcement of voice writers so if there were any issues, the Board could either regulate to resolve those issues or take that data to the Legislature with a more specific and tailored request for language. This approach would allow the Board to express to the Legislature very clearly what it needs because it would be based on a determination the Board can make after putting this into practice. This approach could essentially be put into practice now.

Option 2: Work with the Legislature to make statutory changes to the practice act. The Legislature has set out in 8016.5(b) that it intends to address this issue, and the Board could try to obtain more explicit legislative language on this issue. This would require writing language for a bill and securing an author for the bill. Possible legislative changes to pursue could include creation of either a separate license category or a data field reflecting which method or methods the certificate holder has used to pass the exam.

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Support Documents:

Attachment 1, Item A – AB 1520 (signed by Governor 10-2-19)

Attachment 2, Item A – BPC 8020 (eligibility requirements)

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Fiscal Impact:

Option 1 would have nominal fiscal impact. There would be no additional cost of testing. There is the possibility of slight increased revenue from testing candidates and licensing those who pass.

Option 2 would require staff resources to pursue the legislative process.

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Recommended Board Action: Staff recommends the Board have a thorough discussion and direct staff to pursue the course of action it believes best serves the consumers of California.

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Agenda Description: Discussion and possible action on next steps
B. Firm registration

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Brief Summary: At the July 12, 2019, meeting, the Board reviewed proposed language in the sunset bill regarding firm registration. The language was eventually removed from AB 1520 and has since been moved to AB 1469, which is attached for the Board's review.

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Support Documents:

Attachment 3, Item B – AB 1469

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Fiscal Impact: Registration of firms would result in an increase in revenue for the overall fund.

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Recommended Board Action: Staff recommends the Board decide its position on firm registration and form a task force to work with the Legislature and other stakeholders to implement that position as the bill moves forward.

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Report Originator: Yvonne Fenner, 11/6/2019

Assembly Bill No. 1520

CHAPTER 463

An act to amend Sections 8000, 8001, 8003, 8005, 8030, 8030.2, 8030.4, 8030.6, 8030.8, and 8031 of, to add Section 8016.5 to, and to add and repeal Section 8030.10 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

***Approved by Governor October 02, 2019.
Filed with Secretary of State October 02, 2019.***

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, Low. Court Reporters Board of California.

(1) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs, and is comprised of appointed members who hold office until the appointment and qualification of their successors or until one year has elapsed since the expiration of their term, whichever occurs first. Existing law authorizes the board to appoint an executive officer and committees and to employ other employees, as specified. Existing law also defines various terms for those purposes. Existing law repeals these provisions on January 1, 2020.

This bill would extend the operation of the board, the authorization of the board to appoint those specified personnel and committees, and the operation of those definitions until January 1, 2024. The bill would authorize the appointing authority of a member of the board to remove the member from office.

(2) Existing law defines the practice of shorthand reporting, which includes the making, by means of written symbols or abbreviations in shorthand or machine shorthand writing, of a verbatim record of specified legal proceedings. Existing law requires the board to issue a certificate to a person who meets the qualifications for a certified shorthand reporter, as specified.

This bill would prohibit the board from issuing a certificate for the practice of shorthand reporting by means of voice writing or voice recognition technology. The bill would state that it is the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing or voice recognition technology.

(3) Existing law requires all fees and other revenues received by the board to be deposited in the Court Reporters' Fund, which is continuously appropriated to carry out the provisions regulating shorthand reporters.

This bill would instead make funds in the Court Reporters' Fund available upon appropriation by the Legislature.

(4) Existing law, until January 1, 2020, requires certain fees and revenues collected by the board from licensees to be deposited into the Transcript Reimbursement Fund, which is established as a continuously appropriated fund, to be available to provide reimbursement for the cost of providing shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services. Existing law,

until January 1, 2020, prescribes how the funds are to be disbursed by the board and how an applicant is to apply for reimbursement from the board.

This bill would extend the operation of the fund and the provisions relating to reimbursement from the fund by the board until January 1, 2024. By extending the operation of the Transcript Reimbursement Fund, which is a continuously appropriated fund, the bill would make an appropriation. The bill would require the board, on or before July 1, 2022, to report certain information to the Joint Legislative Budget Committee and the appropriate policy committees of the Legislature to determine the feasibility of funding the Transcript Reimbursement Fund through a distinct assessment, as specified.

(5) Existing law requires all unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2019, to be transferred to the Court Reporters' Fund.

This bill would require all encumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2024, to be transferred to the Court Reporters' Fund.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 8000 of the Business and Professions Code is amended to read:

8000. (a) There is in the Department of Consumer Affairs a Court Reporters Board of California, which consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued under this chapter who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

(c) Notwithstanding any other law, repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 8001 of the Business and Professions Code is amended to read:

8001. (a) Appointment as a member of the board shall be for a term of four years. Members of the board shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms except as provided in Section 131. Vacancies occurring shall be filled by appointment for the unexpired term.

(b) The Governor shall appoint one of the public members and the two certified members qualified as provided in Section 8000. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

(c) Members of the board may be removed from office by their appointing authority.

SEC. 3. Section 8003 of the Business and Professions Code is amended to read:

8003. At each yearly meeting, a chair and vice chair shall be elected from the membership of the board. Three members shall constitute a quorum for the transaction of business. The board shall keep a complete record of all its proceedings and all certificates issued, renewed, or revoked, together with a detailed statement of receipts and disbursements.

SEC. 4. Section 8005 of the Business and Professions Code is amended to read:

8005. (a) The Court Reporters Board of California is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive officer. Except as provided by Section 159.5, the board may also employ other employees as may be necessary, subject to civil service and other law.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 5. Section 8016.5 is added to the Business and Professions Code, to read:

8016.5. (a) The board shall not issue a certificate for the practice of shorthand reporting by means of voice writing or voice recognition technology.

(b) It is the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing or voice recognition technology.

SEC. 6. Section 8030 of the Business and Professions Code is amended to read:

8030. All fees and other revenues received by the board shall be reported promptly to the State Controller and shall be deposited with the State Treasurer to be placed in the Court Reporters' Fund, which fund is continued in existence in the State Treasury, and shall be available, upon appropriation by the Legislature, to carry out this chapter.

SEC. 7. Section 8030.2 of the Business and Professions Code is amended to read:

8030.2. (a) To provide shorthand reporting services to low-income litigants in civil cases, who are unable to otherwise afford those services, funds generated by fees received by the board pursuant to subdivision (c) of Section 8031 in excess of funds needed to support the board's operating budget for the fiscal year in which a transfer described below is made shall be used by the board for the purpose of establishing and maintaining a Transcript Reimbursement Fund. The Transcript Reimbursement Fund shall be funded by a transfer of funds from the Court Reporters' Fund in the amount of three hundred thousand dollars (\$300,000) annually. The board is authorized to transfer funds in increments of one hundred thousand dollars (\$100,000) for a total of three hundred thousand dollars (\$300,000). Notwithstanding any other provision of this article, a transfer to the Transcript Reimbursement Fund in excess of the fund balance established at the beginning of each fiscal year shall not be made by the board if the transfer will result in the reduction of the balance of the Court Reporters' Fund to an amount less than six months' operating budget.

(b) Refunds and unexpended funds that are anticipated to remain in the Transcript Reimbursement Fund at the end of the fiscal year shall be considered by the board in establishing the fee assessment pursuant to Section 8031 so that the assessment shall maintain the level of funding for the Transcript Reimbursement Fund, as specified in subdivision (a), in the following fiscal year.

(c) The Transcript Reimbursement Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, moneys in the Transcript Reimbursement Fund are continuously appropriated for the purposes of this chapter.

(d) (1) Applicants who have been reimbursed pursuant to this chapter for services provided to litigants and who are awarded court costs or attorney's fees by judgment or by settlement agreement shall refund the full amount of that reimbursement to the fund within 90 days of receipt of the award or settlement.

(2) An applicant appearing pro se who has been reimbursed for services provided to litigants under this chapter shall refund the full amount reimbursed if a court orders the applicant's fee waiver withdrawn or denied retroactively pursuant to Section 68636

of the Government Code, within 90 days of the court's order withdrawing or denying the fee waiver.

(e) Subject to the limitations of this chapter, the board shall maintain the fund at a level that is sufficient to pay all qualified claims. To accomplish this objective, the board shall utilize all refunds, unexpended funds, fees, and any other moneys received by the board.

(f) Notwithstanding Section 16346 of the Government Code, all unencumbered funds remaining in the Transcript Reimbursement Fund as of January 1, 2024, shall be transferred to the Court Reporters' Fund.

(g) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 8. Section 8030.4 of the Business and Professions Code is amended to read:

8030.4. As used in this chapter:

(a) "Applicant" means a qualified legal services project, qualified support center, other qualified project, or pro bono attorney applying to receive funds from the Transcript Reimbursement Fund established by this chapter. The term "applicant" includes an indigent person appearing pro se to represent themselves at any stage of the case and applying to receive funds from the Transcript Reimbursement Fund established in Section 8030.2.

(b) "Case" means a single legal proceeding from its inception, through all levels of hearing, trial, and appeal, until its ultimate conclusion and disposition.

(c) "Certified shorthand reporter" means a shorthand reporter certified pursuant to Article 3 (commencing with Section 8020) performing shorthand reporting services pursuant to Section 8017.

(d) "Developmentally Disabled Assistance Act" means the Developmentally Disabled Assistance and Bill of Rights Act of 1975 (Public Law 94-103), as amended.

(e) "Fee-generating case" means any case or matter that, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in payment of a fee for legal services from an award to a client, from public funds, or from an opposing party. A reasonable expectation as to payment of a legal fee exists wherever a client enters into a contingent fee agreement with the client's lawyer. If there is no contingent fee agreement, a case is not considered fee generating if adequate representation is deemed to be unavailable because of the occurrence of any of the following circumstances:

(1) If the applicant has determined that referral is not possible because of any of the following:

(A) The case has been rejected by the local lawyer referral service, or if there is no such service, by two private attorneys who have experience in the subject matter of the case.

(B) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee.

(C) The case is of the type that private attorneys in the area ordinarily do not accept, or do not accept without prepayment of a fee.

(D) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(2) If recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other nonpecuniary relief or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims.

(3) If a court appoints an applicant or an employee of an applicant pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction.

(4) In any case involving the rights of a claimant under a public-supported benefit program for which entitlement to benefit is based on need.

(f) (1) "Indigent person" means any of the following:

(A) A person whose income is 125 percent or less of the current poverty threshold established by the United States Office of Management and Budget.

(B) A person who is eligible for supplemental security income.

(C) A person who is eligible for, or receiving, free services under the federal Older Americans Act or the Developmentally Disabled Assistance Act.

(D) A person whose income is 75 percent or less of the maximum level of income for lower income households as defined in Section 50079.5 of the Health and Safety Code, for purposes of a program that provides legal assistance by an attorney in private practice on a pro bono basis.

(E) A person who qualifies for a waiver of fees pursuant to Section 68632 of the Government Code.

(2) For the purposes of this subdivision, the income of a person who is disabled shall be determined after deducting the costs of medical and other disability-related special expenses.

(g) "Lawyer referral service" means a lawyer referral program authorized by the State Bar of California pursuant to the rules of professional conduct.

(h) "Legal Services Corporation" means the Legal Services Corporation established under the Legal Services Corporation Act of 1974 (Public Law 93-355), as amended.

(i) "Older Americans Act" means the Older Americans Act of 1965 (Public Law 89-73), as amended.

(j) "Other qualified project" means a nonprofit organization formed for charitable or other public purposes, that does not receive funds from the Legal Services Corporation or pursuant to the federal Older Americans Act, and provides free legal services to indigent persons.

(k) "Pro bono attorney" means any attorney, law firm, or legal corporation, licensed to practice law in this state, that undertakes, without charge to the party, the representation of an indigent person, referred by a qualified legal services project, qualified support center, or other qualified project, in a case not considered to be fee generating, as defined in this chapter.

(l) "Qualified legal services project" means a nonprofit project, incorporated and operated exclusively in California, that provides as its primary purpose and function legal services without charge to indigent persons, has a board of directors or advisory board composed of both attorneys and consumers of legal services, and provides for community participation in legal services programming. A legal services project funded, either in whole or in part, by the Legal Services Corporation or with the federal Older Americans Act funds is presumed to be a qualified legal services project for the purposes of this chapter.

(m) "Qualified support center" means an incorporated nonprofit legal services center that has an office or offices in California that provide legal services or technical assistance without charge to qualified legal services projects and their clients on a multicounty basis in California. A support center funded, either in whole or in part, by the Legal Services Corporation or with the federal Older Americans Act funds is presumed to be a qualified legal services project for the purposes of this chapter.

(n) "Rules of professional conduct" means those rules adopted by the State Bar of California pursuant to Sections 6076 and 6077.

(o) "Supplemental security income recipient" means an individual receiving or eligible to receive payments under Title XVI of the Social Security Act (Public Law 92-603), as amended, or payment under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(p) "Vexatious litigant" means a person as defined in subdivision (b) of Section 391 of the Code of Civil Procedure.

(q) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 9. Section 8030.6 of the Business and Professions Code is amended to read:

8030.6. The board shall disburse funds from the Transcript Reimbursement Fund for the costs, exclusive of per diem charges by official reporters, of preparing either an original transcript and one copy thereof, or where appropriate, a copy of the transcript, of court or deposition proceedings, or both, incurred as a contractual obligation between the shorthand reporter and the applicant, for litigation conducted in California. If there is no deposition transcript, the board may reimburse the applicant or the certified shorthand reporter designated in the application for per diem costs. The rate of per diem for depositions shall not exceed seventy-five dollars (\$75) for one-half day, or one hundred twenty-five dollars (\$125) for a full day. If a transcript is ordered within one year of the date of the deposition, but subsequent to the per diem having been reimbursed by the Transcript Reimbursement Fund, the amount of the per diem shall be deducted from the regular customary charges for a transcript. Reimbursement may be obtained through the following procedures:

(a) The applicant or certified shorthand reporter shall promptly submit to the board the certified shorthand reporter's invoice for transcripts together with the appropriate documentation as is required by this chapter.

(b) Except as provided in subdivision (c), the board shall promptly determine if the applicant or the certified shorthand reporter is entitled to reimbursement under this chapter and shall make payment as follows:

(1) Regular customary charges for preparation of original deposition transcripts and one copy thereof, or a copy of the transcripts.

(2) Regular customary charges for expedited deposition transcripts up to a maximum of two thousand five hundred dollars (\$2,500) per case.

(3) Regular customary charges for the preparation of original transcripts and one copy thereof, or a copy of transcripts of court proceedings.

(4) Regular customary charges for expedited or daily charges for preparation of original transcripts and one copy thereof or a copy of transcripts of court proceedings.

(5) The charges shall not include notary or handling fees. The charges may include actual shipping costs and exhibits, except that the cost of exhibits may not exceed thirty-five cents (\$0.35) each or a total of thirty-five dollars (\$35) per transcript.

(c) The maximum amount reimbursable by the fund under subdivision (b) shall not exceed twenty thousand dollars (\$20,000) per case per year.

(d) A vexatious litigant shall be ineligible to receive funds from the Transcript Reimbursement Fund. However, a vexatious litigant may become eligible to receive funds if the vexatious litigant is no longer subject to the provisions of Title 3A of Part 2 of the Code of Civil Procedure pursuant to Section 391.8 of Code of Civil Procedure.

(e) Total disbursements to cover the costs of providing transcripts to all applicants appearing pro se pursuant to this section shall not exceed seventy-five thousand dollars (\$75,000) annually and shall not exceed one thousand five hundred dollars (\$1,500) per case.

(f) If entitled, and funds are available, the board shall disburse the appropriate sum to the applicant or the certified shorthand reporter when the documentation described in Section 8030.8 accompanies the application. A notice shall be sent to the recipient requiring the recipient to file a notice with the court in which the action is pending stating the sum of reimbursement paid pursuant to this section. The notice filed with the court shall also state that if the sum is subsequently included in any award of costs made in the action, that the sum is to be ordered refunded by the applicant to the Transcript Reimbursement Fund whenever the sum is actually recovered as costs. The court shall not consider whether payment has been made from the Transcript Reimbursement Fund in determining the appropriateness of any award of costs to the parties. The board shall also notify the applicant that the reimbursed sum has been paid to the certified shorthand reporter and shall notify the applicant of the duty to refund any of the sum actually recovered as costs in the action.

(g) If not entitled, the board shall return a copy of the invoice to the applicant and the designated certified shorthand reporter together with a notice stating the grounds for denial.

(h) The board shall complete its actions under this section within 30 days of receipt of the invoice and all required documentation, including a completed application.

(i) Applications for reimbursements from the fund shall be filed on a first-come-first-served basis.

(j) Applications for reimbursement that cannot be paid from the fund due to insufficiency of the fund for that fiscal year shall be held over until the next fiscal year to be paid out of the renewed fund. Applications held over shall be given a priority standing in the next fiscal year.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 10. Section 8030.8 of the Business and Professions Code is amended to read:

8030.8. (a) For purposes of this chapter, documentation accompanying an invoice is sufficient to establish entitlement for reimbursement from the Transcript Reimbursement Fund if it is filed with the executive officer on an application form prescribed by the board that is complete in all respects, and that establishes all of the following:

(1) The case name and number and that the litigant or litigants requesting the reimbursement are indigent persons. If the applicant is an indigent person appearing pro se the application shall be accompanied by a copy of the fee waiver form approved by the court in the matter for which the applicant seeks reimbursement.

(2) The applicant is qualified under the provisions of this chapter.

(3) The case is not a fee-generating case, as defined in Section 8030.4.

(4) The invoice or other documentation shall evidence that the certified shorthand reporter to be reimbursed was, at the time the services were rendered, a duly licensed certified shorthand reporter.

(5) The invoice shall be accompanied by a statement, signed by the applicant, stating that the charges are for transcripts actually provided as indicated on the invoice.

(6) The applicant has acknowledged, in writing, that as a condition of entitlement for reimbursement that the applicant agrees to refund the entire amount disbursed from the Transcript Reimbursement Fund from any costs or attorney's fees awarded to the applicant by the court or provided for in any settlement agreement in the case.

(7) The certified shorthand reporter's invoice for transcripts shall include separate itemizations of charges claimed, as follows:

(A) Total charges and rates for customary services in preparation of an original transcript and one copy or a copy of the transcript of depositions.

(B) Total charges and rates for expedited deposition transcripts.

(C) Total charges and rates in connection with transcription of court proceedings.

(b) For an applicant claiming to be eligible pursuant to subdivision (j), (l), or (m) of Section 8030.4, a letter from the director of the project or center, certifying that the project or center meets the standards set forth in one of those subdivisions and that the litigant or litigants are indigent persons, is sufficient documentation to establish eligibility.

(c) For an applicant claiming to be eligible pursuant to subdivision (k) of Section 8030.4, a letter certifying that the applicant meets the requirements of that subdivision, that the case is not a fee-generating case, as defined in subdivision (e) of Section 8030.4, and that the litigant or litigants are indigent persons, together with a letter from the director of a project or center defined in subdivision (j), (l), or (m) of Section 8030.4 certifying that the litigant or litigants had been referred by that project or center to the applicant, is sufficient documentation to establish eligibility.

(d) The applicant may receive reimbursement directly from the board if the applicant has previously paid the certified shorthand reporter for transcripts as provided in Section 8030.6. To receive payment directly, the applicant shall submit, in addition to all other required documentation, an itemized statement signed by the certified shorthand reporter performing the services that describes payment for transcripts in accordance with the requirements of Section 8030.6.

(e) The board may prescribe appropriate forms to be used by applicants and certified shorthand reporters to facilitate these requirements.

(f) This chapter does not restrict the contractual obligation or payment for services, including, but not limited to, billing the applicant directly, during the pendency of the claim.

(g) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 11. Section 8030.10 is added to the Business and Professions Code, to read:

8030.10. (a) On or before July 1, 2022, the board shall report the following information to the Joint Legislative Budget Committee and the appropriate policy committees of the Legislature to determine the feasibility of funding the Transcript Reimbursement Fund through a distinct assessment collected separately from certificate fees:

(1) The total amount of funds transferred from the Court Reporters' Fund in the previous two years.

(2) The total number of approved claims for reimbursement from the Transcript Reimbursement Fund in the previous two years.

(3) The total amount allocated from the Transcript Reimbursement Fund to reimburse applicants in the previous two years.

(4) The approximate number of certificates issued or renewed by the board in the previous two years from which the board received fees pursuant to subdivision (c) of Section 8031.

(b) The report prepared pursuant to subdivision (a) shall be submitted in accordance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2026.

SEC. 12. Section 8031 of the Business and Professions Code is amended to read:

8031. The amount of the fees required by this chapter is that fixed by the board in accordance with the following schedule:

(a) The fee for filing an application for each examination shall be no more than forty dollars (\$40).

(b) The fee for examination and reexamination for each of the written or practical parts 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.

(c) The initial certificate fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than 180 days after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, or fifty dollars (\$50), whichever is greater. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(d) By a resolution adopted by the board, a renewal fee may be established in such amounts and at such times as the board may deem appropriate to meet its operational expenses and funding responsibilities as set forth in this chapter. The renewal fee shall not be more than two hundred fifty dollars (\$250) nor less than ten dollars (\$10) annually, with the following exception:

Any person who is employed full time by the State of California as a hearing reporter and who does not otherwise render shorthand reporting services for a fee shall be exempt from licensure while in state employment and shall not be subject to the renewal fee provisions of this subdivision until 30 days after leaving state employment. The renewal fee shall, in addition to the amount fixed by this subdivision, include any unpaid fees required by this section plus any delinquency fee.

(e) The duplicate certificate fee shall be no greater than ten dollars (\$10).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be no greater than fifty dollars (\$50).

BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]
CHAPTER 13. Shorthand Reporters [8000 - 8050]

ARTICLE 3. Application, Examination, and Certificate; Requirement and Contents
[8020 - 8027.5] (Heading of Article 3 amended by Stats. 1988, Ch. 1327, Sec. 4.)

8020. Any person over the age of 18 years, who has not committed any acts or crimes constituting grounds for the denial of licensure under Sections 480, 8025, and 8025.1, who has a high school education or its equivalent as determined by the board, and who has satisfactorily passed an examination under any regulations that the board may prescribe, shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination without first presenting satisfactory evidence to the board that the applicant has obtained one of the following:

(a) One year of experience in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records.

(b) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the California Code of Regulations.

(c) A certificate from the National Court Reporters Association demonstrating proficiency in machine shorthand reporting.

(d) A passing grade on the California state hearing reporters examination.

(e) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California whose requirements and licensing examination are substantially the same as those in California.

(Amended (as amended by Stats. 2001, Ch. 616, Sec. 3) by Stats. 2002, Ch. 1079, Sec. 14. Effective September 29, 2002.)

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

Assembly Bill No. 1469

Introduced by Assembly Member Low

February 22, 2019

An act amend Section 8050 of, and to add Section 8051 to, the Business and Professions Code, relating to court reporters, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1469, as amended, Low. Court reporters: registration: nonshorthand reporting corporation entities.

Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, except if the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law requires all fees and other revenues received by the board to be deposited into the Court Reporters' Fund, which is continuously appropriated to carry out the provisions for the licensure and regulation of shorthand reporters. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after January 1, 2021, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is registered with the board as a corporate court reporter provider. The bill would require an entity seeking registration to provide the board with certain information and satisfy specified requirements, including paying an annual registration fee not to exceed \$500 to the board and designating a board-certified reporter-in-charge, as specified. By requiring such an entity to pay a fee that is deposited into a continuously appropriated fund and by expanding the purposes of that fund, the bill would make an appropriation. The bill would require the board to approve an entity's registration or deny the entity's application upon making specified findings. The bill would make a registration valid for 5 years and would also provide for the suspension and revocation of a registration by the board under specified circumstances. The bill would require the board to make available on its internet website a directory of registered entities.

Because a violation of the provisions regulating short hand reporting is a crime, by expanding the provisions to include a new class of certificate holders, the bill would expand the scope of a crime and impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. Local program: yes.

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

SECTION 1. Section 8050 of the Business and Professions Code is amended to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court, to promote competition based upon the quality and price of shorthand reporting services, and to ensure consistent regulation of corporations owned by certificate holders and those not owned by certificate holders.

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

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

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

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

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

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018 or a valid registration issued pursuant to Section 8051, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

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

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

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

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

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

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

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

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

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

SEC. 2. Section 8051 is added to the Business and Professions Code, to read:

8051. (a) On and after January 1, 2021, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

(1) The entity pays an annual registration fee, in an amount determined by the board, not to exceed five hundred dollars (\$500), to the board. The fee shall not exceed the board's cost of administering this section.

(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity, a resident of this state, and holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity's application for registration. The reporter-in-charge shall be responsible to the board for an entity's compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.

(3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.

(b) An entity shall provide the board with all of the following information for consideration of initial registration pursuant to subdivision (a):

(1) The name and certificate number of the entity's certified reporter-in-charge.

(2) Whether the entity, a controlling officer or parent corporation of the entity, the entity's reporter-in-charge, or any of its officers, employees, or independent contractors, had been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration. If so, the entity shall provide the board a copy of the operative complaint with the initial registration.

(3) Whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter-in-charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

(4) Any additional documentation the board reasonably deems necessary for consideration in the initial registration process.

(c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

(d) A registration issued by the board pursuant to this section shall be valid for five years, at which time it may be approved for renewal by the board upon meeting the requirements of subdivision (a).

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement reporter-in-charge shall be subject to approval by the board. If disapproved, the entity shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a reporter-in-charge is approved by the board.

(f) The board shall revoke the registration of an entity if the board determines the entity:

(1) Engages, in whole or in part, through officers, employees, or independent contractors that are not certificate holders, in acts that are within the scope of practice of a certificate holder, unless otherwise permitted by law.

(2) Directs or authorizes the reporter-in-charge to violate state laws or regulations pertaining to shorthand reporting or offering financial incentives to the reporter-in-charge for engaging in acts that violate state law.

(g) In addition to revoking an entity's registration as required by subdivision (f), a registration issued under this section may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the board deems fit for violations of the laws or regulations pertaining to shorthand reporting by the entity's officers, employees, or independent contractors, including the issuance of citations and fines.

(h) The board shall consider suspending the registration of an entity for a minimum of one year if the license of its reporter-in-charge is suspended or revoked for violating this section more than twice in a consecutive five-year period.

(i) An entity shall have the right to reasonable notice and opportunity to comment to and before the board regarding any determination to deny or revoke registration before that determination becomes final. An entity may seek review of a board decision to deny or revoke registration under this section either in an administrative hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or through an action brought pursuant to Section 1085 of the Code of Civil Procedure.

(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM VI – Legislation

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

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

AB 5 (Gonzalez) – Worker status: employees and independent contractors.

(Chaptered 9/18/19) - This bill would place into statute the three-part legal test formulated in *Dynamex v. Superior Court*, (2018) 4 Cal.5th 903 ('*Dynamex*') to determine whether a worker who performs services for a hirer is an employee or an independent contractor in cases related to existing Work Orders enforced through the Department of Industrial Relations and the Employment Development Department.

AB 199 (Calderon) – California Online Notary Act of 2019.

(Assembly Judiciary Committee) - Among other things, this bill would authorize an online notary public to perform notarial acts, and online notarizations by means of audio-video communication.

*****AB 253 (Stone) – Remote court reporting.**

(Chaptered 10/2/19) - This bill would authorize the Santa Clara Superior Court to conduct a pilot project to study the potential use of remote court reporting.

AB 312 (Cooley) – State government: administrative regulations: review.

(Assembly Accountability and Administrative Review Committee) - This bill would require state agencies, including departments, boards, and bureaus, to do a one-time review of regulations and identify those that are duplicative, inconsistent, or out-of-date. The agencies would then be required to repeal, reconcile, or eliminate those regulations and report their findings and actions to the Governor and Legislature by January 1, 2022.

*****AB 424 (Gabriel) – Depositions: audio or video recordings.**

(Senate Judiciary Committee) - This bill would clarify that a stenographic transcript accompanying an audio or video recording of deposition testimony offered into evidence must be prepared by a certified shorthand reporter.

AB 476 (Blanca Rubio) – Department of Consumer Affairs: task force: foreign-trained professionals.

(Vetoed 10-12-19) - This bill would require the Department of Consumer Affairs to establish a task force to study the workforce integration of foreign-trained professionals. The task force would be required to solicit input from a variety of government agencies, including in-state and out-of-state licensing entities.

AB 496 (Low) – Business and professions.

(Chaptered 9/27/19) - This bill would replace gendered terms and make various nonsubstantive changes to several sections of the Business and Professions Code, including changing the existing term “licentiate” to “licensee”. This bill would require the Director of the Department of Consumer Affairs to report audit and disciplinary findings annually to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee instead of the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee.

AB 544 (Brough) – Professions and vocations: inactive license fees and accrued and unpaid renewal fees.

(Assembly Business, Professions and Consumer Protection Committee) - This bill would limit the maximum fee for the renewal for an inactive license to no more than 50% of the renewal fee for an active license. This bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

AB 613 (Low) – Professions and vocations: regulatory fees.

(Assembly Appropriations Committee) - This bill would authorize each board within the Department of Consumer Affairs to increase their fees every 4 years in an amount not to exceed the increase in the Consumer Price Index in the last 4 years. Fees increased pursuant to this bill would be exempt from the Administrative Procedure Act.

*****AB 1385 (Santiago) – Court reporter fees.**

(Senate Judiciary Committee) - This bill, commencing July 1, 2020, would incrementally increase transcript fees, as specified, and would set the fees, as of January 1, 2023, at \$1.13 for each 100 words for the original printed copy, \$0.26 for each 100 words for the first copy not simultaneously purchased with the original, and \$0.20 for each 100 words for all copies after the original or first copy when multiple copies are simultaneously purchased. The bill, on or before January 1, 2022, would require the Judicial Council to report to the Legislature recommendations to increase uniformity in transcription rate expenditures in California.

SB 16 (Roth) – Courts: judgeships.

(Suspense file) - This bill would appropriate \$36,500,000 from the General Fund for the purpose of funding 25 superior court judgeships currently authorized by the Legislature and expenses associated with those positions. The bill would require the Judicial Council to determine the allocation of those positions, pursuant to that uniform criteria.

*****SB 53 (Wilk) – Open meetings.**

(Assembly Governmental Organization Committee) - This bill would revise the Bagley-Keene Open Meeting Act regarding state body-created advisory committees, by requiring two-member advisory committees to hold open and public meetings if one or more of the advisory committee members is a member of the larger board, committee, or commission, and the advisory committee is supported either wholly or partially by state funds. The purpose of this bill is to

make the Bagley-Keene Act mirror provisions of the Ralph M. Brown Act, which governs local governments' open meetings.

SB 179 (Nielsen) – Excluded employees: arbitration.

(Assembly Judiciary Committee) - This bill would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board. The bill would then require the arbitrator to be chosen in a specified manner and would prescribe the duties of that arbitrator. The bill would provide that a party to the arbitration has the right to have a certified shorthand reporter transcribe the proceeding and that the transcription would be the official record of the proceeding. The bill would require a nonprevailing party, other than an excluded employee, to bear the costs of arbitration and would prohibit the costs of arbitration from being passed on to the excluded employee.

SB 601 (Morrell) – State agencies: licenses: fee waiver.

(Chaptered 10/12/19) - This bill would authorize state agencies to waive or reduce licensing fees for any individual or business displaced by a declared emergency.

SB 645 (Monning) – Civil discovery: depositions.

(Chaptered 8/30/19) - This bill would require that, in any civil action for injury or illness that results in mesothelioma or silicosis, a deposition examination of the plaintiff by counsel other than the plaintiff's counsel of record be limited to 7 hours of total testimony if a licensed physician attests in a declaration that the deponent suffers from mesothelioma or silicosis, raising substantial medical doubt of the survival of the deponent beyond 6 months. A party would be authorized by this bill to seek up to 3 hours of additional deposition testimony for no more than 10 hours of total deposition conducted by the defendants. The bill would authorize a court to grant an extension beyond 7 hours if the court finds that an extension is in the interest of fairness, and determines that the health of the deponent does not appear to be endangered by the grant of additional time.

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Support Documents:

Attachment 1 – AB 1385 (Santiago) Support Letter
Attachment 2 – SB 53 (Wilk) Opposition Letter

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Report Originator: Yvonne Fenner, 11/4/2019

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Recommended Board Action: No action required. Informational only.



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD
OF CALIFORNIA**

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



July 24, 2019

Attachment 1
Agenda Item VI

Honorable Anthony J. Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Re: Support of Assembly Bill 1385

Dear Senator Portantino:

The Court Reporters Board of California (Board) is in support of AB 1385, which would incrementally increase the fee charged for court transcripts. While no one likes to see fees increase, in order to help maintain a strong workforce, transcript fees must reflect adequate compensation for the work involved. Court transcript fees have not increased since 1991, even though the cost of living has increased 80% over that period of time. A strong workforce is critical for the creation of a transcript of trial proceedings. In fact, the backbone of the American judicial system is preserving litigants' appeal rights and allowing for judicial review in cases where a judge's actions are at issue.

For all of these reasons, we support AB 1385. Thank you for your work in protecting the consumers of California.

Respectfully submitted,

Davina Hurt
Court Reporters Board

CC: Assemblyman Santiago
Members, Senate Appropriations Committee
Department of Consumer Affairs Legislative Unit



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July 24, 2019

Attachment 2
Agenda Item VI

Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

Re: Opposition to Senate Bill 53

Dear Assemblyperson Gonzalez:

The Court Reporters Board of California (Board) is in opposition to SB 53, which would require two-member advisory committees to hold open and public meetings if one or more of the advisory committee members is a member of the larger board.

While we applaud and uphold the intent of absolute transparency in government, the practical effect of passage of this bill would create greater and more costly inefficiencies in the Board's operations. If enacted, this bill would have a serious fiscal impact on this small Board of five members and five staffers. The full board meets two to three times a year and uses advisory committees or task forces in between meetings to do research and bring back information for the full Board to discuss. Board decisions are not being made at the advisory level. All in all, having to notice these committee meetings would be expensive for a board with a very limited budget and has the side effect of creating unnecessary controversy at a research level.

For all of these reasons, we oppose SB 53. Thank you for your work in protecting the consumers of California.

Respectfully submitted,

Davina Hurt
Court Reporters Board

CC: Senator Wilk
Members, Assembly Appropriations Committee
Department of Consumer Affairs Legislative Unit

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM VII – Regulations for AB 2138 Implementation

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Agenda Description: Status update

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Brief Summary:

At the July 12, 2019, meeting, the board approved language for regulations to implement the requirements in AB 2138. The regulations package is currently in the pre-approval stage. Once approved, the regulations package will be filed with the Office of Administrative Law to go through the official rulemaking process.

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Support Documents: None

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 11/4/2019

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Recommended Board Action: No action required. Informational only.

AGENDA ITEM VIII – Strategic Plan

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Agenda Description:

- A. Update on idea of educational outreach to the State Bar of California re the “So. Cal stip”; purview of the Board
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Brief Summary:

California Code of Civil Procedure (CCP) provides 30 days for a deponent to review his deposition transcript, after which time the deposition officer shall securely seal the transcript and transmit it to the noticing attorney who shall protect it from loss, destruction, or tampering. When depositions are handled “per code,” the court reporter retains control over the original from production through sealing and delivery to noticing counsel and therefore can attest to its integrity.

In Southern California there is a longstanding stipulation used by attorneys at a deposition whereby they stipulate to relieve the court reporter of his/her duties under the Code of Civil Procedure. Rather than follow the code, the attorneys stipulate that the court reporter will send the original of the transcript to the witness or the witness’ attorney, who agrees to notify opposing counsel of any changes within 30 days. Further, the attorneys stipulate that a certified copy may be used as if it were the original if for any reason an original is unavailable. While no one knows exactly when it began being used, the so-called Southern California stipulation (So. Cal stip) has been in practice since at least 1976.

In August of 2015, the Board was contacted by Ms. Charlotte A. Mathias, CSR 9792, who requested to address the Board at its next meeting, asking that the Board enforce CCP 2025 and prohibit the use of the So. Cal stip statewide. The Board heard the matter at its October 30, 2015, meeting in San Diego. After hearing from court reporters, the Board asked staff to convene a town hall meeting to convene industry stakeholders to gather further information.

On December 23, 2015, the Board issued a memo regarding the Southern California Stipulation (see Attachment 1)

A town hall was set up in Sacramento on February 6, 2016, and on March 9, 2016, in Los Angeles. Attorneys were invited via local state bar newsletters, and judges were invited via contacting the presiding judges of the larger counties. Three attorneys attended the Sacramento town hall meeting, two from industry associations. No attorneys attended the LA town hall meeting. No judges attended either town hall meeting.

At its April 8, 2016, meeting, the Board directed staff to work with the chair to determine what education pieces will be prepared to disseminate its position.

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Support Documents:

Attachment 1 – Board memo of December 23, 2015
Attachment 2 – Documents provided by Licensee Mathias

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Agenda Description:

 B. Update on action plan

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Brief Summary:

At the July 12, 2019, Board meeting, the Board approved an action plan for the 2019-2023 Strategic Plan. The Action Plan Timeline is used as a tool to update the Board on the progress of achieving the strategic plan goals.

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Support Documents:

Attachment 3 – Action Plan Timeline

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 11/4/2019

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Recommended Board Action: Staff recommends the Board review Action Plan and provide feedback as needed.



COURT REPORTERS BOARD OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833
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Memorandum

Attachment 1
Agenda Item VIII.A

Date: December 23, 2015

To: Certified Shorthand Reporters and Related Stakeholders

From: Court Reporters Board of California

Subject: Legal Opinion Regarding Southern California Stipulation

Background

California Code of Civil Procedure (CCP) provides 30 days for a deponent to review his/her deposition transcript. After this time, the deposition officer shall securely seal the transcript and transmit it to the noticing attorney, who shall protect it from loss, destruction, or tampering. When depositions are handled "per Code," the court reporter retains control over the original transcript from production through sealing and delivery to the noticing counsel and, therefore, can attest to its integrity.

In Southern California, there is a longstanding stipulation used by attorneys whereby they stipulate to relieve the court reporter of his/her duties under the CCP. The attorneys stipulate that the court reporter will send the original of the transcript to the witness or the witness' attorney, who agrees to notify opposing counsel of any changes within 30 days. Further, the attorneys stipulate that a certified copy may be used as if it were the original if for any reason the original is not available. While no one knows exactly when it began being used, the so-called Southern California stipulation or So. Cal stip has been in practice since at least 1976.

In the mid-1990s, the Court Reporters Board of California (Board) requested that staff counsel from the Department of Consumers Affairs Legal Office review the practice of the So. Cal stip. A memo was created in answer to the specific question related to the So. Cal stip, a topic that is before the Board again.

Board Decision

At its September 14, 1996 meeting, the Board voted to make public a July 31, 1996 legal opinion regarding the So. Cal stip. In researching the Board archives, it is not readily apparent that the legal opinion was ever published. In an effort to continue the Board's mission of protecting consumers, this oversight is now being corrected, and the legal opinion is as follows:

Memorandum to Certified Shorthand Reporters and Related Stakeholders

December 23, 2015

Page 2

To: RICHARD BLACK, Executive Officer, Court Reporters Board of California

From: Department of Consumer Affairs Legal Office

Date: July 31, 1996

Subject: Southern California Attorneys Stipulating to Waiving Certain Court Reporter Duties

This is in response to the Court Reporters Board of California's request for an opinion regarding the Southern California practice of attorneys stipulating to waive certain court reporter duties as found in the Code of Civil Procedure. (Unless otherwise indicated, all section references are to the Code of Civil Procedure.)

Question

If a court reporter does not adhere to a waiver of his or her duties by counsel at a deposition, can the board discipline that court reporter for unprofessional conduct?

Conclusion

The board can only discipline a court reporter if he or she is a party to the stipulation waiving his or her duties. If the court reporter is not a party to the stipulation, the board may not discipline the court reporter for his or her failure to follow the stipulation.

Analysis

The analysis provided in this memorandum is limited to the following facts. Apparently, it is common practice in Southern California for attorneys at the end of a deposition to stipulate on the record to waiving the court reporter's duties to retain custody of the transcript for review and correction of the original by the deponent. This practice in theory saves the attorneys from purchasing copies from the court reporter. Such copies are significantly higher than the costs of copying the transcript. To the best of my knowledge, Southern California judges have not objected to this practice.

Additionally, you have informed me that the above practice in Southern California does not take place in Northern California resulting in a substantial difference in practice between the north and south areas of the state.

Section 2025(q)(1) reads:

If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, **unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript testimony will be waived** or that the reading, correcting, and signing of a transcript of

Memorandum to Certified Shorthand Reporters and Related Stakeholders

December 23, 2015

Page 3

the testimony will take place after the entire deposition has been concluded or at some other specific time. For 30 days following each such notice, unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or refuse to approve the transcript by not signing it... (Emphasis added.)

Section 2021 reads:

Unless the court orders otherwise, the parties may by written stipulation (a) provide that depositions may be taken before any person, at any time or place, on any notice, **any manner**, and when so taken may be used like other depositions, and (b) modify the procedures provided by this article for other methods of discovery. (Emphasis added.)

Section 2021 contains extremely broad language. Even though Section 2025(q)(1) uses the term “shall” it is not mandatory if another statute allows for exceptions. Section 2021 is a very broad exception to the general statutes governing the duties of court reporters.

Section 8025 of the Business and Professions Code reads in pertinent part:

A certificate issued under this chapter may be suspended or revoked, or certification may be denied, for one or more of the following causes: ... (c) Fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetency in practice, or unprofessional conduct.

“Unprofessional conduct” includes, but is not limited to, **acts contrary** to professional standards concerning confidentiality; impartiality; filing and retention of notes; notifications, availability, delivery, execution and certification of transcripts; and **any provision of law substantially related to the duties of a certified shorthand reporter**. (Emphasis added.)

As cited above, Section 2021 allows the parties to an action to stipulate to conduct the deposition “in any manner” as agreed upon. A court reporter is not a party to a lawsuit, however, if the court reporter is a party to the stipulation waiving his or her court reporting duties, it would constitute unprofessional conduct for him or her not to follow the stipulation. On the other hand, if the court reporter is not in agreement with the stipulation of the parties to waive his or her court reporter duties, the board cannot discipline the reporter. Section 2021 does not address whether or not the court reporter has a duty to follow the parties’ stipulation. In absence of such language, the board would not be able to prove by clear and convincing evidence that the reporter acted contrary to a provision of law, a necessary element to a charge of unprofessional conduct.

FILED
SUPERIOR COURT OF CA, COUNTY OF KERN

OCT - 3 2019

TERRY McNALLY, CLERK
BY EB DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

IN RE: COMPLIANCE WITH CODE OF
CIVIL PROCEDURE § 2025.550 AND
REJECTION OF SOUTHERN
CALIFORNIA STIPULATION FOR
SUBMISSION OF UNSEALED
ORIGINAL DEPOSITION
TRANSCRIPTS

MISCELLANEOUS NO.: STO-19-0003

By Order of the Presiding Judge:

There has been a past practice of allowing attorneys to submit unsealed original depositions transcripts to the Court under what is known as the Southern California Stipulation (SoCal Stip), in which the court reporter is relieved of his/her duty under Code of Civil Procedure § 2025.550 and the original transcript is sent directly to the witness or the witness' attorney for reading and signature. When deposition transcripts are handled properly per Code Civ. Proc. § 2025.550, the physical original transcript is retained by the court reporter throughout the entire production process, safeguarding its integrity until the reading and signature period

STANDING ORDER- COMPLIANCE WITH CCP § 2025.550 AND REJECTION OF SOCAL STIP FOR
SUBMISSION OF DEPOSITION TRANSCRIPTS - 1

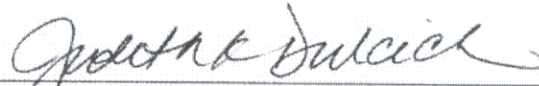
1 has elapsed for the deponent. At the appropriate time, the court reporter must
2 produce an original sealed transcript with attached corrections, if any, and deliver it to
3 the noticing attorney. The transcript is then preserved for filing with the court in its
4 sealed form.

5 With all the advancements in technology since the SoCal Stip's initial
6 development, including electronic transfer and signature capabilities, as well as
7 document and communication security, the rationale for the SoCal Stip no longer
8 exists. Accordingly, the Court will no longer allow unsealed original transcripts to be
9 submitted to the Court under the SoCal Stip. Rather the Court will require attorneys to
10 comply with Code Civ. Proc. § 2025.550, which will safeguard the integrity of the
11 original transcript and exhibits and prohibit the potential opportunity for a party to
12 tamper with the physical original transcript or exhibits when court reporters are
13 relieved of their duties.

14 This order shall be effective, and Code Civ. Pro. § 2025.550 shall apply, to all
15 depositions noticed on or after November 1, 2019.

16
17 **IT IS ORDERED.**

18
19 Dated: October 3, 2019.

20
21 
22 Judith K. Dulcich, Presiding Judge
23 Kern County Superior Court
24
25



COURT REPORTERS BOARD OF CALIFORNIA

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



COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION OCTOBER 30, 2015

Attachment 2
Agenda Item VIII.A

CALL TO ORDER

Ms. Davina Hurt, Chair, called the meeting to order at 9:32 a.m. at the San Diego State Building, 1350 Front Street, Sixth Floor, Eshleman Auditorium, San Diego, California.

ROLL CALL

Board Members Present:

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

Board Members Absent:

John K. Liu, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Fred Chan-You, Staff Counsel
Angelique Scott, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

I. MINUTES OF THE JUNE 26, 2015 MEETING

Ms. Lasensky requested that the word “falls” be changed to “fall” on the first line of page 2 of the minutes. She also requested the addition of the word “Office” after “Governor’s” on page 9 of the minutes.

Ms. Hurt requested replacement of the word “that” with “the” on the second line of the third paragraph under “Review of Action Plan” on page 7 of the minutes.

Ms. O'Neill moved to approve the minutes as amended. Second by Ms. Lasensky. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call. For: All present. Opposed: None. Mr. Liu was absent. **MOTION CARRIED.**

II. DISCUSSION REGARDING SOUTHERN CALIFORNIA STIPULATION CCP 2025.550

Ms. Hurt referred to the robust list of supporting materials provided in the Board agenda packet and reminded the Board that the discussion of this item needed to be framed around consumer harm. She informed the public members of the audience that the Board had not made any conclusions and looked forward to hearing their comments. Ms. Hurt invited the first speaker to the public comment table.

Charlotte Mathias, certified shorthand reporter, approached the Board and thanked them and staff for the opportunity to speak. Ms. Mathias indicated that she is a Northern California reporter who believes the Southern California stipulation (So Cal stip) may be spreading to Northern California.

Ms. Mathias asserted that as the guardian of the record, her job is to follow the California Code of Civil Procedures (CCP) 2025.550 (Code). She is not allowed to be an employee of the attorney or share her opinion on the demeanor or validity of the attorney or witness. She is also not allowed to have a financial interest in who should prevail in the matter she is reporting. She added that she is required to protect marked exhibits and the transcript against loss, destruction, or tampering, retain her notes for eight years, and be subject to disciplinary action by the Board. She asserted that the So Cal stip leaves the reporter vulnerable to adverse action by the Board for not following the duties set forth by the Code.

Ms. Mathias referred to and quoted page 22 of the Board agenda packet where she attached as her Exhibit A the mission of the Board. She then quoted CCP 2025.550(a), indicating that the reporter shall seal the transcript and the noticing attorney shall store and protect it. If the original transcript is unsealed, it may be susceptible to tampering.

Ms. Mathias quoted Merriam-Webster's definition of "shall," stating that when used in laws, regulations, or directives, it expresses what is mandatory. She referred to the additional handouts she distributed at the meeting (see Attachment 1), including an article from Bryan Garner, editor of the 9th edition of Black's Law Dictionary. Mr. Garner was responsible for replacing "shall" with "must" in the applicable Federal Rules of Civil Procedure.

The handouts also included a comparison of CCP 2025 and Federal Rule 30. Ms. Mathias stated that the Code requires the reporter to notify all parties attending the deposition when the original transcript is available for reading, correcting, and signing. She added that Rule 30 does not allow for the So Cal stip in Federal cases.

She offered that occasionally following a proceeding, she inquires with Southern California attorneys about the function of the So Cal stip. Some attorneys respond that they do not know what it is but were told to enter into it before leaving the office. Other attorneys think it is to save witnesses from traveling long distances to review and correct the original transcript. She stated that since witnesses may now review the attorney's copy of the transcript and send changes to the court reporter, traveling is no longer an issue.

Ms. Mathias stated that the "usual stip" is vague and does not specify from which duties the report is being relieved. She indicated that the relieved duties could include typing, certifying, and sealing the transcript, notifying the deponent the transcript is ready, and sending the deponent's changes to anyone ordering a copy later.

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**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
APRIL 8, 2016**

Attachment 2
Agenda Item VIII.A

CALL TO ORDER

Ms. Davina Hurt, Chair, called the meeting to order at 9:00 a.m. at the Department of Consumer Affairs HQ2, 1747 North Market Boulevard, Hearing Room, Sacramento, California.

ROLL CALL**Board Members Present:**

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

Board Members Absent:

John K. Liu, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Kurt Heppler, Senior Staff Counsel
Fred Chan-You, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

I. MINUTES OF THE OCTOBER 30, 2015 MEETING

Ms. Lasensky requested that the word "but" be added to the fifth line of the last paragraph on page 5 of the minutes, following the words, "So Cal stip began." She then requested the word "to" be added to the fourth line of the fifth paragraph on page 7 of the minutes, following the words "create an unwritten exception." She requested the addition of "role of the" be added to the second line of eighth paragraph on page 9 of the minutes, following the words, "She expressed that the." Lastly, she asked that the word "with" be added to the first line under "Update on licensee fee cap increase" on page 19 of the minutes.

Ms. Hurt requested that a paragraph space be added between the last two paragraphs on page 7 of the minutes.

Ms. O'Neill moved to approve the minutes as amended. Second by Ms. Kramm. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Kramm, Ms. Lasensky, Ms. O'Neill, and Ms. Hurt
Opposed: None

Ms. Hurt called for public comment.

Mr. Patterson requested that staff counsel look at the legislative history while conducting their analysis, which he found references officials and pro tem reporters within the same sections. He also asked that they review Government Code section 69942.

Ms. Mathias clarified that the rich company is not always the one that brings the court reporter. The litigants can shop around for better prices and bring their own reporter to court.

Ms. Pulone added that the TRF is available to indigent litigants as another option.

A vote was conducted by roll call.

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

Opposed: None

Absent: Mr. Liu

Abstain: None

Recusal: Ms. Kramm

MOTION CARRIED.

Mr. Heppler stated that one way or the other, the Board will get an answer. He indicated that the reach of the applicable statutes will be determined by the Court upon appeal. It would be up to the Board whether they want to shape that decision.

Mr. Howard understood the motion to be directing staff counsel to look at the law. Ms. Hurt responded that counsel would express to the Board what its policy should be based on its review, but that does not preclude the Board from holding a different policy.

X. CLOSED SESSION

This item was deferred.

XI. DISCUSSION REGARDING SOUTHERN CALIFORNIA STIPULATION

Ms. Fenner stated that at the direction of the Board at its October 30, 2015 meeting, staff set up town hall meetings to gain input from all interested stakeholders regarding the Southern California stipulation (So Cal stip). Ms. Bruning added that the meetings were held on February 6, 2016, in Sacramento, and on March 10, 2016, in Los Angeles.

Ms. Bruning continued, stating that the invitation was sent via e-mail to the Board's subscriber list on January 7, 2016. On the same date, the invitation was sent to the Judicial Council. Unfortunately, they were not able to send it to their list of presiding judges; therefore, staff contacted many counties around the state that may be interested in the matter. The invitation was sent to 12 presiding judges or court executive officers for distribution at their courts. The State Bar included the invitation in their weekly newsletter to their members. The notice was also posted to the Board's Web site.

Ms. Hurt stated that the matter started with a petition to the Board. The town hall meetings were established with a goal of gathering opinions from judges, attorneys, and court reporters as an array of stakeholders to evaluate the long-standing tradition. She stated that the meetings were both great, bringing together the members of the community who shared their stories and experiences related to the issue. It was noticeable that the majority of those that attended were court reporters, with approximately three attorneys attending the Sacramento meeting. No attorneys or judges attended the Los Angeles meeting.

Ms. Hurt asked if there were any new public comments to be made. No comments were offered.

Ms. Kramm stated the court reporters in Northern California made amazing arguments, as did the Southern California reporters, albeit with a different prospective. She stated that as a San Diego court reporter and firm owner, she has lived the So Cal stip for 30 years. She understands it and the attorneys' confusion, as well as ramifications that concern court reporters. She wanted to understand as a Board member the ramifications of what the Board conclusion might be. She researched the matter by speaking to a professor of law at the University of San Diego about the California Code of Civil Procedures (CCP) section 2025. The professor was familiar with the So Cal stip and considers it to be stealing when an attorney provides a copy to another attorney. He did not believe, however, the court reporter could decline to enter into the So Cal stip if the attorneys want to. This was partially because judges allow it in Southern California. She added that many judges do not even want paper, and paper transcripts may be done away with in the next two or three years as the courts move to digital copies.

Ms. Kramm shared that she had a deposition in Los Angeles recently where she told the attorneys that the So Cal stip was old fashioned and is not something people do anymore. The attorneys expressed a concern that the witness would have to travel to her office, which she informed them that CCP 2025 no longer requires that. She also told them that it concerns court reporters when the transcripts are torn apart. The attorneys agreed to follow the code, but share the pdf copy. She believed that it did not solve the problem, but made it worse because the attorneys are so confused about what the code is.

She expressed that she believed that attorneys need education about the code, as do court reporters. She suggested a vignette be created.

Ms. Kramm said a court reporter refusing to enter into the So Cal stip may be faced with losing jobs to reporters who do. In addition, if the Board were to determine that entering into the So Cal stip constituted a violation, every reporter would lose their license. That would be the only way to level the playing field that would give the reporter in the field the power to stipulate away the original. As a Board member, she would not advocate the revocation of licenses because attorneys entered into a stipulation.

Ms. O'Neill reiterated the Board's charge to protect consumers. In her years reporting depositions in Southern California, she heard very little harm happening. She did not see where the harm was to undertake the task of enforcing the code.

Ms. Lasensky stated that the Board heard a lot of public comment, but she did not hear anything substantive that showed harm.

Ms. Kramm asserted that the court reporters should know CCP 2025 and should know what they are saying in the field, but many do not.

Ms. Hurt stated that, as she understood it, attorneys have the right to control the procedural aspects of their litigation through tactics and strategies. One of those aspects may be stipulating. She stated that the two main questions may be what can be stipulated away and have they exceeded their authority to stipulate away a neutral entity's duties under the CCP. She then indicated that the California Code of Regulations 2475 prohibits a reporter from entering into, arranging, or participating in a relationship that compromises the impartiality of the certified shorthand reporter. She then considered how the So Cal stip compromises the impartiality of the court reporters. Ms. Hurt added that the California Discovery Act allows parties to modify their discovery procedures, one of which being stipulations.

She did not see a solution reached by court reporters turning each other in to the Board or angering attorneys and judges. She indicated that she previously questioned what the industry did to educate the Bar, and contact had not been made. She believed reaching out to the Bar for education purposes is the next step, and she suggested that understanding e-filing implications is needed.

Ms. Pulone said that as a Northern California reporter, she is infrequently exposed to the So Cal stip; however, she has seen consumer harm when pages are out of order or are missing from the transcript. She asserted that the issue is not about copy sales, but about keeping the original safe and intact. Ms. Pulone restated the questions brought to the Board by CalDRA at its October 30, 2015 meeting, asking if the court reporter would be sanctioned by Board for entering into the So Cal stip.

Ms. Fenner stated that the Board can never issue a blanket statement. Each complaint is considered on a case-by-case basis. She added that if the stipulation is on the record and the court reporter agrees to do it, then it is non-actionable. Ms. Kramm stated that reporters should have the entire stipulation on the record.

Ms. Pulone agreed with the idea of educating the Bar and licensees.

Ms. Mathias thanked the Board for agreeing to take part in educating the Bar. She shared concerns for the original transcript and asserted that the Board's mission also includes protecting the integrity of the record.

Ms. Bruning suggested the Board create an educational handout that could be sent to the Bar and also printed by court reporters to bring to depositions. Ms. Hurt added that she could also speak with her contacts at the State Bar.

The Board directed staff to work with the chair to determine what education pieces will be prepared to disseminate its position.

XII. PRESENTATION ON HOLDING OF NORTH CAROLINA CASE

This item was deferred.

The Board heard Agenda Item XIV – Public Comment prior to Agenda Item XIII – Future Meeting Dates.

XIV. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA (out of order)

Ms. Mathias stated that a Southern California practice of leaving a blank in the transcript is making its way to Northern California. She could not find anything in the code to address it and would like it added to the best practice pointers. Ms. Hurt stated that there will be additional practice pointers created, and the suggestion is now on record.

XIII. FUTURE MEETING DATES

Ms. Hurt asked if any members had conflicts in May. Ms. O’Neill indicated she would need to check with her office before making a commitment. She would recommend against Friday, May 27, as it precedes a holiday weekend.

The Board directed staff to coordinate dates with the members.

XV. ADJOURNMENT

Ms. Hurt adjourned the meeting at 3:44 p.m.

_____ DAVINA HURT, Board Chair	_____ DATE	_____ YVONNE K. FENNER, Executive Officer	_____ DATE
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Court Reporters Board of California
2019 – 2023 Action Plan Timeline

Action Items	Target Date	Status
Maintain fair testing to provide consumers with competent entry-level reporters	Dec 2023	On-going
Expand Best Practice Pointers to keep licensees up to date with industry standards	Jan 2020	
Facilitate expansion of verbatim reporting methods to provide sufficient workforce	Jan 2022	On-going
Investigate real-time captioning standards and assess industry practices for consumer protection	Dec 2020	
Monitor compliance by non-licensee-owned firms to ensure integrity of the record	Dec 2023	On-going
Inform licensees regarding the role of the Board's enforcement to dispel common misconceptions	Dec 2020	
Educate consumers about the Board's complaint process to have a place for recourse in cases of violation	Dec 2023	
Support schools' recruitment efforts to preserve the integrity and continuity of the workforce	Jan 2021	
Increase Board school visits to more effectively monitor compliance with applicable laws and regulations	Dec 2023	
Launch a strategic awareness campaign in collaboration with external stakeholders to educate consumers about the court reporting roles and CRB responsibilities and services	Dec 2023	
Improve the CRB website to improve service and efficiency for consumers	June 2019	June 2019
Implement business modernization to allow online renewals and applications	Dec 2023	
Continue to cross-train staff to be effective and efficient, as well as to prepare for succession planning	Dec 2022	On-going

AGENDA ITEM IX – License/Certificate Reciprocity

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Agenda Description: Discussion and possible action to grant CSR certification to holders of the RMR or CRR certifications on either a full or provisional basis.

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Brief Summary:

At its July 12, 2019, meeting, the California Court Reporters Association (CCRA) requested that the Board take action to allow license reciprocity for holders of the Registered Merit Reporter (RMR) and Certified Realtime Reporter (CRR) certifications from the National Court Reporters Association (NCRA). CCRA is requesting reciprocity of the skills portion, requiring RMRs and CRRs to only take the two written tests in order to gain full licensure in California. The following information was provided to the Board in July:

The Board currently allows Registered Professional Reporters (RPRs) to be eligible to take the license exam.

The skills portion of the California license exam is four-voice testimony at 200 words per minute (wpm) for 15 minutes, ten of which must be transcribed at 97.5% accuracy. The RPR consists of five minutes of literary dictation at 180 wpm, five minutes of jury charge dictation at 200 wpm, and five minutes of two-voice testimony at 225, all transcribed at 95% accuracy. The RMR consists of five minutes of literary dictation at 200 wpm, five minutes of jury charge at 240 wpm, and five minutes of two-voice testimony at 260 wpm, again transcribed at 95% accuracy. The CRR consists of five minutes of two-voice testimony written at 96% accuracy. As the CRR is a realtime test, no editing is allowed after the dictation concludes.

There are currently 1,809 reporters with RMR certificates and 2,474 reporters with CRR certificates. Of those, 168 RMRs and 287 CRRs currently reside in California. CCRA believes California would benefit from having these high-caliber reporters in our state and that offering reciprocity to these reporters will have an immediate effect on the number of active licensees and help address concerns for supply and demand of available professionals.

Changes to the licensing requirements, including any type of provisional licensing, would require a regulatory change.

The Board discussed this topic and requested additional information regarding how such a decision would impact the California consumer. Clearly the consumer benefits from a robust work force. However; it is staff's opinion that those CRRs and RMRs who are interested in living in California already do so as they are already eligible to take the California CSR exam and the cost of the

exam is not a bar to licensure. It doesn't appear that we would gain an impactful number of licensees by making the requested regulatory change.

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Support Documents: None

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Fiscal Impact: Staff time would be required to develop the regulatory language and prepare the regulations package.

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Report Originator: Yvonne Fenner, 11/7/2019

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Recommended Board Action: If the Board decides to pursue a change to the examination requirements for licensing, it should instruct staff to prepare regulatory language consistent with the Board's decision.

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM X – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2019 and 2020 Board Calendars

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Current scheduled activities:

Exam Workshop:

December 13 – 14, 2019 – Sacramento

February 28 – 29, 2020 – Sacramento

March 6 – 7, 2020 – Sacramento

April 24 – 25, 2020 – Sacramento

CSR Dictation Exam:

November 15, 2019 – Sacramento

March 6, 2020 – Ontario

July 10, 2020 – Ontario

November 20, 2020 – Sacramento

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Recommended Board Action: Information exchange

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

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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

**A YEAR-AT-A-GLANCE CALENDAR 2020
COURT REPORTERS BOARD OF CALIFORNIA**

JANUARY 2020

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ACTIVITY

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GENERAL LOCATION	
NC -NORTHERN CALIFORNIA	
SC - SOUTHERN CALIFORNIA	

COURT REPORTERS BOARD MEETING – NOVEMBER 15, 2019

AGENDA ITEM XI – 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 – NOVEMBER 15, 2019

AGENDA ITEM XII – 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, 10/31/2019