



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 20, 2020
9:00 a.m. to conclusion****PUBLIC TELECONFERENCE MEETING**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, a physical meeting location is not being provided.

Important Notices to the Public: The Court Reporters Board will hold a public meeting via a teleconference platform.

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx.

Members of the public may, but are not obligated to, provide their names or personal information when observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting, please log on to this website:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e636523c3fd70e607d809cac26c8359b3>.

Event number: 146 896 7986
Event password: CRB11202020

Audio conference: US Toll +1-415-655-0001
Access code: 146 896 7986

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at:
<https://thedcapage.blog/webcasts/>

Please note the Board will ask members of the public to limit their comments to two minutes, unless, at the discretion of the Board, circumstances require a shorter period; the Board will advise when the two-minute time limit is approaching.



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MEETING OF THE COURT REPORTERS BOARD

Friday, November 20, 2020**9:00 a.m. to conclusion**

AGENDA

Board Members: Davina Hurt, Chair; Toni O'Neill, Vice Chair; Carrie Nocella; and Robin Sunkees

CALL TO ORDER, ROLL CALL, AND ESTABLISHMENT OF A QUORUM

1. REVIEW AND APPROVAL OF MAY 21, 2020 MEETING MINUTES 5
2. RESOLUTION FOR BOARD MEMBER NOCELLA 28
3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE 30
4. REPORT OF THE EXECUTIVE OFFICER 31
 - 4.1 CRB Budget Report
 - 4.2 Transcript Reimbursement Fund
 - 4.3 Enforcement Activities
 - 4.4 Exam Update – Discussion and possible action regarding online skills exam
 - 4.5 CRB Today Newsletter, Fall 2020
 - 4.6 Business Modernization – Status update
5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA 44
 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)).
6. DIGITAL RECORDERS 45
 Update to the Board on allegations of fraud and unlicensed activity
7. LICENSE/CERTIFICATE RECIPROCITY 49
 - 7.1 Discussion and possible action to allow reciprocity with the state of Texas.
 - 7.2 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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	Discussion and possible action	
8.1	AB 1469 (Low) Court reporters: registration: nonshorthand reporting corporation entities.	
8.2	SB 1146 (Umberg) Civil procedure: electronic filing, trial delays, and remote depositions.	
8.3	Proposal from CalDRA to amend Business & Professions Code section 8018 re: use of the terms ‘court reporter’ and ‘deposition reporter’	
	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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9.2	Disciplinary Guidelines: Proposed amendments to section 2472	
9.3	License Examination	
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	9.3.2 Examination Application: section 2418.	
10.	<u>BOARD POLICY MANUAL</u>	58
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	10.2.1 Time to upload steno notes	
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	11.2 Best Practices Task Force – Best Practice Pointers Number 11 for Remote Reporting. Discussion and possible action on draft publication.	
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	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.	

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 website 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.

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 requested by the Chair on an as needed basis to accommodate all interested speakers and the full agenda. The public may comment on any issues not listed on this agenda. However, please be aware that the Board CANNOT discuss or comment on any item not listed on this agenda.

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 1 – Review and Approval of May 21, 2020, Meeting Minutes

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Agenda Description: Review and approval of minutes

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Brief Summary:

Minutes from May 21, 2020, meeting

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Support Documents:

Attachment – Draft minutes for May 21, 2020

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board approve minutes.



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Attachment
Agenda Item 1**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
MAY 21, 2020****DRAFT****CALL TO ORDER**

Ms. Davina Hurt, chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Executive Order N-29-20.

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
Robin Sunkees, Licensee Member

Staff Members Present:

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

A quorum was established, and the meeting continued.

1. INTRODUCTION OF NEW BOARD MEMBER – ROBIN SUNKEES

Ms. Hurt welcomed new licensee Board member Robin Sunkees. She has been an official court reporter since 1986 and currently works for the San Diego County Superior Court. She also brings experience from the freelance arena. Ms. Sunkees has a long history of involvement in local, state, and national associations. Her wealth of expertise is further described on page 5 of the Board agenda packet.

Ms. Sunkees thanked the Board for their welcome and expressed her eagerness to work with the Board.

Kimberly D'Urso extended a welcome to Ms. Sunkees.

2. PETITION FOR REINSTATEMENT OF LICENSE – VALERIE WU

Ms. Wu appeared by teleconference before the Board members to petition for reinstatement of her surrendered license.

Administrative Law Judge Heather Rowan and the Board members heard the petition and convened into executive closed session to deliberate the matter. Judge Rowan will prepare the decision.

This public hearing was stenographically reported by Ann Leitz, CSR 9149.

The Board convened into closed session from 10:00 a.m. to 12:30 p.m.

3. CLOSED SESSION

Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board met in closed session to discuss or act on disciplinary matters and/or pending litigation.

The Board took a break at 12:30 p.m. and returned to open session at 12:45 p.m. A quorum was reestablished by roll call.

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

4. LICENSE/CERTIFICATION RECIPROCITY

4.1 Discussion and possible action to allow reciprocity with the state of Texas

Ms. Fenner reported that the Board received a request from the Texas Judicial Branch Certification Commission (JBCC) to consider establishing licensing reciprocity for court reporters between the states.

Ms. Hurt welcomed Jeff Rinard, JBCC Director, and Steven Bresnan, Representative of the Texas Court Reporters Association (TCRA).

Mr. Rinard provided an overview of the JBCC and what they have done to address the shortage of court reporters in Texas and across the nation. He indicated that JBCC currently licenses 2,197 court reporters and 322 firms in Texas. A JBCC advisory board recommended endorsement as an option for addressing the shortage, which led to 25 California court reporters becoming certified in Texas. Additionally, legislative changes created an apprentice license and a provisional license. JBCC sent out requests for consideration of reciprocity to the 31 states that license court reporters. At this time, Illinois, Kansas, Oklahoma, and Tennessee are interested in reciprocity with Texas. A handful of other states are also considering their options to engage in reciprocity.

Mr. Bresnan indicated that the number one goal he was charged with by TCRA was to keep standards high while meeting the needs of the courts and attorneys. He stated that his team worked with the TCRA membership to address the Texas Legislature's reporter shortage concerns. The Texas Supreme Court and JBCC were open to the recommendations and worked with his team to put a framework in place. After reviewing the Board's strategic plan and sunset report, he found that California has similar concerns with court reporter shortages and other issues Texas is working to address.

Ms. Hurt inquired if Texas reporters had conveyed any barriers in taking the California license test. Mr. Rinard had not heard of any barriers. Mr. Bresnan indicated that Texas rules allow reporters who have actively engaged in reporting in three of the last five years to bypass the skills exam and only take the Texas procedural exam. He believes reporters can get into the market more quickly if they do not have to take another skills exam.

Ms. Hurt asked if the JBCC found other states to have similarly high standards as Texas and California. Mr. Rinard reported that they found 18 states have standards they could work with and accept. He clarified that he would not expect California to accept a Texas licensee unless they had tested in Texas.

Mike Hensley, Vice President of the California Court Reporters Association (CCRA), asserted that there are no barriers to testing in California and, therefore, there should be no problem for a candidate to come to California to sit for the skills exam to work in the state. He stated that California jobs should be available to and covered by California reporters primarily. He expressed concerns of an imbalance in the resources available between the two states. He further stated that there has been progress in recruiting new reporters in the state that will be available to assist with the perceived shortage. He questioned the intent of the proposal for reciprocity, whether it be for reporters to relocate to another state for coverage or to expand upon remote means of reporting.

Heather Bautista stated that she is also licensed in Texas and expressed her support of reciprocity. She stated that the JBCC took steps to ensure she was qualified, and she passed a written test. She requested clarification on how to determine which state's minimum transcript format standards to follow for remote proceedings. She also suggested each state set up a mentorship program to assist reporters who are newly licensed in the state to become acclimated in their new state.

Mr. Bresnan did not have a formal answer to the jurisdiction question but believed a reciprocity agreement between the states could answer those types of questions.

Ms. Hurt added that any agreements for reciprocity would be subject to the regulatory process where the details would be fleshed out.

Charlotte Mathias shared that she was licensed in Oklahoma in the past. She was not required to take the skills exam in Oklahoma since they viewed the California test as at a higher standard. She believes reciprocity would be good for both Texas and California.

Ms. Hurt inquired if a practicing California CSR is required to be physically located in California. Ms. Fenner responded that that is the expectation under the current law.

Ms. O'Neill did not understand any benefits to reciprocity for either California or Texas, asserting that both states are extremely busy and cannot spare reporters to go to the other state.

Mr. Bresnan acknowledged that reporters are all busy, but not necessarily at the same time. Therefore, broadening the market may afford greater opportunities for all. He

shared that he also represents the Texas Trial Lawyers Association. He believed that as trial lawyers move around the country, the relationships they have with court reporters could help meet the needs of the market wherever they happen to be.

Ms. Lasensky did not see a down side to offering reciprocity.

Ms. O'Neill questioned how the different state boards would handle enforcement issues. Ms. Hurt agreed that there would be many details to expound on.

Ms. Sunkees viewed reciprocity as a positive way to facilitate reporters' ability to move from one state to another by removing the skills exam requirement and retaining the written knowledge exams.

She shared that the Texas skills exam standards are equivalent to the National Court Reporter Association (NCRA) Registered Professional Reporter (RPR) exam, which she believed to be a sufficient exam for entry-level licensees.

Ms. Nocella expressed her support for offering reciprocity.

Ms. Hurt asked for information on the next steps to work with Texas on reciprocity. Mr. Rinard suggested that Texas could get their advisory board and stakeholders involved to start a discussion with a group from California to see where it goes.

Ms. Sunkees stated that taking exams increases anxiety for even the most qualified candidates. And although that may not appear to be a barrier to licensure, removing that factor would increase the number of qualified and professional reporters in different areas for consumers.

Keren Guevara requested clarification on the previous comment that California CSRs must be residents of California. She asked if a California CSR could take a remote deposition while located in another state. Ms. Fenner responded that outside of the current emergency order that allows remote depositions, the statutes require the reporter to be in the presence of the party witness. She offered to answer questions specific to the practice by contacting her directly outside of the Board meeting.

Lucy Carrillo-Grubbs supported reciprocity with Texas. She shared that when attorneys can take their reporter with them across stateliness, it benefits the consumer.

Ms. Bautista added that she obtained a license in Texas in case she takes a case while visiting friends or family in the state.

Ana Costa thanked the presenters from Texas. She stated that the qualified court reporters from Texas would be a welcome addition to California opposed to digital recorders working in the state.

Mr. Hensley, on behalf of CCRA, suggested that with reciprocity there is a potential for more reporters to leave California and go to Texas due to the differing economic climates. He supported opportunities for offering the examination more frequently in California to increase the number of licensees.

Irene Nakamura stated that while trying to recruit other reporters to the state of California, many have reported that they are dissuaded by the new independent contractor and corporation laws enacted under AB 5.

Ms. O'Neill suggested the Board form a task force to expound on the details before deciding whether to move forward with regulatory or legislative changes to make reciprocity feasible. Ms. Hurt and Ms. Lasensky agreed.

Ms. Lasensky moved to create an ad hoc committee (task force) to work with Texas on developing further the concept of reciprocity between the two states. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.

Ms. Bautista volunteered to sit on the task force.

Mr. Hensley expressed interest to have a CCRA member participate in any committee or study group.

Ms. Carrillo-Grubbs indicated that Texas is already waiving the skills exam for California licensees; therefore, she did not see a downfall to California waiving the skills exam for Texas licensees.

Jennifer Esquivel encouraged the Board to strongly consider reciprocity with Texas to increase labor support in the stenographic field.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. Hurt appointed Ms. O'Neill and Ms. Sunkees as co-chairs of the task force. Those interested in serving on the task force were directed to contact Ms. Bruning.

Ms. Hurt thanked Mr. Rinard and Mr. Bresnan for offering their time, experience, and knowledge with the Board.

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

Ms. Fenner indicated that the request from CCRA to waive the skills exam for holders of the NCRA RMR or CRR certifications was back before the Board for the third time.

Ms. Sunkees questioned why the NCRA RPR was not being considered as the testing standard. She stated that it is a good test of entry-level reporting. She added that the Board should then eliminate the written English exam and retain the written professional practice exam.

Ms. Fenner suggested the Board delay its decision on this matter until it knows what it wants to do with the request for reciprocity from Texas since they use the same test model as the RPR. The Board could then accomplish the changes in one regulatory package instead of separate packages.

Mr. Hensley, on behalf of CCRA, indicated that the RMR and CRR have been considered to be a higher standard than the RPR and potentially even the California exam. He stated that CCRA are interested in continuing discussions with the Board to consider using the national exams, which may allow greater access to licensure and an increase in the pool of reporters licensed in California.

Ms. Bautista expressed that she believed RMR and CRR certificate holders should be required to take the written knowledge exams before being granted licensure in California. Ms. Carrillo-Grubbs agreed.

Ms. Mathias stated that the RPR is a different type of test but believed it to be comparable to the California skills exam.

Aimee Edwards-Altadonna supported the proposal to waive the skills exam for RMR and CRR certificate holders. She stated that they are advanced certifications.

Ms. O'Neill moved to have the newly-formed Reciprocity Task Force consider the possibility of granting licensure to certificate holders of the RPR, RMR, or CRR, or a combination thereof. Ms. Sunkees seconded the motion.

Ms. Sunkees supported the continuance of the written knowledge test for California licensure. Ms. Hurt added that there are other factors for the Board to consider, such requiring at least a year of experience before granting reciprocity.

Ms. Hurt called for public comment.

Francine Dais suggested the Board use the RPR as its license exam if it considers it a reciprocal exam. She agreed that retaining the written knowledge test is critical to ensuring the candidate is familiar with the state's rules and regulations.

A vote was conducted by roll call.

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

MOTION CARRIED

5. APPROVAL OF NOVEMBER 15, 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. Nocella, Ms. O'Neill, Ms. Sunkees, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

The Board took a break at 2:20 p.m. and returned to open session at 2:25 p.m. A quorum was reestablished by roll call.

6. REPORT OF THE EXECUTIVE OFFICER

Ms. Fenner reported that Ms. Hurt had been reappointed for another four-year term.

6.1 CRB Budget Report

Ms. Fenner referred the Board to its budget report found on page 29 of the Board agenda packet.

6.2 Transcript Reimbursement Fund

Ms. Fenner directed the Board's attention to the fund condition on page 30 of the Board agenda packet. She indicated that the Board is projected to have 6.2 months in reserve starting fiscal year 2020/21. This may be an adequate reserve to make a \$100,000 transfer to the Transcript Reimbursement Fund (TRF). However, the projections are relatively close to the six-month threshold; therefore, she recommended the Board wait to make a transfer until the final budget numbers for the year are available in the fall.

Ms. Hurt agreed with the recommendation to wait for final budget numbers, commenting that the Board worked hard to minimize spending and regain a reserve fund balance after working with previous miscalculations. The Board supported this direction.

Ms. Mathias inquired how the TRF is funded. Ms. Fenner responded that the TRF is funded solely by court reporter licensing fees.

6.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 31 of the Board agenda packet. She indicated that there was nothing notable about the statistics or types of complaints received.

6.4 Exam Update

Ms. Fenner indicated that the historical examination statistics were provided in the Board agenda packet starting on page 33.

Ms. Fenner stated that the next dictation exam was scheduled for July 10, 2020. She indicated that due to COVID-19, there was a prohibition of gatherings of more than 10 individuals. She reported that the Board could wait until the first of June to determine if the exam could still be held based on any restrictions in place at that time. She described safety measures that staff would use if the in-person test went forward.

She believed, however, offering the test online was a viable alternative since the Board already has a contract in place with Realtime Coach (RTC). The Board previously elected to wait until after the November 2020 exam to start online testing.

Ms. Lasensky shared her hesitation to put staff and candidates in a position where they would need to travel and meet in a large group setting. Ms. Sunkees added that candidates may be fearful of taking the examination in person. She favored the online exam option.

Ms. O'Neill agreed it would be better to offer the test online and asked what steps staff needed to take to go forward. Ms. Fenner responded that the Board has some tests already written, but they need to be video recorded and sent to RTC. The candidates would then be notified what date window they can schedule a proctor for their exam.

Ms. Nocella agreed that accommodating candidates with an online format made sense. She preferred to avoid any potential liability by exposing candidates to COVID-19 during an in-person test. Ms. Hurt agreed, adding that an online test is better than no test at all.

Ms. Fenner clarified that two tests cannot be offered online, therefore, the two year, two-test trial period would be interrupted or discontinued. Additionally, the online test is set up for transcription time to be limited to two-and-a-half hours instead of the three hours that is allowed during the onsite test. She stated that candidates would be allowed to withdraw their application for the exam if they wanted to hold out for an onsite exam at a later date.

Ms. Lasensky moved to make the next test online and to not offer an onsite test. The online test will be limited to one test instead of two, and the transcription time will be a maximum of two-and-a-half hours. 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, Ms. Sunkees, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

6.5 CRB Today Newsletter, Spring 2020

Ms. Fenner reported that the Spring 2020 edition of the Board's newsletter was published online. She invited ideas for articles to be emailed to Ms. Bruning or herself.

Mr. Hensley, on behalf of CCRA, encouraged the Board to draft a document to clarify the use of parentheses and/or certifications to address audio issues on video conference platforms where all parties are appearing remotely for a deposition.

6.6 Business Modernization

Ms. Fenner stated that the Board opted out of cohort two of the business modernization project due to budget considerations.

Ms. Fenner reported that the Board is starting the beta testing process with DCA to enable credit card payments. There was a minor delay due to the need to find a new vendor.

6.7 COVID-19 Related Changes RE CRB

Ms. Fenner thanked DCA Director Kimberly Kirchmeyer for speedily and regularly relating information from the Governor's Office and Business, Consumer Services and Housing Agency. She added that the DCA Office of Information Services acted quickly to seamlessly implement teleworking capabilities for DCA staff. She related that DCA HR staff also worked to adjust teleworking agreements in consideration for those lacking childcare.

Ms. Fenner shared that the Board office has remained open during normal business hours. Staff continue to work on incoming complaints, exam applications, license renewals, etc. She expressed her appreciation to staff for stepping up despite all the stress that has come from the interruption in daily living.

Ms. Fenner indicated that a link was added to the Board website regarding the emergency orders issued by Judicial Council. Some of the orders affect the ability for licenses to perform jobs remotely. A COVID-19 information banner was also added to the home page to link consumers and licensees to updates related to impacts on services.

Ms. Hurt expressed appreciation to all staff for working through the pandemic and keeping the level of service high. Ms. Lasensky joined in appreciation of staff for their grace and efforts.

7. 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 was found on pages 40 – 42 of the Board agenda packet.

8. RESOLUTION FOR ELIZABETH LASENSKY

Ms. Hurt referred to Ms. Lasensky as a pillar of the Board. She read aloud the resolution prepared for Ms. Lasensky found on page 44 of the Board agenda packet.

Ms. O'Neill expressed her sadness to see Ms. Lasensky, an exemplary member, leave the Board. She stated that it had been a privilege and honor working together over the years.

Ms. O'Neill stated that she often depended on Ms. Lasensky's input with an eye toward consumer protection.

Ms. Nocella conveyed that Ms. Lasensky would be sorely missed. She expressed her appreciation for her candor, honesty, and humor.

Ms. Fenner relayed that it has been an honor and a privilege to have served with such a committed consumer advocate. The Board has benefitted from Ms. Lasensky's passion for public service for many years.

The Board and staff wished her much success going forward.

Ms. O'Neill moved to adopt the resolution honoring Elizabeth Lasensky. Ms. Nocella seconded the motion. Ms. Hurt called for public comment.

Mr. Hensley, on behalf of CCRA, thanked Ms. Lasensky for her time and service to the profession of court reporting and its oversight. He wished her the best in her future.

Ms. Guevara also thanked Ms. Lasensky for her hard work, dedication to the profession, and personal attention she provided to everyone.

Ms. Lasensky shared that she joined the Board in 2007 while Ms. Fenner was on the Board along with Ms. O'Neill. She stated that it has been her honor and privilege to serve alongside the other members. She added that she had learned so much from Board members, staff, and the profession.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

9. LEGISLATION

Ms. Fenner reported that legislators have been asked to only put forward essential legislation due to the pandemic.

The summaries of legislative bills that staff was following were included on pages 45 through 49 of the Board agenda packet. The bills that are of particular interest to the Board or the industry were identified with three asterisks. The language of these bills was also included in the Board agenda packet.

Ms. Fenner thanked DCA legislative analyst Bianca Angulo for assistance with researching the status of these bills.

- 9.1 AB 424 (Gabriel) – Ms. Fenner reported that the author's office indicated that they are not likely to move the bill forward but were undecided. The bill would make it clear that if a transcript of an audio or video recording is being offered into evidence, it must be prepared by a certified shorthand reporter.

Ms. Sunkees suggested the Board send a letter of support for the bill. The Board members concurred. Ms. Sunkees shared that judges can, at their discretion, waive the rule governing transcription of audio recordings being entered into court, which usually ends up in disaster. She also emphasized the importance of the transcript being prepared by a CSR.

Ms. Sunkees moved that the Board write a letter of support for AB 424. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.

Ms. Mathias inquired if the language in the bill that required the CSR to be certified in California had been removed from the bill. Ms. Fenner responded that the bill indicates that the transcript should be prepared by a certified shorthand reporter but does not specify California. As a California bill, it is presumed that it would be a California CSR.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

- 9.2 AB 613 (Low) – Ms. Fenner stated that this bill would allow the DCA board and bureaus to increase license fees every four years without going to the Legislature provided the increase was within the range of the Consumer Price Index.

Ms. Lasensky supported the concept and the bill. Ms. O'Neill agreed.

Ms. Sunkees moved that the Board write a letter of support for AB 613. 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, Ms. Sunkees, and Ms. Hurt

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

- 9.3 AB 1263 (Low) – Ms. Fenner shared that this bill would prohibit licensees from adding a clause to contracts or written agreements that would limit a consumer’s ability to file a complaint with their licensing board.

Ms. O’Neill moved that the Board write a letter of support for AB 1263. 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, Ms. Sunkees, and Ms. Hurt

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

- 9.4 AB 1385 (Santiago) – No discussion.

- 9.5 AB 1469 (Low) – Ms. Fenner stated that this bill would require firm registration of entities offering court reporting services, which the Board has already supported. The bill is awaiting referral to committee.

Ms. Bautista stated that non-licensee owned venture capitalist firms should not be allowed to operate in California.

Ms. Mathias suggested that reporter in charge designees be required to take a written test. Additionally, she believed each reporter in charge should be required to pay the same annual fee that licensees pay instead of \$500 per firm.

Cindy Gebbie agreed with the previous public comments.

Ms. D’Urso agreed with the previous public comments and stated that she believed the bill needed further work on the language.

Harry Palter agreed with the previous public comments.

Ms. Guevara agreed that the Board has been working on this issue for a long time and requested the Board communicate a sense of urgency to the Legislature.

Joy Hollbrook agreed with the previous public comment made by Ms. Bautista.

Kelly Shainline inquired if passage of this bill would have any impact on foreign corporations sending out digitals.

- 9.6 AB 1616 (Low) – No discussion.
- 9.7 AB 1850 (Gonzalez) – No discussion.
- 9.8 AB 1925 (Oberholte) – No discussion.

9.9 AB 1928 (Kiley and Menendez) – No discussion.

9.10 AB 2028 (Aguilar-Curry) – Ms. Fenner indicated that this bill would require state bodies subject to the Bagley-Keene Open Meeting Act to post, in addition to the agenda, all relevant background documents online at least 10 days prior to a public meeting. The bill was scheduled to be heard by the Assembly Appropriations Committee on May 26, 2020.

Ms. Hurt inquired if that was something staff believed to be feasible. Ms. Fenner responded that although difficult, staff was able to post the materials for this meeting only one day after the agenda was posted. If the Board believed it to be helpful to consumers and aid in transparency, she believed they should support it.

Ms. Hurt shared that some comments on the bill indicated that the deadline may make it impossible to have the most up-to-date materials and information that affect decisions. Ms. Fenner added that it would prohibit information being distributed at Board meetings for consideration, such as updated budget reports.

Ms. Nocella moved that the Board remain neutral on AB 2028. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered regarding AB 2028. Since the Board is not taking action on this item, Ms. Nocella withdrew her motion.

9.11 AB 2113 (Low) – No discussion.

9.12 AB 2185 (Patterson) – Ms. Fenner stated that this bill would allow license reciprocity to active U.S. military personnel and their spouse if they meet certain requirements. She stated that the bill was heard by the Assembly Business & Professions Committee on the day of the meeting, but the vote was not yet available.

Ms. Sunkees moved that the Board write a letter of support for AB 2185. Ms. O'Neill seconded the motion.

Ms. Hurt commented that supporting the bill may suggest that the Board is okay with accepting the different standards set by other states.

Ms. Hurt called for public comment.

Ms. Bautista indicated that if the Board was going to grant reciprocity to Texas or any of the NCRA certifications the same courtesy should be offered to active military and their spouses.

Kyung Lee-Green suggested that the written test continue to be required to ensure the candidate has knowledge specific to California.

A vote was conducted by roll call.

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

MOTION FAILED

9.13 AB 2214 (Carrillo) – No discussion.

9.14 AB 2631 (Cunningham) – No discussion.

9.15 AB 2748 (Fong) – No discussion.

9.16 AB 2978 (Ting) – No discussion.

9.17 AB 3045 (Gray) – No discussion.

9.18 AB 3087 (Brough) – No discussion.

9.19 AB 3136 (Voepel) – Ms. Fenner reported that the author's office indicated that they are pursuing the bill, but it is not set for hearing. This bill would carve out court reporting from the Dynamex decision regarding independent contractors.

Ms. Sunkees moved that the Board write a letter of support for AB 3136. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.

Ms. Lee-Green supported the bill, indicating that it is crucial to court reporters in the state to support impartiality.

A vote was conducted by roll call.

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

MOTION CARRIED

9.20 SB 16 (Roth) – No discussion.

9.21 SB 873 (Jackson) – No discussion.

9.22 SB 875 (Grove and Jones) – No discussion.

9.23 SB 878 (Jones) – No discussion.

9.24 SB 891 (Chang) – No discussion.

9.25 SB 900 (Hill) – No discussion.

9.26 SB 926 (Hill) – No discussion.

9.27 SB 937 (Hill) – No discussion.

9.28 SB 991 (Gonzalez) – Ms. Fenner indicated that this bill was withdrawn by the author's office since it does not comply with the request to move forward only essential legislation due to the pandemic.

9.29 SB 1106 (Gonzalez) – Ms. Fenner stated that this bill had also been withdrawn by the author's office for the same reason given for SB 991.

9.30 SB 1146 (Umberg) – Ms. Fenner reported that the bill sought to place the So Cal Stip language into law; however, that language was amended out. Instead the bill now seeks to make a permanent statute out of the Judicial Council's emergency order that removes the requirement for the witness to be in the presence of the court reporter.

Mr. Hensley shared that CCRA is in the process of talking with the author's office and sponsors regarding amendments for the bill. He stated that no Board action is necessary at this time.

9.31 SB 1324 (Allen) – Ms. Fenner stated that the bill's referral to the Veterans Affairs Committee was rescinded due to the shortened 2020 legislative calendar.

10. REGULATIONS FOR AB 2138 IMPLEMENTATION

Ms. Rogers, DCA Regulations Counsel, introduced modifications to the text of sections 2470 and 2471 of the California Code of Regulations. She indicated that the amendments were proposed primarily for clarity.

Ms. Lasensky moved to approve the revised language and direct staff to offer the amended language to the public for a 15-day comment period. If no substantive comments are received, staff should continue with the final submission to the Office of Administrative Law. Ms. Sunkees 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, Ms. Sunkees, and Ms. Hurt

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

11. DISCIPLINARY GUIDELINES

Ms. Rogers referred to the modified disciplinary guidelines from the California Code of Regulations section 2472 as found starting on page 92 of the Board agenda packet. She indicated that the further edits had been proposed since the distribution of the agenda packet materials, as follows:

- Page 12, Item 2, paragraph starting with “Maximum”
 - Change: “if applicable” to “**as** applicable”.
- Page 13, Item 4, paragraph starting with “Minimum”
 - Change to: “Minimum: Suspension – stayed and probation for either three years or the same period of time applied to the criminal conviction, whichever is longer.”
- Page 20, Item 5. Residency Outside of The State, fourth line
 - Change “**1,095-day** period” to “**three-year** period”
- Page 21, Section 14. Advertising Approval, fourth line
 - Add “**such**” between “Any” and “copy” (“Any **such** copy”)
- Page 21, Item 1. Notify Employer/Firm, third line
 - Change “subcontracted **in** in the decision” to “subcontracted **of** the decision”
- Page 22, Item 3. Medical Evaluation/Treatment
 - Add abstention paragraph: “If respondent is determined to be unable to practice safely, the licensed physician making this determination shall immediately notify the board and respondent by telephone and the board shall request that the Attorney General’s Office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the board. During this period of nonpractice respondent shall not engage in any practice for which a license issued by the board is required until the board has notified respondent that a medical determination permits respondent to resume practice. This period of nonpractice will not apply to the reduction of this probationary time period.”
- Page 22, Item 4. Psychological Evaluation
 - Add abstention paragraph: “If respondent is determined to be unable to practice safely, the licensed mental health care practitioner making this determination shall immediately notify the board and respondent by telephone and the board shall request that the Attorney General’s Office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the board. During this period of nonpractice respondent shall not engage in any practice for which a license issued by the board is required until the board has notified respondent that a mental health determination permits respondent to resume practice. This period of nonpractice will not apply to the reduction of this probationary time period.”
- Page 23, Item 6. Abstain from Practice
 - Strike entire paragraph/item

Ms. Sunkees moved to approve the proposed language as amended and direct staff to proceed with the pre-approval process for the regulations with the authority to make nonsubstantive changes. If there are no substantive changes, staff is directed to submit the regulations package to the Office of Administrative Law. 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, Ms. Sunkees, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

12. EXAM FEES

Ms. Fenner stated that the Board charges \$25 for each of the three portions of its license examination each time it is taken. The Board is permitted to charge up to \$75 per exam portion. Increasing the test fee would help offset the increasing prices of administering the exams. She indicated that the Board discussed this matter at a previous meeting and requested it be brought back before them.

Ms. Hurt believed there were benefits to raising the fee for cost recovery but hesitated to do so during the climate of unknowns caused by the pandemic.

Mr. Hensley, on behalf of CCRA, thanked Ms. Hurt for recognizing the needs of the population during the crisis. He asked that the Board consider implementing a gradual increase over time instead of a sudden jump in fees. Additionally, he requested the Board consider increasing the fee of only skills portion of the exam and not the written portions.

Ms. Mathias agreed that this is not the best time to increase fees.

Ms. Sunkees acknowledged that the onsite skills examination is costly and asked if the Board needed to increase fees if offering the skills examination online. Ms. Fenner responded that the cost for the online skills examination is less expensive. The initial proposal was drafted before the test was moving online to offset the significant cost the Board incurs from the onsite exam.

Ms. Fenner shared that the court reporting schools reported that the low fee was allowing candidates to initially take the test as a sort of practice session, and they believed increasing the exam fees would cause candidates to be more committed to passing the exam the first time. This was also a consideration prior to the current economic climate.

Ms. Hurt indicated that the current \$25 fee is nowhere close to covering the cost of the onsite exam. She shared that Texas charges \$75 for their written exam and \$125 for the skills exam. She believed this item should be tabled for a future meeting.

Ms. O'Neill moved to table consideration of increasing the examination fees until the next Board meeting. Ms. Sunkees 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, Ms. Sunkees, and Ms. Hurt
Opposed: None
Absent: None
Abstain: None
Recusal: None

MOTION CARRIED

13. STRATEGIC PLAN

13.1 Discussion and possible action on consumer protection publication re advantages of using Certified Shorthand Reporters

Ms. Fenner shared that the Board received reports of attorneys using alternate methods of reporting the official record. As a result, staff worked with the DCA Office of Public Affairs to create an educational piece regarding the advantages of using a CSR. She referred to the draft document titled "Five Reasons for Using a Licensed Court Reporter" on page 120 of the Board agenda packet. She requested input from the Board and the public before sending up the chain for legal approval at DCA.

Ms. Hurt suggested that brief headings be added to the five bullet points to provide a visual break up.

13.2 Discussion and possible action on next meeting of Best Practices Task Force

Ms. Fenner stated that if the Board chose to reconstitute the Best Practice Pointers Task Force, a chair would need to be appointed. She indicated that the meetings could be held online.

Ms. Hurt appointed Ms. O'Neill and Ms. Sunkees as co-chairs of the task force. Those interested in serving on the task force or providing suggestions for topics to be addressed by the task force were directed to contact Ms. Bruning.

13.3 Update on Action Plan

Ms. Fenner referred the Board to the Action Plan timeline on page 121 of the Board agenda packet. She invited revisions to the target dates presented.

Ms. Hurt requested the status on the captioning standards and role of enforcement action items. Ms. Fenner responded that neither item had been started at this time.

14. RSR CERTIFICATION AS EXAM ELIGIBILITY

Ms. Fenner reported that the Board received a request to allow the use of NCRA's newest entry-level certification, RSR, as a basis for eligibility to take the CSR examination. She shared that there are three five-minute tests that must be transcribed at 95% accuracy. She added that the RSR exam speeds are slower than the RPR exam speeds.

Ms. Fenner indicated that during the Board sunset review, Business and Professions Code (BPC) section 8020 (c) was amended to allow candidates to qualify for the CSR exam with

any NCRA certification. However, the amendment was made when the RPR was the first-level certification and before NCRA introduced the RSR.

She requested the Board decide if it will allow the lower certification of the RSR as exam eligibility or move to adopt regulatory language to make it clear that the RPR is the minimum NCRA certification allowed as eligibility.

Ms. Hurt asked how new the RSR certification was. Ms. Fenner responded that it was rolled out within the last 12 to 18 months.

Ms. Sunkees did not believe the Board was facing an issue of needing more individuals to sit for the test and asserted that the standards should not be lowered by allowing the RSR.

Ms. O'Neill agreed, adding the RPR has been a qualifier test for those who did not attend a California court reporting program. She asked if there would be any advantage to the Board waiting until the Reciprocity Task Force has gathered additional information to decide if it will move its skills exam to the RPR. Ms. Fenner indicated that since the current language in the code would allow RSR certificate holders to qualify for the exam now, the Board may not want to wait to make that decision.

Ms. Hurt believed the RSR certification was too new to have enough information about whether the certificate holders could pass the CSR exam.

Ms. Sunkees moved to adopt regulatory language to exclude the RSR from BPC 8020(c). Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.

Ms. Bautista agreed with the comments made by the Board. She believed that lowering the qualifications should not be accepted. Ms. Carrillo-Grubbs and Ana Costa agreed.

Ms. Esquivel questioned if the opposition to the RSR is that the 200-wpm portion of the examination is two-voice instead of RPR's four-voice requirement. She stated that the CSR exam is not consistently 200 wpm.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

15. FUTURE MEETING DATES

Ms. Fenner indicated that the Board would generally meet next when it needs to move a particular project forward. She estimated the Board would want to meet in the fall. She stated that she would poll the Board members for their availability when a meeting is necessary.

16. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Some of the following public comments were offered during the discussion of Agenda Item 13.1 but were not pertinent to that item and were, therefore, chronicled here.

(During 13.1 – for internal reference)

Ms. Bautista stated that she has paid the license fee annually and has never received any disciplinary actions since her license was issued in 1998 after spending seven years to meet the minimum requirements. She asserted that the Board takes the position that it does not have jurisdiction over digital reporters. She expressed her dismay regarding the bait-and-switch practices occurring in the industry wherein unlicensed digital recorders are sent by venture capitalist firms to depositions under the guise of a court reporter. These individuals and firms are not held to any minimum requirements, examinations, ethics, or licensing. She asserted that the Board should be invested in providing title protection of those who have met those requirements. She questioned what would happen to the Board if court reporters ceased paying the annual fee and continued to work as stenographers.

Ms. Shainline, on behalf of herself and the Protect Your Record Project (PYRP), emphasized her concern about the bait-and-switch fraud practice. She contended that it is the duty of the Board to swiftly handle all complaints filed regarding notaries public representing themselves as court reporters.

Ms. D'Urso stated that the publication highlighting the advantages of using a CSR is too late. She suggested the Board add a banner to its website warning consumers about the bait-and-switch scheme.

Ms. Esquivel inquired if the Board ever revisited and approved a voluntary oath as was discussed a few years back. She believed it was a way for reporters to solidify or reaffirm their dedication to produce accurate verbatim transcripts.

(During 16 – for internal reference)

Mr. Palter shared that when he was licensed over 30 years ago, his certificate was issued by the Certified Shorthand Reporters Board. He said it seems like just about everyone is calling themselves court reporters lately, licensed or not, and licensed CSRs are concerned. He questioned the purpose of giving examinations and issuing licenses if someone with a notary license can walk into a deposition with recording equipment and claim to be a reporter. He also expressed concern that recorded proceedings may be sent out anywhere around the world to be transcribed, increasing the risk of information leaks.

Ms. Bautista, continuing from her previous comment, stated that the Board has an obligation to oversee the court reporting profession and honor the commitment licensees have made to California consumers to be professional, fair, and competent, especially after raising licensing fees.

Ms. D'Urso, on behalf of herself and PYRP, said the Board's position that it lacks jurisdiction over unlicensed persons calling themselves court reporters is contradictory to the Board's own historical statements and publications. She said the Board changed its name to Court Reporters Board in 1994. She quoted the Board's mission statement and

the latter portion of BPC section 8018. She believed the words “court reporter” were protected by the code. Consumers expect to receive a licensed CSR when they hire a court reporter.

Ms. Shainline, on behalf of herself and PYRP, continued from her previous comment. She requested the Board send cease-and-desist letters to the offending notaries and companies. She also requested that an immediate warning be posted on the Board’s website regarding this bait-and-switch scheme. She also quoted a portion of BPC 8018 and echoed the comments made by Ms. D’Urso regarding the protection of the words “court reporter.” She stated that the Board uses the words “court reporter” in publications indicating or intending to indicate it is referring to a licensed certified shorthand reporter.

Ms. Gebbie commented about digital reporters taking jobs in California while posing as CSRs. She shared that the Contractors State License Board said they would go after unlicensed individuals calling themselves contractors. Additionally, the Medical Board reported that they would pursue an individual holding themselves out as a medical doctor and practicing medicine. Yet, the Board claims to have no jurisdiction over someone presenting themselves to the public as a court reporter unless they use the title certified shorthand reporter even though the words “court reporter” are in the name of the Board. She asserted that the Board’s inaction against fake reporters is putting the public at risk. She questioned the incentive for licensees to maintain their licensure.

Ceagal Shachar requested the Board consider her case at their next Board meeting. She indicated that she started court reporting school in July 2009 and graduated in July 2016. She then took and passed the two written examination immediately. She added that she has taken every skills exam offered since qualifying and although she has come close, she has not passed. After taking the November 2019 skills exam, she was three errors over the allowed limit. She was awarded two points back as a result of an appeal, leaving her with a score of 51. She believes herself to be a well-trained reporter who will be an asset to the profession. She asks that the Board reconsider the third point that she appealed as she believes she has a strong basis for being correct. Additionally, she has the support of her English teacher who will verify that she wrote the sentence as taught as her Board-recognized court reporting program.

Ms. Dais supported the comments made before her regarding reporters who are not licensed CSRs appearing with audio or video recording equipment. She added that she has seen transcripts produced by these recorders that are only 21 lines per page and are reduced in width by one-and-a-half inches, resulting in nearly double the page count. She asserted that the recorders are then able to charge for more pages than she as a licensee can.

Ms. Mathias reported that on February 20, 2020, the PYRP requested the Board to put on its next meeting agenda the issue of digital court reporters. The Board declined the request stating that the issue was not under the Board’s jurisdiction. She related that she contacted the Attorney General’s Office and was told they would refer complaints about unlicensed court reporting activity to the Board. She stated that the Board uses the words “court reporter” on its website and publications, including the draft document titled Five Reasons for Choosing a Licensed Court Reporter which was considered at the meeting. Ms. Mathias shared that she conducted an online search for court reporting jobs and found that courts in 17 California counties were all hiring “court reporters.” Many court websites

also refer to how attorneys can contact court reporters. She requested the Board reconsider the request to put the matter of digital court reporters on its next meeting agenda so the Board may have a full discussion on the harmful activity. She reported that the Secretary of State's notary public program administrator committed to attending a meeting if the item was put on the agenda.

Ms. Guevara supported the request made by Ms. Shachar. She then switched gears to address unlicensed activity. She asserted that people like judges, attorneys, and venture capitalist agencies would like to see court reporters gone because the profession is predominately women. Additionally, they grab for a cut of the money by sending out tape recorders and claiming they are court reporters. She shared that she contacted the AG's Office, Judicial Council, DCA, and the San Diego presiding judge's office, all of whom told her it is the Board's job to police unlicensed activity. She asserted that the Board may not have a career to govern within the next four years.

Ms. Kuziora requested the Board put on the agenda for its next meeting the digital recorder issue and digital recorders using the title court reporter at depositions and on deposition transcripts. She stated that attorneys she works with believe the title "court reporter" falls within BPC 8018 by using words intending to indicate they are licensed.

Summer Jimenez expressed that it is unfair that licensed court reporters are being disciplined for not turning in transcripts in a timely manner while digital recorders are walking into depositions to push buttons. She questioned who will protect the stenographers. She also believed a human factor to be essential for an accurate record.

Ms. D'Urso reiterated that it is the Board's job to protect consumers. She requested the Board interpret BPC 8018 to mean that using the term court reporter is an intent to indicate that someone is certified. She again requested the Board provide licensees title protection as court reporters.

Ms. Bautista stated her belief that it is disingenuous for the Board to say it is too costly to pursue action against venture capitalist firms but yet have funds to discipline CSRs for late transcripts.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 5:38 p.m.

DAVINA HURT, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 2 – Resolution for Carrie Nocella

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Agenda Description: Review and approval of resolution

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Brief Summary:

Resolution honoring outgoing Board member, Carrie Nocella.

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Support Documents:

Attachment – Resolution

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Fiscal Impact: None

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

Department of Consumer Affairs

Court Reporters Board of California

Resolution

WHEREAS, Carrie Nocella has faithfully and devotedly served as a Board member of the Court Reporters Board from June 17, 2016, through November 30, 2020; and

WHEREAS, she served as Co-Chair of the Non-Licensee-Owned Firms Subcommittee; and

WHEREAS, she, testified before the Legislature during the Regulations of Corporations and the Impact on Professional Licensing informational hearing; and

WHEREAS, she provided direction on reaching the Board's Strategic Plan goals; and

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

WHEREAS, throughout her years of service, at all times Carrie Nocella gave fully of herself and her ideas and acted forthrightly and conscientiously, always with the public interest and welfare in mind;

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

Presented this 20th day of November 2020.

Davina Hurt, Board Chair

Yvonne K. Fenner, Executive Officer

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 3 – Department of Consumer Affairs Update

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Agenda Description: Report from the DCA Executive Office

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational.

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 4 – Report of the Executive Officer

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Agenda Description: Report on:

- 4.1 CRB Budget Report
- 4.2 Transcript Reimbursement Fund
- 4.3 Enforcement Activities
- 4.4 Exam Update - discussion and possible action regarding online skills exam
- 4.5 CRB Today Newsletter, Fall 2020
- 4.6 Business Modernization – Status update

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Support Documents:

- Attachment 1, Item 4.1 – FY 2019-20 Year End
- Attachment 2, Item 4.1 – CRB Fund Condition with TRF transfer scenarios
- Attachment 3, Item 4.3 – Enforcement Statistics
- Attachment 4, Item 4.4 – Exam Statistics
- Online Reference, Item 4.5 – CRB Today Newsletter, Fall 2020

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Fiscal Impact: None.

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Recommended Board Action: None

Department of Consumer Affairs

Expenditure Report

Court Reporters Board of California

Reporting Structure(s): 11113110 Support

Fiscal Month: 13

Fiscal Year: 2019 - 2020

Run Date: 10/16/2020

PERSONAL SERVICES

Fiscal Code	Budget	YTD	Encumbrance	YTD + Encumbrance	Balance
5100 PERMANENT POSITIONS	\$350,000	\$344,423	\$0	\$344,423	\$5,577
5100 TEMPORARY POSITIONS	\$11,000	\$30,416	\$0	\$30,416	-\$19,416
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$14,000	\$12,242	\$0	\$12,242	\$1,758
5150 STAFF BENEFITS	\$204,000	\$256,826	\$0	\$256,826	-\$52,826
PERSONAL SERVICES	\$579,000	\$643,907	\$0	\$643,907	-\$64,907

OPERATING EXPENSES & EQUIPMENT

5301 GENERAL EXPENSE	\$9,000	\$26,462	\$793	\$27,255	-\$18,255
5302 PRINTING	\$1,000	\$272	\$3,244	\$3,515	-\$2,515
5304 COMMUNICATIONS	\$6,000	\$3,480	\$18	\$3,499	\$2,501
5306 POSTAGE	\$0	\$1,792	\$0	\$1,792	-\$1,792
5308 INSURANCE	\$0	\$10	\$0	\$10	-\$10
53202-204 IN STATE TRAVEL	\$23,000	\$13,562	\$0	\$13,562	\$9,438
5322 TRAINING	\$2,000	\$1,652	\$21,990	\$23,642	-\$21,642
5324 FACILITIES	\$29,000	\$62,780	\$23,408	\$86,188	-\$57,188
53402-53403 C/P SERVICES (INTERNAL)	\$276,000	\$56,025	\$0	\$56,025	\$219,975
53404-53405 C/P SERVICES (EXTERNAL)	\$92,000	\$31,265	\$12,397	\$43,662	\$48,338
5342 DEPARTMENT PRORATA	\$146,000	\$138,771	\$4,774	\$143,545	\$2,455
5342 DEPARTMENTAL SERVICES	\$0	\$51,520	\$0	\$51,520	-\$51,520
5344 CONSOLIDATED DATA CENTERS	\$3,000	\$1,918	\$0	\$1,918	\$1,082
5346 INFORMATION TECHNOLOGY	\$2,000	\$0	\$0	\$0	\$2,000
5362-5368 EQUIPMENT	\$10,000	\$0	\$0	\$0	\$10,000
54 SPECIAL ITEMS OF EXPENSE	\$0	\$62,049	\$0	\$551	-\$551
OPERATING EXPENSES & EQUIPMENT	\$599,000	\$451,558	\$66,624	\$456,684	\$142,316

OVERALL TOTALS	\$1,178,000	\$1,095,465	\$66,624	\$1,100,590	\$77,410
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0771 COURT REPORTERS BOARD OF CALIFORNIA Analysis of Fund Condition	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
BEGINNING BALANCE	\$366	\$612	\$763	\$927	\$1,064
Prior Year Adjustment	-\$17	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$349	\$612	\$763	\$927	\$1,064
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$22	\$23	\$23	\$23	\$23
4127400 - Renewal fees	\$1,370	\$1,350	\$1,350	\$1,350	\$1,350
4129200 - Other regulatory fees	\$13	\$12	\$12	\$12	\$12
4129400 - Other regulatory licenses and permits	\$27	\$22	\$22	\$22	\$22
4163000 - Income from surplus money investments	\$14	\$12	\$33	\$35	\$37
4172500 - Miscellaneous revenues	\$1	\$0	\$0	\$0	\$0
Totals, Revenues	\$1,447	\$1,419	\$1,440	\$1,442	\$1,444
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$1,447	\$1,419	\$1,440	\$1,442	\$1,444
TOTAL RESOURCES	\$1,796	\$2,031	\$2,203	\$2,369	\$2,508
EXPENDITURES AND EXPENDITURE ADJUSTMENTS	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
Expenditures:					
1111 Program Expenditures (State Operations)	\$1,098	\$1,189	\$1,183	\$1,218	\$1,255
9892 Supplemental Pension Payments (State Operations)	\$25	\$25	\$25	\$25	\$25
9900 Statewide Pro Rata	\$61	\$54	\$68	\$62	\$62
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$1,184	\$1,268	\$1,276	\$1,305	\$1,342
FUND BALANCE					
Reserve for economic uncertainties	\$612	\$763	\$927	\$1,064	\$1,166
Months in Reserve	5.8	7.2	8.5	9.5	10.4

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

0771 COURT REPORTERS BOARD OF CALIFORNIA
Analysis of Fund Condition

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
BEGINNING BALANCE	\$366	\$612	\$663	\$725	\$759
Prior Year Adjustment	-\$17	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$349	\$612	\$663	\$725	\$759
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$22	\$23	\$23	\$23	\$23
4127400 - Renewal fees	\$1,370	\$1,350	\$1,350	\$1,350	\$1,350
4129200 - Other regulatory fees	\$13	\$12	\$12	\$12	\$12
4129400 - Other regulatory licenses and permits	\$27	\$22	\$22	\$22	\$22
4163000 - Income from surplus money investments	\$14	\$12	\$31	\$32	\$32
4172500 - Miscellaneous revenues	\$1	\$0	\$0	\$0	\$0
Totals, Revenues	\$1,447	\$1,419	\$1,438	\$1,439	\$1,439
Transfer from Other Funds	\$0	\$0	\$0	\$0	\$0
Transfer to Other Funds					
Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2	\$0	-\$100	-\$100	-\$100	-\$100
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$1,447	\$1,319	\$1,338	\$1,339	\$1,339
TOTAL RESOURCES	\$1,796	\$1,931	\$2,001	\$2,064	\$2,098
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$1,098	\$1,189	\$1,183	\$1,218	\$1,255
9892 Supplemental Pension Payments (State Operations)	\$25	\$25	\$25	\$25	\$25
9900 Statewide Pro Rata	\$61	\$54	\$68	\$62	\$62
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$1,184	\$1,268	\$1,276	\$1,305	\$1,342
FUND BALANCE					
Reserve for economic uncertainties	\$612	\$663	\$725	\$759	\$756
Months in Reserve	5.8	6.2	6.7	6.8	6.8

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

0771 COURT REPORTERS BOARD OF CALIFORNIA
Analysis of Fund Condition

	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
BEGINNING BALANCE	\$366	\$612	\$563	\$524	\$455
Prior Year Adjustment	-\$17	\$0	\$0	\$0	\$0
Adjusted Beginning Balance	\$349	\$612	\$563	\$524	\$455
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$22	\$23	\$23	\$23	\$23
4127400 - Renewal fees	\$1,370	\$1,350	\$1,350	\$1,350	\$1,350
4129200 - Other regulatory fees	\$13	\$12	\$12	\$12	\$12
4129400 - Other regulatory licenses and permits	\$27	\$22	\$22	\$22	\$22
4163000 - Income from surplus money investments	\$14	\$12	\$30	\$29	\$28
4172500 - Miscellaneous revenues	\$1	\$0	\$0	\$0	\$0
Totals, Revenues	\$1,447	\$1,419	\$1,437	\$1,436	\$1,435
Transfer to Other Funds					
Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2	\$0	-\$200	-\$200	-\$200	-\$200
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$1,447	\$1,219	\$1,237	\$1,236	\$1,235
TOTAL RESOURCES	\$1,796	\$1,831	\$1,800	\$1,760	\$1,690
EXPENDITURES AND EXPENDITURE ADJUSTMENTS	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23	BY+2 2023-24
Expenditures:					
1111 Program Expenditures (State Operations)	\$1,098	\$1,189	\$1,183	\$1,218	\$1,255
9892 Supplemental Pension Payments (State Operations)	\$25	\$25	\$25	\$25	\$25
9900 Statewide Pro Rata	\$61	\$54	\$68	\$62	\$62
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$1,184	\$1,268	\$1,276	\$1,305	\$1,342
FUND BALANCE					
Reserve for economic uncertainties	\$612	\$563	\$524	\$455	\$348
Months in Reserve	5.8	5.3	4.8	4.1	3.1

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

Consumer Protection Enforcement Initiative

Fiscal Year 2020-2021 Enforcement Report

July 1, 2020 - September 30, 2020 (First Quarter)

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	7	9	12										28
Closed without Assignment for Investigation	0	0	0										0
Assigned for Investigation	7	9	12										28
Average Days to Close or Assign for Investigation	1	1	1										1
Pending	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
Closed	0	0	0										0
Average Days to Close	0	0	0										0
Pending	1	1	1										1 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation **	7	9	12										28
Closed ***	9	5	11										25
Average Days to Close [Straightline] ***	152	8	94										98
Pending ***	85	89	90										88 *

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
Closed	0	0	0										0
Average Days to Close	0	0	0										0
Pending *	0	0	0										0

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed **	9	5	11										25
Average Days to Close [Straightline] **	152	8	94										98
Pending **	86	90	91										89 *

* Average number of cases pending per month

** Intake complaints and convictions

*** Intake complaints only

Enforcement Actions

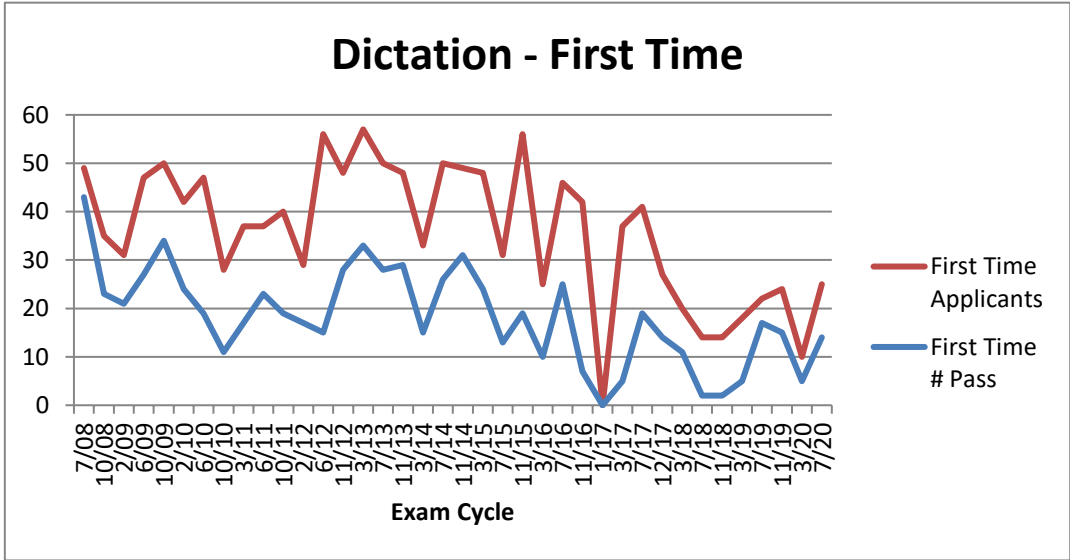
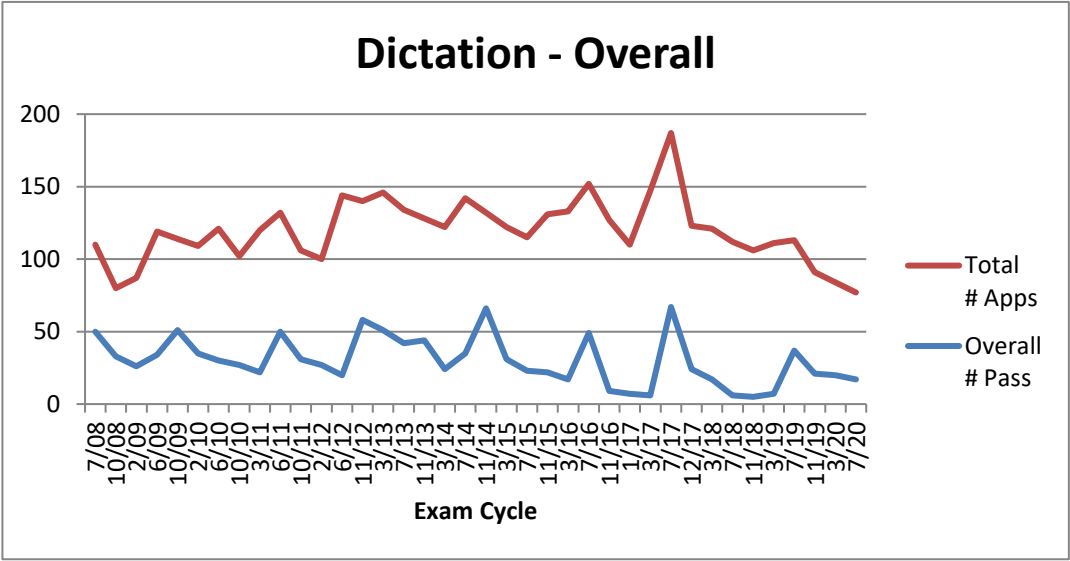
AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	1	0										1
AG Cases Pending	3	3	3										3 *
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0										0
SOIs Withdrawn	0	0	0										0
SOIs Dismissed	0	0	0										0
SOIs Declined	0	0	0										0
Average Days to Complete SOIs	0	0	0										0
Accusations Filed	0	0	0										0
Accusations Withdrawn	0	1	0										1
Accusations Dismissed	0	0	0										0
Accusations Declined	0	0	0										0
Average Days to Complete Accusations	0	749	0										749
Petition to Revoke Probation (PRP)	0	0	0										0
Average Days to Complete PRP	0	0	0										0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0										0
Stipulations	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)	3	0	0										3
Average Days to Complete [Straightline]	330	0	0										330
Interim Suspension Orders	0	0	0										0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	2	0	1										3
Average Days to Complete [Straightline]	24	0	234										94

* Average number of cases pending per month

Dictation Exam

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%
Nov 2019	91	21	23.1%	24	15	62.5%
Mar 2020	84	20	23.8%	10	5	50.0%
Jul 2020	77	17	22.1%	25	14	56.0%

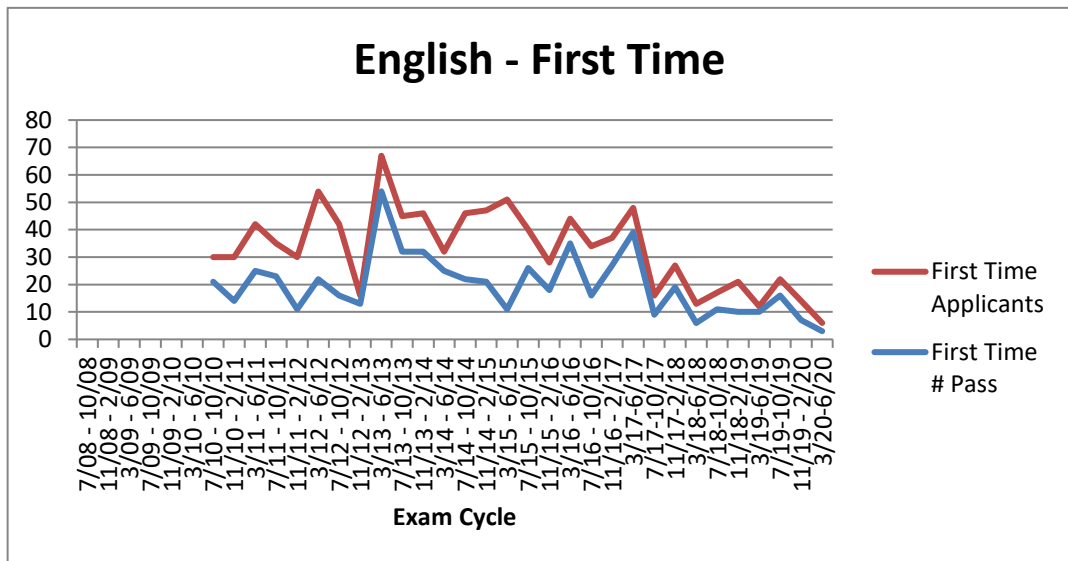
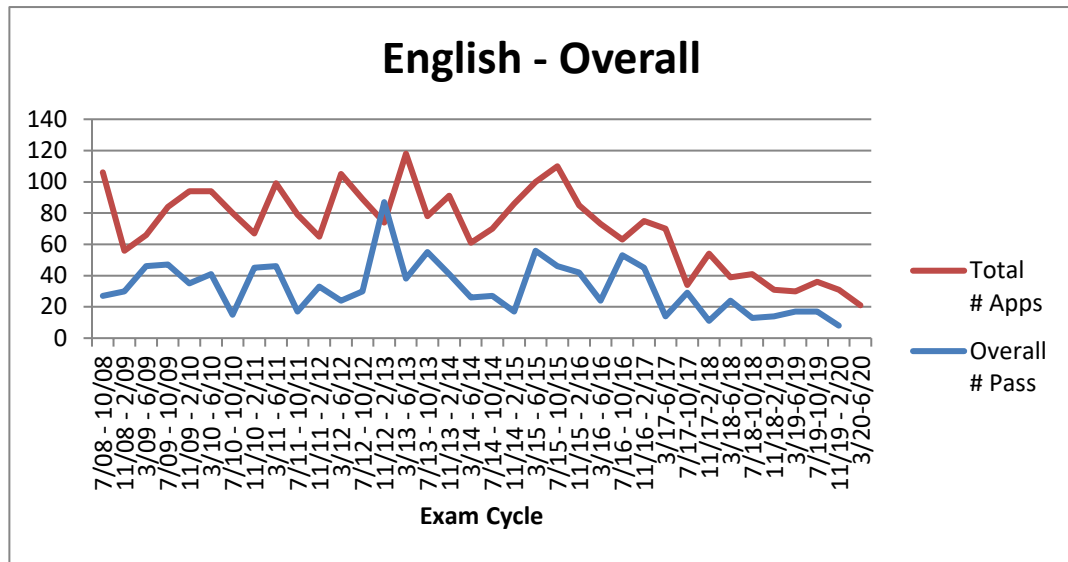
Dictation Exam



English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	106	71	65.7%			
Nov 2008 - Feb 2009	56	27	48.2%			
Mar 2009 - Jun 2009	66	30	45.5%			
Jul 2009 - Oct 2009	84	46	54.8%			
Nov 2009 - Feb 2010	94	47	50.0%			
Mar 2010 - Jun 2010	94	35	37.2%			
Jul 2010 - Oct 2010	80	41	51.3%	30	21	70.0%
Nov 2010 - Feb 2011	67	15	22.4%	30	14	46.7%
Mar 2011 - Jun 2011	99	45	45.5%	42	25	59.5%
Jul 2011 - Oct 2011	79	46	58.2%	35	23	65.7%
Nov 2011 - Feb 2012	65	17	26.2%	30	11	36.7%
Mar 2012 - Jun 2012	105	33	31.4%	54	22	40.7%
Jul 2012 - Oct 2012	89	24	27.0%	42	16	38.1%
Nov 2012 - Feb 2013	74	30	40.5%	16	13	81.3%
Mar 2013 - Jun 2013	118	87	73.7%	67	54	80.6%
Jul 2013 - Oct 2013	78	38	48.7%	45	32	71.1%
Nov 2013 - Feb 2014	91	55	60.4%	46	32	69.6%
Mar 2014 - Jun 2014	61	41	67.2%	32	25	78.1%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - June 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%
Mar 2018 - 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%
Jul 2019 - Oct 2019	36	17	47.2%	22	16	72.7%
Nov 2019 - Feb 2020	31	17	54.8%	14	7	50.0%
Mar 2020 - Jun 2020	21	8	38.1%	6	3	50.0%

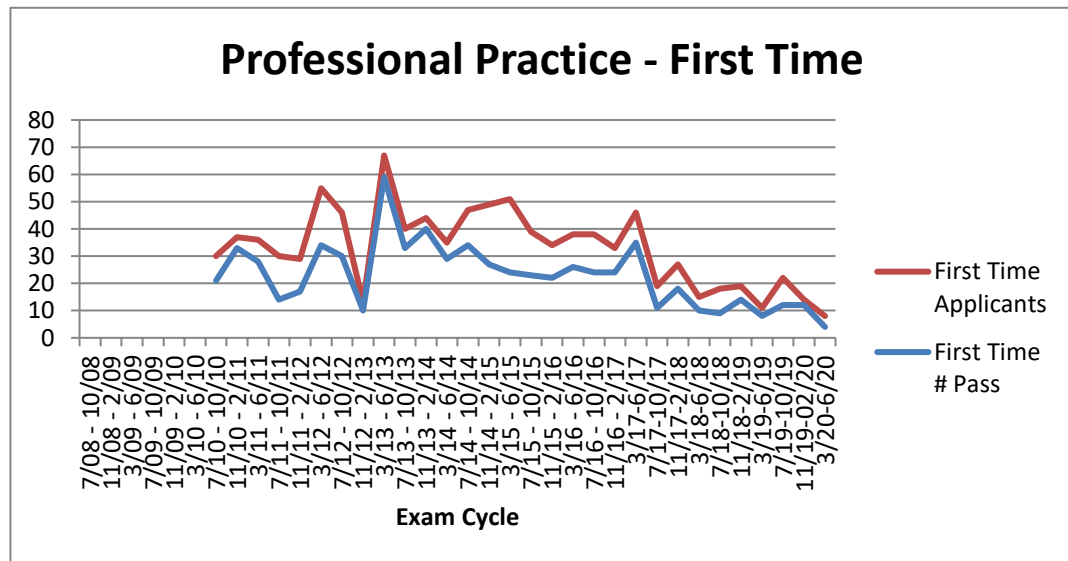
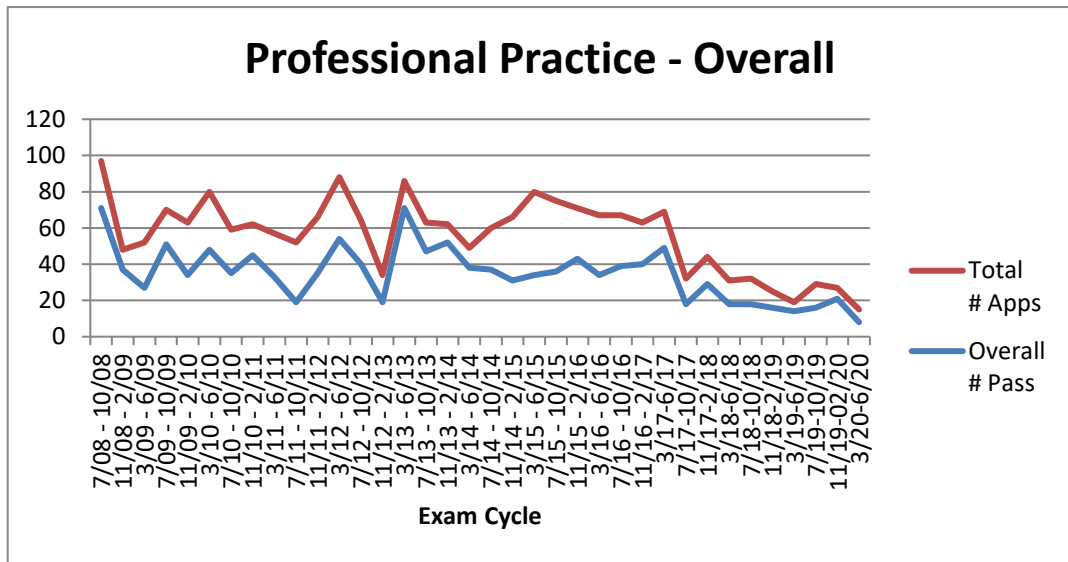
English Exam



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%
Jul 2019 - Oct 2019	29	16	55.2%	22	12	54.5%
Nov 2019 - Feb 2020	27	21	77.8%	14	12	85.7%
Mar 2020 - Jun 2020	15	8	53.3%	8	4	50.0%

Professional Practice Exam



COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 5 – 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 20, 2020

AGENDA ITEM 6 – Digital Recorders

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Agenda Description: Update to the Board on allegations of fraud and unlicensed activity.

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Brief Summary:

At its May 21, 2020, meeting the Board heard public comment on items not on the agenda regarding digital recorders and alleged public harm. The Protect Your Record Project has requested the opportunity to address the board on the issue of digital recorders creating transcripts instead of Certified Shorthand Reporters (CSRs).

Although Business and Professions Code (BPC) section 8016 says no one can engage in the practice of making a verbatim record via written symbols or abbreviations in shorthand or machine shorthand writing and the transcription thereof unless they hold a certificate, pursuant to Code of Civil Procedure (CCP) section 2016.030, parties may modify the procedures for any permitted method of discovery by written stipulation. If the parties have agreed to the use of a digital recorder, the issue is not within the jurisdiction of the Board.

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Support Documents:

- Attachment 1 – Kuziora comments from 5/21/20 CRB meeting
- Attachment 2 – Kuziora document submission (under separate cover/link)
- Attachment 3 – Mathias document submission (under separate cover/link)

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Fiscal Impact:

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Recommended Board Action: Staff recommends reaching out to the State Bar to education attorneys on the importance of requesting a Certified Shorthand Reporter.

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*149 Thorndike Way • Folsom, California 95630
(916) 768-8029 • kuzioradeporprtrs@comcast.net
Certified Shorthand Reporter License No. 8509*

Statement of Kim Kuziora CR Board 5/21/20 meeting Public Comments

My name is Kim Kuziora, Certified Shorthand Reporter 8509.

I would like to request that the **Court Reporters** Board put on their next meeting agenda the digital recorder issue and digital recorders using the title "court reporter" at depositions and on deposition transcripts.

It is the consensus amongst attorneys I have spoken with that the use of the title "court reporter" would fall within Business and Professions Code 8018 under the last sentence in the code that states "**....or use any words or symbols indicating or tending to indicate that he, she, or it is certified under this chapter.**"

I have a letter addressed to the Board to read from an attorney regarding digital recorders but it is over 2 minutes. I will email my statement with the attorney's letter to the Board and ask it be included in today's meeting minutes as part of my statement.

Thank you.

Kim Kuziora

From: Roger A. Cartozian <roger.cartozian@floydskerenlaw.com>
Sent: Monday, March 09, 2020 7:17 AM
To: Kim Kuziora (kuzioradeporprtrs@comcast.net)
Subject: Certified Shorthand Reporters

Court Reporters Board of California
2535 Capitol Oaks Drive, #230
Sacramento, CA 95833

Dear Court Reporters Board;

I have been hearing of situations where a "court reporter" is appearing at depositions when in truth and in fact, that the person is not a "California Certified Shorthand Reporter." This is an appalling practice and must not be allowed to continue. I am shocked that this deceptive practice takes place and has even started.

A Certified Shorthand Reporter, as I see in Notice of Depositions in my Worker's Compensation practice, is supposed to be a person who has gone thru extensive education, training, and successful passing of the State Administered Test required for California Certified Shorthand Reporters (hereinafter referred to as CSR), nothing less. A person who shows up at a deposition, who has *not* has the proper education, training and who has *not* successfully passed the CSR test (administered by you) who is supposedly presenting themselves as a true CSR is, simply, a fake and a fraud, and cannot be tolerated in a Judicial and/or Administrative proceeding where truth, honesty, and integrity are paramount to the search for the unimpeachable truth. Such cannot be had with a non-CSR who simply presses a button, as does the "digital reporter."

If I am asked to show my State Bar License, I do so. If I am asked to show my California Driver's License, I do so. If a non-CSR is asked to show her/his CSR license, what happens? They cannot show that she/he is a true CSR. They tap dance around the issue and try to come up with something deceitful. Is that a good foundation for a Judicial and/or Administrative proceeding..... deception and trickery?

A big aspect to my Worker's Compensation practice is to be vigilantly on the lookout for Worker's Compensation Fraud, a situation that is costing employers (including the State of California), Insurance Carriers, and Third Party Administrators, millions of dollars. The most significant aspect of the referral of a Worker's Compensation case to the District Attorney is the Deposition Transcript. In order for there to be a successful referral to the District Attorney (hereinafter DA) and for the DA to successfully prove her/his case, there must be a certified deposition transcript for which the DA will use to prosecute the Worker's Compensation Fraud case and impeach the miscreant when she/he testifies. Without a Certified Transcript, the DA's hands are tied, and the case will never get off the ground. The injured person who should be on trial easily escapes a misdemeanor or felony conviction. Only a CSR, who has been appropriately educated, trained and tested must be responsible for the accuracy and safety of the deposition transcript.

It is time that the deceitful practice of allowing a non-CSR take/officiate/attend a Judicial and/or Administrative proceeding (such as a deposition) be stopped and eliminated from these proceedings, and only your Board has the ability and obligation to address/rectify this appalling practice that has spread, cancer like, into the Judicial/Administrative proceedings.

Please act promptly.
Thank you,

Roger A. Cartozian
Attorney at Law

Certified Specialist, Workers' Compensation Law
The State Bar of California Board of Legal Specialization

FLOYD SKEREN MANUKIAN LANGEVIN, LLP

2150 River Plaza Drive, Suite 320, Sacramento, CA 95833

(916) 920-1100 Ext. 7277

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Direct: (916) 333-7277

Fax: (916) 920-1150

roger.cartozian@floydskerenlaw.com

Please be advised that effective November 15, 2019 the Sacramento office location of Floyd, Skeren, Manukian and Langevin will have a new address. Our new mailing and physical address will be 2150 River Plaza Drive, Suite 320, Sacramento, California 95833.

Disclaimer: If received in error, please destroy and notify sender. Sender does not waive confidentiality or privilege, and use is prohibited.

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 7 – License/Certificate Reciprocity

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Agenda Description:

- 7.1 Discussion and possible action to allow reciprocity with the state of Texas.

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Brief Summary:

At its May 21, 2020, meeting the Board appointed a task force to work with Texas on exploring the concept of license reciprocity. The License Reciprocity Task Force met on June 26, 2020, to begin the process.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description:

- 7.2 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:

As a part of the Texas license reciprocity discussion at its May 21, 2020, meeting, the Board asked staff to explore the possibility of the RPR as a California license. Board staff has entered into an agreement with the Office of Professional Examination Services (OPES), a sister agency within the Department of Consumer Affairs, to analyze the test.

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Support Documents: None

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Fiscal Impact: None at this point

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Recommended Board Action: Informational only

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 8 – Legislation

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Agenda Description:

- 8.1 AB 1469 (Low) – Court reporters: registration: nonshorthand reporting corporation entities.

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Brief Summary:

In the shortened legislative year where the Legislature was working on COVID-related bills, AB 1469 (Low) did not move out of the Senate Appropriations Committee. Board staff is working with legislative staff on the best path forward.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description:

- 8.2 SB 1146 (Umberg) – Civil procedures: electronic filing, trial delay, and remote depositions. (Chaptered 9/18/2020).

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Brief Summary:

As reported in our fall edition of the CRB Today, SB 1146 (Umberg Chapter 112, Statutes of 2020) became law in September. This law amended the Code of Civil Procedure to read as follows:

2025.310. (a) At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.

Simply summarized, this change means that the court reporter is no longer required to be in the physical presence of a party witness.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description:

8.3 Proposal from CalDRA to amend Business & Professions Code section 8018 re: use of the terms 'court reporter' and 'deposition reporter'

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Brief Summary:

The Board has received a request from the Deposition Reporters Association (CalDRA) to seek legislation to protect the terms "court reporter" and "deposition reporter." Business & Professions Code section 8018 currently prohibits anyone who is not certified by the Court Reporters Board from using the terms "certified shorthand reporter" or "CSR." The change being proposed is as follows:

BUSINESS & PROFESSIONS CODE SECTION 8018:

Any natural person holding a valid certificate as a shorthand reporter, as provided in this chapter, shall be known as a "certified shorthand reporter." Except as provided in Section 8043, no other person, firm, or corporation may assume or use the titles "certified shorthand reporter," "court reporter," or "deposition reporter," or the abbreviation "C.S.R.," or use any words or symbols indicating or tending to indicate that he, she, or it is certified under this chapter.

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Support Documents:

Attachment 1 – Request from CalDRA, dated October 27, 2020
Attachment 2 – Mathias document submission (under separate cover/link)
Attachment 3 – Kuziora document submission (under separate cover/link)

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Fiscal Impact: None

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Recommended Board Action: Staff recommends appointing a subcommittee to work with CalDRA and interested stakeholders in finding an author for this legislation.



October 27, 2020

The Honorable Davina Hurt, Chair
Honorable Board Members
Yvonne Fenner, Executive Officer
Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Re: REQUEST THAT THE COURT REPORTERS BOARD PROTECT CONSUMERS FROM UNLICENSED PRACTICE AND DECEPTIVE MARKETING BY SPONSORING LEGISLATION RESTRAINING THE USE OF THE PHRASES “COURT REPORTER” AND “DEPOSITION REPORTER” TO THOSE INDIVIDUALS LICENSED BY THIS BOARD

Dear Chair Hurt, Honorable Board members, and Executive Officer Fenner:

By this letter, CalDRA respectfully requests that this Board seek public protection legislation in 2021 that would protect the public by ending industry practices that seek to leverage the name of this Board and the licenses it issues into enticing consumers to hire unlicensed individuals.

A licensing board that calls itself the “Court Reporters Board” should oversee all those who call themselves “court reporters.” This is because anyone who uses the phrase “court reporter” in this state is to some degree representing themselves as a licensee of the Board that uses these very words to define the profession that it oversees. But that is currently not the case. Under current law, unlicensed individuals may advertise themselves as “court reporters,” invoking the name and role of this Board, even while they are entirely unlicensed. The result is that those who are unlicensed can and do advertise themselves as “court reporters,” even though consumers may be completely and justifiably unaware that the Court Reporters Board does not, in fact, regulate everyone who calls themselves court reporters.

Consider just these two examples:

Video court reporting services are becoming a very popular service requested by California law firms. To accommodate these demands, these service providers often hire professional camera operators to record and edit witness testimony. These companies then have other unlicensed individuals transcribe testimony or

information from video recordings, digital recordings, and documents. Also, these services are very handy for people who do not use English as their primary language.¹

There is another related use of the title “court reporter” that is becoming more popular, as well. This individual, which is growing in legal importance and market demand, is the video court reporter ... A video court reporter, also called forensic videographer or court videographer, does not transcribe proceedings like a general court reporter would. A video court reporter produces videos used as evidence (e.g., fraud evidence, reconstruction of incidents) or animation and illustrative videos that are useful in a hearing (e.g., courtroom presentations, documentaries).²

THE IMPORTANCE OF FREELANCE COURT REPORTING

The importance of freelance court reporting to the reasoned and credible administration of justice is hard to overstate. This was judicially confirmed in California in 2011 in *Serrano v. Stefan Merli Plastering Co.* (2011) 52 Cal.4th 1018, 1021, where the Supreme Court held that court reporters who take depositions are “ministerial officers of the court,” meaning officers charged with *inherently judicial* duties. The California Legislature’s Joint Committee on Boards, Commissions, & Consumer Protection correctly elaborated on the importance of this women-dominated, frequently taken-for-granted profession in 2005 when it wrote:

An accurate written record of who said what in court is essential if the outcome of a judicial proceeding is to be accepted by the litigants and the public as non-arbitrary, fair, and credible.³

Against this backdrop, and the Board’s flagship mission of public protection, it is the Board that should lead on seeking legislation to ensure that unlicensed individuals cannot imply they are licensed by use of either the phrases “court reporter” or “deposition reporter.”

PROPOSED LEGISLATION

As always, mindful that the Board does not retain lobbyists, CalDRA will, as it has in the past, eagerly collaborate with the Board in seeking an author for such legislation and securing its passage. CalDRA respectfully requests that the Board vote to pursue legislation for the 2021 legislative session that reads as follows:

¹ <https://caldep.com/video-court-reporting-services-california/>

² <https://www.burchcom.com/in-the-legal-scene-what-to-expect-from-a-court-reporter/>

³ *Senate Business, Professions & Economic Development Committee, Background Paper for the Court Reporters Board (2011-2012 Regular Session)* March 12, 2012

BUSINESS & PROFESSIONS CODE SECTION 8018:

Any natural person holding a valid certificate as a shorthand reporter, as provided in this chapter, shall be known as a “certified shorthand reporter.” Except as provided in Section 8043, no other person, firm, or corporation may assume or use the titles “certified shorthand reporter,” **“court reporter,” or “deposition reporter,”** or the abbreviation “C.S.R.,” or use any words or symbols indicating or tending to indicate that he, she, or it is certified under this chapter.

The addition of “deposition reporter” to the titles protected by this statute is critical because the titles protected must follow from the scope of practice of a certified shorthand reporter. With emphasis supplied, that scope is set forth in Business & Professions Code section 8017, which reads as follows:

The practice of shorthand reporting is defined as the making, by means of written symbols or abbreviations in shorthand or machine shorthand writing, of a verbatim record of any oral court proceeding, ***deposition***, court-ordered hearing or arbitration, or proceeding before any grand jury, referee, or court commissioner and the accurate transcription thereof. Nothing in this section shall require the use of a certified shorthand reporter when not otherwise required by law.

This Board oversees certified shorthand reporters who report and transcribe depositions. If someone were allowed lawfully to advertise themselves as a “deposition reporter,” use of the word “reporter” (the word used to describe this Board) combined with the scope of a CSR as including depositions, that use would lead to confusion and falsely imply that a consumer was hiring someone who was operating within the scope of a license issued by this Board when that would not necessarily be true.

CONCLUSION

For these reasons, CalDRA respectfully requests that the Board sponsor legislation in 2021 that protects the public from deceptive uses of the phrases “court reporter” and “deposition reporter” as proposed above.

Sincerely,



Antonia Pulone, CalDRA Legislative Chair

COURT REPORTERS BOARD MEETING –NOVEMBER 20, 2020

AGENDA ITEM 9 – Regulations

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

9.1 AB 2138 Implementation: Status report for sections 2470 & 2471.

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Brief Summary:

The regulations package is undergoing the final review process by the Department of Consumer Affairs before it is submitted to the Business, Consumer Services and Housing Agency after which Board staff may submit it to Office of Administrative Law for its review.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

9.2 Disciplinary Guidelines: Proposed amendments to section 2472.

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Brief Summary:

At its May 21, 2020, meeting the Board approved regulatory language to amend its disciplinary guidelines. Staff is developing the documentation for submitting the regulations package for pre-review before submission to the Office of Administrative Law.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

9.3 License Examination.

9.3.1 Inspection of Examination Papers; Notification: section 2422

9.3.2 Examination Application: section 2418

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Brief Summary:

In moving the administration of the skills portion of the exam to an online platform, two areas came to light that require an update to our examination regulations.

First, the California Code of Regulations 16 CA ADC § 2422 reads as follows:

§ 2422. Inspection of Examination Papers; Notification.

(a) Each examinee shall be notified in writing whether he/she has passed or failed the examination.

(b) An examinee who has failed the examination may inspect his/her transcript by so requesting in writing sent to the board at its principal office within 30 days of the date appearing on the notification of the examination results. An examinee will be permitted to inspect only his/her transcript and a copy of the board's official transcript.

(c) An examinee may request the board to reconsider his/her examination results. Such request for reconsideration shall be filed with the board at its principal office no later than 45 days following the date appearing on the notification of the examination results. It shall be in writing and shall specify the grounds upon which it is based.

The online platform does not allow for the inspection of the transcript as there is a finite test bank and candidates do not take the same exam in each exam cycle.

The regulatory change being proposed is:

§ 2422. Inspection Reconsideration of Examination Papers; Notification.

(a) Each examinee shall be notified in writing whether he/she has passed or failed the examination.

~~(b) An examinee who has failed the examination may inspect his/her transcript by so requesting in writing sent to the board at its principal office within 30 days of the date appearing on the notification of the examination results. An examinee will be permitted to inspect only his/her transcript and a copy of the board's official transcript.~~

(cb) An examinee may request the board to reconsider his/her examination results. Such request for reconsideration shall be filed with the board at its principal office no later than 45 days following the date appearing on the notification of the examination results. It shall be in writing and shall specify the grounds upon which it is based.

Second, the California code of Regulations 16 CA ADC § 2418 reads as follows:

§ 2418. Examination Application.

(a) Application for examination shall be made on a form prescribed by the board, accompanied by such evidence, statements, or documents as are therein required and by the required fee. An application for examination shall be filed with the board's principal office not less than forty-five (45) days prior to the date set for the examination for which the applicant wishes to be scheduled.

(b) To be eligible for examination, an applicant must present evidence satisfactory to the board of having met one of the requirements enumerated in Section 8020 of the Code within five years immediately preceding the date of the applicant's most recent application for examination or reexamination.

Staff only requires 30 days prior to the examination to process applications so an amendment from 45 to 30 is required to have the regulation conform with current practice.

The regulatory change being proposed is:

§ 2418. Examination Application.

(a) Application for examination shall be made on a form prescribed by the board, accompanied by such evidence, statements, or documents as are therein required and by the required fee. An application for examination shall be filed with the board's principal office not less than ~~forty-five (45)~~ thirty (30) days prior to the date set for the examination for which the applicant wishes to be scheduled.

(b) To be eligible for examination, an applicant must present evidence satisfactory to the board of having met one of the requirements enumerated in Section 8020 of the Code within five years immediately preceding the date of the applicant's most recent application for examination or reexamination.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends that the Board review and approve the two proposed regulatory changes.

Proposed Motion: Move to approve the proposed regulatory language to amend 16 CA ADC § 2422 and 16 CA ADC § 2418. Additionally, move to direct staff to proceed with the pre-approval process for the regulations with authority to make nonsubstantive changes. If no substantive changes, staff is then directed to submit the regulations package to the Office of Administrative Law.

AGENDA ITEM 10 – Board Policy Manual

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Agenda Description: Discussion and possible action to update Board Policy Manual.

10.1 Repeal policies already contained in regulations or otherwise duplicative

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Brief Summary:

The move to online skills testing has identified certain Board policies that need to either be repealed or amended. They are as follows:

APPEALS COMMITTEE MEMBERS

The Board will appoint an Appeals Committee of five members consisting of two licensed Certified Shorthand Reporters, one English teacher with experience teaching grammar and punctuation at the Postsecondary Education level plus experience working with court reporters, the Executive Officer, and one grader. The determinations made by the Appeals Committee will be considered the final finding of the Board. The Executive Officer will implement the determinations of the Appeals Committee.

Adopted: January 1996

RESULTS

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

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

Staff has received a request to allow candidates to print their notes as well as multiple drafts of their transcript for proofreading purposes. Current policy is in place for security purposes.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends repealing the appointment of an Appeals Committee. Staff recommends keeping the printing policy as it currently exists for exam security considerations.

Possible motion: Move to appeal appointment of an Appeals Committee from current Board Policies

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Agenda Description: Discussion and possible action to update Board Policy Manual.

10.2.1 Time to upload steno notes

10.2.2 Time for second try

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Brief Summary:

In reviewing the difficulties some candidates found in uploading their steno notes, it will streamline the process if they are allowed one four-minute window to do so rather than the two separate attempts as specified in current policy:

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.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends modifying the time allotted for uploading notes to one period of four minutes.

Possible motion: Move to modify the time allowed for uploading of stenographic notes to one four-minute period.

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Agenda Description: Discussion and possible action to update Board Policy Manual.

10.2.3 Acceptable pass rate

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Brief Summary:

A request has been received for the Board to lower its passing grade on the skills portion from 97.5% accuracy. The argument asserted is that the California State Bar has historically had a low pass rate and has reduced its passing grade. Because the court reporters pass rate is also low, it is asserted that the Board should likewise lower the passing grade for its skills test.

Currently, the passing grade of 97.5% for the skills exam is set out in the California Code of Regulations 16 CA ADC § 2420.

=====

Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff will accept direction from the Board on the acceptable pass rate for the skills portion of the license exam.

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 11 – Strategic Plan

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Agenda Description:

11.1 ‘Five Reasons to Hire a Licensed Court Reporter’ – Publication.

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Brief Summary:

In order to educate attorneys and litigants on the benefits of using a certified shorthand reporter, Board staff with the Department of Consumer Affairs’ Office of Public Affairs to create a publication that is now up on the Board’s website here: https://www.courtreportersboard.ca.gov/formspubs/why_choose_licensed.pdf.

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Support Documents:

Attachment 1, Item 11.1 –Five Reasons Why You Should Choose A Licensed Court Reporter – Final publication

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Fiscal Impact: None

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Recommended Action: Informational only

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Agenda Description:

11.2 Best Practices Task Force – Best Practice Pointers Number 11 for Remote Reporting. Discussion and possible action on draft publication.

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Brief Summary:

The Best Practice Pointers Task Force met on June 19, 2020, and developed best practices for remote reporting. The draft document is offered for the Board’s consideration.

Upon approval of final language, Board staff will work with the Department of Consumer Affairs’ Office of Publication and Design for formatting. After legal review, it will then be posted on the Board’s website.

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Support Documents:

Attachment 2, Item 11.2 – Draft Best Practice Pointer No. 11 – Remote Reporting

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board review the draft and provide feedback and approve the final language.

Proposed motion: Move to approve draft (as amended, if needed).

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Agenda Description:

11.3 Update to the Board 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, Item 11.3 – Action Plan Timeline

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Fiscal Impact: None

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

5 REASONS WHY YOU SHOULD CHOOSE A LICENSED COURT REPORTER

In our state, certified shorthand reporters—commonly referred to as court reporters—are licensed by the Court Reporters Board of California (CRB). To be licensed, a court reporter must demonstrate competency. Using a licensed court reporter is a smart investment to help ensure you receive accurate, timely, and competent transcription service. Here's why:

1 ACCURACY—You've only got one chance to accurately capture the legal record. A licensed court reporter provides a word-for-word record and is trained and empowered to ask participants to repeat words, to speak up when necessary, and to clarify technical terms.

2 QUALIFICATION—Licensed court reporters must pass a three-part licensing exam and must complete hundreds of hours of training in English, legal and medical terminology, and transcription preparation, plus a minimum of 60 internship hours.

3 CERTIFICATION—Not all transcripts are created equal: Only certified transcripts created by a licensed court reporter are guaranteed to be accepted in court.

4 DOCUMENTATION—For appeals, the accuracy of transcripts taken during the original proceedings is critical and may impact the ability of your appeals to move forward.

5 REGULATION—If a problem or disagreement arises with a licensed court reporter, you can file a complaint with CRB to investigate on your behalf and to ensure the law is followed.

If you need the services of a court reporter, make sure they are licensed by CRB. Find out more about California licensed court reporters, their training and regulation, and their vital services at www.courtreportersboard.ca.gov; to check a court reporter's license, visit <https://search.dca.ca.gov>.

“First, take great care to prepare a complete record; second if it is not in the record, it did not happen; and third, when in doubt, refer back to rules one and two.”

Justice Rebecca Wiseman, *Protect Our Water v. County of Merced*



COURT REPORTERS BOARD
OF CALIFORNIA

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Videoconference/Remote Reporting

With the increase in remote reporting, the Board would like to make licensees aware of the following best practices:

A. Logistical issues:

- Encourage counsel to be on camera
- Reporter should be on camera, if possible. Request counsel to add you to their gallery/grid view to aid in communicating to counsel when there are issues and/or off the record
- Gallery/Grid view is preferred over speaker view
- Request remote participants do not use a mask **if safe to do so**. If a mask is required for safety, a paper mask is preferred. Consider the use of a face shield as an option.
- Turn off multiple microphones to avoid feedback issues
- Request participants use no virtual background
- If possible, the reporter should be the host of the remote session so that attendees can be identified on the appearance page. Also, if counsel requests a copy of the video recording of the webconference, it is in the control of the court reporter who is aware of Best Practices for Use of Backup Audio Media, including inadvertent recording of off-the-record discussions
- Use of term “virtual” is discouraged as it may imply “simulated.” Preferred practice is use of “videoconference” or “webstreamed”

B. Reporting Proceedings – Reporters are reminded they are the guardian of the record and their responsibilities with regard to the record do not change while reporting a remote proceeding.

- Interrupt as needed to protect the record (see Best Practice Pointer No. 1). The use of “inaudible” is for use in a transcription where a live court reporter is not present to clarify the record.
- Create a one-stroke brief for inclusion of parenthetical such as (Reporter interrupted for clarification of the record.) and interrupt as much as needed for an accurate record
- Ask for identification of everyone for the appearance page. What is obvious when participants are all in the same room can be misleading via a remote platform.

C. Transcript Production

- Cover page should clearly indicate that the proceeding was held on a remote platform (i.e., via videoconference)
- Appearance page should clearly indicate if participants attended via videoconference, telephone, or were with the witness
- It is appropriate to include a “technical difficulty” parenthetical when that issue interrupts the proceedings or a “failure of transmission” parenthetical

- Lack of speaker identification should be noted, although all efforts should be made to obtain speaker identification. Recommend inclusion of parenthetical such as (Reporter interrupted to request speaker identification.) use "UNIDENTIFIED SPEAKER" as speaker.
- There is no "modified" or "partial" certification page allowed
- Officials' cert page may contain the following language: "That I certify the foregoing transcript of proceedings, pages X-X, is a true and correct transcription of proceedings that were electronically transmitted before me" and/or "That I reported in machine shorthand, to the best of my ability, the telephonically transmitted proceedings in the above case, pursuant to California Rule of Court 3.670"

Considerations for post COVID in-person proceedings –

- Face masks may make it more difficult to hear. Suggest using paper masks and have supply to offer.
- Use social distancing
- Consider plexiglass shields
- Do not share objects (pens, papers, supplies)
- Sanitize equipment between jobs
- Wash hands frequently.

Please note: Any suggestions re: paper face masks, shields, etc., should be considered in connection with your county's current public health order.

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On September 18, 2020, Governor Newsom signed SB 1146 (Umberg) making the following amendment to the Code of Civil Procedure effective immediately:

2025.310.

(a) At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.

(b) Subject to Section 2025.420, any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent.

(c) The procedures to implement this section shall be established by court order in the specific action or proceeding or by the California Rules of Court.

(d) An exercise of the authority granted by subdivision (a) or (b) does not waive any other provision of this title, including, but not limited to, provisions regarding the time, place, or manner in which a deposition shall be conducted.

(e) This section does not alter or amend who may lawfully serve as a deposition officer pursuant to this title or who otherwise may administer oaths pursuant to Sections 2093 and 2094 of this code or Section 8201 of the Government Code.

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	Draft No. 11 – 11/20
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	August 2020
Continue to cross-train staff to be effective and efficient, as well as to prepare for succession planning	Dec 2022	On-going

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 12 – Election of Officers

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Agenda Description: Election of Chair and Vice-Chair.

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Brief Summary:

The election of Board officers shall occur on an annual basis at the first regular meeting of the Board after June 1 of each year. The purpose of this item is to conform to this policy.

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Support Documents:

Attachment 1 – Board policy on election of officers.

Attachment 2 – Chairperson duties.

Attachment 3 – Board member duties.

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Recommended Board Action: Hold elections.

ANNUAL MEETINGS

The CSR Board shall hold an annual meeting for the purpose of electing a chairperson and a vice-chairperson in accordance with Business and Professions Code, Section 8003. Said annual meeting shall be held at the first regular meeting held after June 1 of each year.

Adopted: August 1987

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Chairperson of the Board

Definition: The Chairperson is responsible for the effective functioning of the Board, the integrity of the Board process, and assuring that the Board fulfills its responsibilities for governance. The Chairperson instills vision, values, and strategic planning in Board policy making. The Chairperson sets an example reflecting the Board's mission as a State licensing and law enforcement agency. The Chairperson optimizes the Board's relationship with its executive officer and the public.

Specific Duties and Responsibilities:

- Chairs meetings to ensure fairness, public input, and due process;
- Prepares Board meeting notices and agendas;
- Appoints Board committees;
- Supports the development and assists performance of Board colleagues;
- Obtains the best thinking and involvement of each Board member. Stimulates each Board member to give their best effort;
- Implements the evaluation of the executive officer to the Board;
- Continually focuses the Board's attention on policy making, governance, and monitoring of staff adherence to and implementation of written Board policies;
- Facilitates the Board's development and monitoring of sound policies that are sufficiently discussed and considered and that have majority Board support;
- Serves as a spokesperson; and
- Is open and available to all Board members, staff and governmental agencies, remaining careful to support and uphold proper management and administrative procedure.

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Board Members

Definition: As Board members, the Board is responsible for good governance of the Board. Appointed as representatives of the public, the Board presses for realization of opportunities for service and fulfillment of its obligations to all constituencies. The Board meets fiduciary responsibility, guards against the taking of undue risks, determines priorities, and generally directs organizational activity. The Board delegates certain administrative duties and responsibilities to its executive officer, but remains involved through oversight and policy making. The Board members are ultimately accountable for all Board actions.

Specific Duties and Responsibilities:

- Develops and sets policy and procedures as a State licensing and law enforcement agency;
- Supports and articulates the Board's mission, values and policies and procedures;
- Serves as spokespersons;
- Reviews and assures the executive officer's performance in managing the implementation of Board policies and procedures;
- Ensures that staff implementation is prudent, ethical, effective and timely;
- Assures that management and staff training and succession is being properly provided;
- Assures the ongoing (quarterly) performance review of the executive officer by the Chairperson, with an annual written evaluation by the Board which is to be conducted at a public Board meeting;
- Assures that the executive officer effectively administers appropriate staff policies;
- Maximizes accountability to the public; and
- Ensures staff compliance with all laws applicable to the Board.

COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 13 – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2020 and 2021 Board Calendars

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Current scheduled activities:

CSR Dictation Exam:

November 16, 2020 – December 7, 2020 – Realtime Coach (Online Vendor)

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Recommended Board Action: Information exchange

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

JANUARY 2020						
				2	3	
	6	7	8	9	10	
	13	14	15	16	17	
		21	22	23	24	
	27	28	29	30	31	

FEBRUARY 2020						
	3	4	5	6	7	
	10	11	12	13	14	
		18	19	20	21	
	24	25	26	27	28	

MARCH 2020						
	2	3	4	5	6	
	9	10	11	12	13	
	16	17	18	19	20	
	23	24	25	26	27	
	30					

APRIL 2020						
			1	2	3	
	6	7	8	9	10	
	13	14	15	16	17	
	20	21	22	23	24	
	27	28	29	30		

MAY 2020						
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	4	5	6	7	8	
	11	12	13	14	15	
	18	19	20	21	22	
		26	27	28	29	

JUNE 2020						
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	15	16	17	18	19	
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	29	30				

JULY 2020						
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	20	21	22	23	24	
	27	28	29	30	31	

AUGUST 2020						
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	17	18	19	20	21	
	24	25	26	27	28	
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SEPTEMBER 2020						
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	14	15	16	17	18	
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OCTOBER 2020						
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NOVEMBER 2020						
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DECEMBER 2020						
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	14	15	16	17	18	
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	28	29	30	31		

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

CITY	
LA-LOS ANGELES	SAC-SACRAMENTO
SD-SAN DIEGO	SF-SAN FRANCISCO
ONT- ONTARIO	
GENERAL LOCATION	
NC - NORTHERN CALIFORNIA	
SC - SOUTHERN CALIFORNIA	
Tele - TELECONFERENCE/VIDEOCONFERENCE	

**A YEAR-AT-A-GLANCE CALENDAR 2021
COURT REPORTERS BOARD OF CALIFORNIA**

JANUARY 2021

	4	5	6	7	8	
	11	12	13	14	15	
		19	20	21	22	
	25	26	27	28	29	

FEBRUARY 2021

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	22	23	24	25	26	

MARCH 2021

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APRIL 2021

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	26	27	28	29	30	

MAY 2021

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	24	25	26	27	28	

JUNE 2021

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JULY 2021

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	26	27	28	29	30	

AUGUST 2021

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	9	10	11	12	13	
	16	17	18	19	20	
	23	24	25	26	27	
	30	31				

SEPTEMBER 2021

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	27	28	29	30		

OCTOBER 2021

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	18	19	20	21	22	
	25	26	27	28	29	

NOVEMBER 2021

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	15	16	17	18	19	
	22	23	24			
	29	30				

DECEMBER 2021

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	20	21	22	23	24	
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COURT REPORTERS BOARD MEETING – NOVEMBER 20, 2020

AGENDA ITEM 14 – 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