



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, April 16, 2021
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=e8dcc8a3bb499fd2d7fb44ec232d40241>.

Event number: 187 384 3700
Event password: CRB04162021

Audio conference: US Toll +1-415-655-0001
Access code: 187 384 3700

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 three 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, April 16, 2021
9:00 a.m. to conclusion

AGENDA

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

CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF A QUORUM, AND OPENING REMARKS (Robin Sunkees, Board Chair)

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA 5
 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)).
2. REVIEW AND APPROVAL OF NOVEMBER 20, 2020 MEETING MINUTES..... 6
3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE 27
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 - 4.3 Enforcement Activities
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 - 4.5 Business Modernization
5. LICENSE/CERTIFICATE RECIPROCITY 40
 - 5.1 Discussion and possible action to allow reciprocity with the state of Texas.
 - 5.2 Discussion and possible action to allow reciprocity with National Court Reporters Association's Registered Professional Reporter (RPR) certification
 - 5.3 Discussion and possible action to grant CSR certification to holders of the RMR or CRR certifications on either a full or provisional basis.

6.	<u>LEGISLATION</u>	44
	Discussion and possible action	
6.1	AB 29 (Cooper) State bodies: meetings	
6.2	AB 225 (Gray, Gallagher, and Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses	
6.3	AB 339 (Lee and Christina Garcia) State and local government: open meetings	
6.4	AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions	
6.5	AB 1169 (Eduardo Garcia) Court Reporters Board of California	
6.6	SB 241 (Umberg) Civil Actions.	
	 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.	
7.	<u>REGULATIONS</u>	53
7.1	AB 2138 Implementation: Status report for sections 2470 & 2471	
7.2	Title Use - Discussion regarding potential adoption of regulations in Article 1, California Code of Regulations	
7.3	Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations. (Gov. Code, § 11340.6.)	
8.	<u>STRATEGIC PLAN</u>	55
8.1	'Five Reasons to Hire a Licensed Court Reporter' – Publication.	
8.2	Best Practices Task Force – Best Practice Pointers Number 11 for Remote Reporting. Discussion and possible action on draft publication.	
8.3	Update to the Board on action plan	
9.	<u>FUTURE MEETING DATES</u>	60
10.	<u>CLOSED SESSION</u>	62
	Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation.	

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 – APRIL 16, 2021

AGENDA ITEM 1 – 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 – APRIL 16, 2021

AGENDA ITEM 2 – Review and Approval of November 20, 2020, Meeting Minutes

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Agenda Description: Review and approval of minutes

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Brief Summary:

Minutes from November 20, 2020, meeting

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Support Documents:

Attachment – Draft minutes for November 20, 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 2**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
NOVEMBER 20, 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
Carrie Nocella, Public Member
Robin Sunkees, Licensee Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Anthony Pane, Assistant Chief Counsel
Danielle Rogers, Regulations Counsel
Ryan Perez, Board and Bureau Services
Connie Conkle, Enforcement Analyst
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

1. APPROVAL OF MAY 21, 2020 MEETING MINUTES

Ms. O'Neill requested that "RPR's" be changed to "CSR's" on the second line of paragraph 8 on page 19 of the minutes.

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

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

MOTION CARRIED

2. RESOLUTION FOR BOARD MEMBER NOCELLA

Ms. Hurt stated that Ms. Nocella has been a key board member with extensive knowledge on the legislative process. She also recognized her positive, ready-to-go demeanor. She read aloud the resolution prepared for Ms. Nocella found on page 29 of the Board agenda packet.

Ms. Fenner expressed her appreciation to Ms. Nocella for the time she gave to the Board. She thanked Ms. Nocella for her input in consumer protection and engagement during Board discussions and stated that her viewpoint would be sorely missed.

Ms. Sunkees wished she had been able to work with Ms. Nocella longer and wished her the best.

Ms. O'Neil shared that Ms. Nocella's input always added clarity to the topic of discussion and helped the Board home in on the issues. She thanked Ms. Nocella for her service on behalf of the consumers of California.

Mike Hensley, CSR, President of the California Court Reporters Association (CCRA), thanked Ms. Nocella for her service and wished her the best in future endeavors.

Ms. Nocella expressed her regret that she was not able to commit to a second term with the Board due to an already loaded schedule. She thanked the Board and staff for their outstanding service and shared that she learned so much in her role as a member. She stated that she has the utmost respect for the court reporting industry and will miss everyone.

Ms. O'Neill moved to adopt the resolution honoring Carrie Nocella. Ms. Sunkees seconded the motion. Ms. Hurt called for additional public comment. No comments were offered.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Ms. Hurt introduced Ryan Perez from the Department of Consumer Affairs (DCA) Office of Board and Bureau Services.

Mr. Perez recognized the years of distinguished service provided by Ms. Nocella on behalf of California consumers. He wished her the best.

Mr. Perez stated that efficient and effective investigations are a top priority for DCA. The executive leadership team, therefore, decided to hire an individual very familiar with the

investigative process to work with the Division of Investigation (DOI) to identify ways to increase efficiency, decrease investigative time frames, and improve the overall quality of the investigations. The individual will review investigations, statistics, and recommendations from DCA's Organizational Improvement Office which will allow greater assistance to DOI. The overall goal is to decrease the time frame of investigations while still maintaining the level of quality that the boards and bureaus have come to expect from DOI. DCA will provide updates to the Board as changes are made and as improvements are accomplished.

Mr. Perez shared that despite changes in business practices as a result of COVID-19, DCA's work does continue. He stated that after a temporary closure in March due to state and local stay-at-home orders, DCA offices remain open with preventative measures to safeguard the health and safety of employees and visitors. DCA continues to partner with the Governor's Office and Business, Consumer Services and Housing Agency on statewide awareness and public health measures.

The economic impacts of the COVID-19 pandemic and unprecedented wildfire activities are expected to last for several years. The State needs to take immediate action to reduce costs and maximize efficiencies to support Californians. Back in April, DCA and all boards and bureaus worked to limit expenditures and to hire only those necessary to support core functions and emergency response activities. Additionally, this week DCA learned the department will be required to take a 5 percent permanent budget reduction no later than the 2021/22 fiscal year. DCA will be working with board staff immediately to identify a plan for a permanent 5 percent reduction that will best fit the board's operational needs. He thanked the Board and staff for their continued service despite these challenges.

Lastly, Mr. Perez reported that Board and Bureau Relations put on three brown bag trainings this fall to support board and bureau leaders by providing an opportunity to learn and discuss best practices on topics such as appointments, managing staff remotely, and providing ADA compliant meeting materials to board members and the public. In partnership with DCA's SOLID Training and Planning Solutions, board member orientation trainings have been held quarterly in remote sessions, and new training for board presidents is in the planning stage. He indicated that the Board may reach out to any member of the Board and Bureau Relations team should they have any questions or needs.

4. REPORT OF THE EXECUTIVE OFFICER

Ms. Fenner welcomed the Board's newest staff member, Sheila DeGrace, who will be serving as the Board's half-time receptionist.

4.1 CRB Budget Report

Ms. Fenner referred the Board to its final expenditure report for the 2019/20 fiscal year found in a new format on page 32 of the Board agenda packet. She thanked staff for helping to keep expenditures down, noting that there is a small savings of \$77,000 at the close of the fiscal year.

Ms. Hurt requested an explanation of the Temporary Positions line item. Ms. Fenner explained that the Board did not receive approval from the Department of Finance to

create a permanent civil servant position to assist with the Transcript Reimbursement Fund (TRF), therefore, the position is in the Board's blanket as temporary help.

Ms. Hurt asked for information about the Special Items of Expense line item. Marie Reyes, budget analyst, explained that there was an accounting adjustment made and that the \$62,000 should not have been included. The Special Items of Expense should only be \$551 for digital printing services.

Ms. Fenner referred to the overall fund condition on page 33 of the Board agenda packet. The report reflects the fund condition without any transfers to the TRF. The Board was able to reopen the TRF on November 2, 2020. She indicated that the projections on page 34 indicate what the fund condition would look like if there was a \$100,000 transfer to the TRF, and page 35 reflects a \$200,000 transfer for comparison.

Ms. Fenner thanked Ms. Reyes for her hard work in helping transition the Board from the legacy accounting system into the new FI\$Cal system. She stated that Ms. Reyes dedicated a large amount of time developing spreadsheets for the Board, allowing the Board to make its best decisions with its financial position in mind. She has always been readily available to answer questions and provide reports. Ms. Fenner wished her well in her upcoming retirement and stated that she would miss getting to work with this very competent professional.

4.2 Transcript Reimbursement Fund

Ms. Bruning shared that Board staff worked closely with staff at DCA's Office of Public Affairs (OPA) to revise the application forms and guidelines in hopes of making them more streamlined and clearer to avoid deficiencies and rejections due to incomplete applications. She credited Matt Woodcheke at OPA for his instrumental contributions to the project and facilitation of development of the forms alongside the DCA Public Design and Editing team. She indicated that staff also worked with the DCA Office of Information Services to create a dedicated menu tab on the Board's website to provide updated information.

Ms. Bruning reported that since the reopening of the program, 28 applications had been received for the pro bono portion of the program, and seven applications were received for the pro per portion.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 36 of the Board agenda packet. She indicated that there was nothing significant about the statistics or types of complaints received.

4.4 Exam Update

Ms. Fenner reported that the administration of the skills exam was moved to an online platform. At its May 21, 2020 meeting, the Board directed staff to administer the July 2020 exam online. Fortunately, the contract with the online vendor, Realtime Coach (RTC), was already in place. However, there were many other tasks to complete.

Ms. Fenner applauded Board and DCA staff for their efforts in pulling everything together with minimal time. Ms. Kale learned the entire RTC system and rewrote all the candidate instructions. Ms. Bruning worked with the DCA Office of Public Affairs who found a way to safely record a bank of tests with four speakers who would not be wearing masks. The volunteer readers traveled from near and far to assist the Board with recording. She thanked everyone for their dedication and commitment to excellence.

Ms. Fenner indicated that the historical examination statistics were provided in the Board agenda packet starting on page 38. She stated that the July online exam results were very close to the results of the March onsite exam, with the first-time pass rate being slightly higher for the July test. She congratulated the Board for successfully continuing its licensing efforts without interruption during a global pandemic.

Ms. Fenner described some issues that came up during the new endeavor. One oversight was not including the speakers' names on the written glossary in the warm-up material. Although the speakers identified themselves, no spellings were given for the names. Additionally, there were issues with proctors; therefore, Board staff made improvements to the instructions that the proctors receive. Varying internet issues occurred. Staff also realized that the practice test should be full-length instead of two minutes to ensure the large video could be played on the candidate's equipment. Staff evaluated issues on a case-by-case basis and made decisions taking into consideration all the information particular to each candidate's situation. Ms. Fenner stressed the importance of doing the practice tests that are provided and following the written instructions.

Some candidates were unhappy with the removal of the appeal process. Previously, one test was used for all candidates during the administration of the onsite test, and candidates had access to listen to the test and compare it to a copy of their graded test. The online skills test now mirrors the online written tests in that there is a bank of questions, or in the case of the skills test, a bank of video tests. They are randomly assigned to the candidate. If the candidate is not successful, they are locked out of the test permanently and would be offered another test at a future testing cycle. This way of administration does not allow for the Board to return the test transcripts back to candidates. To help ensure that no candidate is unfairly failed, the grading procedure is more rigorous. The test is initially graded by computer. Because there are so many acceptable ways of setting up colloquy with the four-voice test, a human grader then re-checks the results. If the candidate is within 20 points of passing, it is re-checked by a second human grader. If the candidate is within 10 points of passing, a third human grader re-checks it. Because there is no appeal process available with the online administration, only a pass/fail grade was issued in the results letter, another change which was difficult to accept for the candidates.

The new testing cycle began on November 16, 2020, and is scheduled to continue through December 7, 2020. There are 87 candidates who have applied for the exam, with 15 first-timers. Of the first-timers, six qualified through schools recognized by the Board.

Ms. Hurt thanked staff for working through the many details of transitioning to online testing. She acknowledged that change is difficult but asserted that the Board is pivoting to meet the challenge.

Heather Bautista thanked the Board and Ms. Kale for the dedication to continuing the exam during the pandemic to ensure California consumers would continue to be served by licensed court reporters.

4.5 CRB Today Newsletter, Fall 2020

Ms. Fenner reported that the Fall 2020 edition of the Board's newsletter would be published on the Board's website on November 23, 2020. She stated that Ms. Bruning worked diligently to shepherd the newsletter to completion while preparing for the Board meeting, reopening the TRF, and assisting in training the Board's new receptionist.

Ms. Hurt thanked staff for a job well done.

4.6 Business Modernization

Ms. Fenner reported that the Board is now able to accept online credit card payments for license renewals. There are a handful of exceptions listed in the latest newsletter edition as well as online. This was another huge endeavor on the part of staff.

5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Bautista requested the Board move its public comment section to the end of the meeting.

6. DIGITAL RECORDERS

Ms. Fenner stated that the Board received a request to place the topic of digital recorders on its meeting agenda. She noted that the Board does not license digital recorders and does not have jurisdiction over their practice. She shared that the practice of shorthand reporting is defined in Business and Professions Code (BPC) section 8017 as 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. By this definition, digital recorders are not practicing shorthand reporting without a license. Additionally, attorneys have the statutory ability to stipulate in writing to an alternate form of recording a deposition.

Ms. Fenner stated that the Board performs the mandate given to it by the legislature within the confines of the statutes enacted with regard to shorthand reporting, and the Board may not exceed its authority. With any complaint received, staff must first establish jurisdiction and determine what statute may have been violated before it may take action.

She shared that Board staff's position is that this is a consumer awareness issue and best addressed via education of attorneys and litigants to the advantages of hiring a licensed court reporter.

Ms. Hurt conveyed that the Board decided to consider this item in a public forum to clarify what the Board legally can and cannot do within the confines of its legislative mandate. She invited comments from the group that brought the issue forward.

Kimberly D'Urso, CSR, on behalf of Charlotte Mathias, CSR, and Protect Your Record Project (PYRP), asserted that the Board's reference in its agenda summary to Code of Civil Procedure (CCP) 2016.030 does apply to the activity brought to the Board. The attorneys believe they have a CSR because they requested a court reporter, and that is what the notary is calling themselves. Therefore, the attorneys have not entered into a written agreement to use a notary to digitally record their deposition.

She stated that an unauthorized California court reporting firm recently suggested to a group at a legal secretaries association meeting that they update their notices to request a notary public be present instead of a CSR. She contended that this does not meet the standards of a written stipulation and that opposing counsel may not be aware that the testimony is being digitally recorded instead of reported by a licensed court reporter until they request readback. She added that the digitally recorded transcripts also do not identify the notary and just indicate "court reporter."

She inquired whether the Board reached out to the State Bar to educate attorneys as suggested in the recommended board action on the agenda summary. She questioned why the Board publication "5 Reasons Why You Should Choose a Licensed Court Reporter" would reference "licensed court reporter" as if there is such a thing as an unlicensed court reporter. She indicated that DCA claims to be a regulator who works with California professions to guard licensees against unfair competition and to protect consumers from unlicensed practitioners. She added that the Board website indicates the Board will investigate fraud and other crimes but then states it does not have jurisdiction over electronic recording and video operators. It claims it will refer these types of claims to the appropriate agency if possible and notify the complainant. She requested the Board do so immediately to protect California consumers.

Kelly Shainline, CSR, on behalf of PYRP, stated that at the Board's May 21, 2020, meeting, many members of the court reporting community voiced concerns regarding rampant use of digital recording, mostly seen from out-of-state unauthorized foreign corporations. Since that time there has been an escalation of the unethical behavior including fraud upon the court wherein an unauthorized audio recording from a court proceeding was transcribed by an out-of-state transcriber and the attorney unknowingly filed the uncertified transcript with the court as if it was the certified transcript from the official reporter.

She contended that silence from the Board is causing harm and seen as a green light to unauthorized corporations to do whatever they please. She requested the Board either work with the Legislature or fix the regulations to establish jurisdiction over the bad players to protect the consumers and maintain the integrity of the record.

Ms. Shainline stated that the board discussed electronic recording at its February 1990 planning session where it determined it should examine its use; however, there does not appear to be an outcome of the variety of options they were exploring. She requested the Board revisit this issue and protect consumers who utilize court reporting services or determine who does have jurisdiction over the practice.

Kim Kuziora, CSR, stated that she received confirmation via email from the California Secretary of State that if a notary public performs depositions, they may not record and transcribe it unless they are a California licensed CSR. The notary may take the deposition by long hand or typing.

She stated that she filed multiple complaints with the Secretary of State's office related to notaries calling themselves court reporters and digitally recording depositions. One such complaint included a deposition notice that indicated the deposition will be before a certified court reporter, but a notary public was sent to digitally record the deposition. There was no written stipulation to allow for the digital recorder, and one of the attorneys did not agree to stipulate on the record. She shared that the attorney related to her that he was horrified that this was allowed to happen and felt backed into a corner to go forward due to discovery deadlines. This particular transcript was for an insurance fraud situation where the District Attorney would need to use it for criminal prosecution. Per CCP 2025.340(m), this transcript would not be admissible as evidence because it was not a stenographic transcript.

Ms. Kuziora declared that attorneys have a reasonable expectation that when a deposition notice requests to have a certified court reporter and someone calls themselves a court reporter, that that person is a licensed CSR. She stated that the notary public section manager at the Secretary of State's office told her the Board should be handling these complaints and instructed her to also forward her complaint to the District Attorney's Office. The District Attorney's Office responded that her complaint raised issues of possible deceptive or unlawful business practices by a notary public and that these types of investigations are usually handled by the Board. She requested the Board receive complaints regarding digital records and adhere to its duties under BPC 129(b) by forwarding complaints outside its jurisdiction to the appropriate agency.

Mr. Hensley, on behalf of CCRA and those pursuing a stenographic career, stated that CCRA stands in support of the comments made by PYRP and similar opinions from others.

He stated that California court reporting has been considered the gold standard of competency in the profession for many years. Other states and the national association have acted to counteract the infiltration of digital recording practices in the profession. For California to remain a viable front runner and shining example of the high standard of the profession, he encouraged the Board to thoughtfully consider the comments that have been presented and take serious decisive action to promote the viability of stenographic reporting as it relates to certified shorthand reporters otherwise known in common parlance as court reporters.

Ms. Hurt reiterated the recommended Board action to educate attorneys via the State Bar regarding the importance of requesting a Certified Shorthand Reporter. She stated that an expansion of the Board's jurisdiction from the Legislature would be in order.

Ms. Sunkees moved to direct staff to reach out to the State Bar to educate attorneys on the importance of requesting a shorthand reporter. Ms. Nocella seconded the motion.

Ms. Hurt called for public comment.

Ms. D'Urso thanked the Board for indicating they would reach out to the State Bar and requested that the Board publish similar educational statement on its website regarding the importance of hiring a CSR. Ms. Hurt responded that the publication is on the Board's website.

Mr. Hensley requested the Board review the documentation provided in relation to this agenda item. Specifically, in BPC 8018 there is an outline of oversight of those who attempt to perform the practice of using words or symbols or intending to indicate that he or she is certified under this chapter.

Ms. O'Neill recalled when licensing became required for deposition reporters in the 1980s. At that time, attorneys began asking to see the court reporter's license at the beginning of every deposition. She recommended attorneys be reminded that they can ask to see the license to ensure they have a CSR present.

A vote was conducted by roll call.

For: 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 10:19 a.m. and returned to open session at 10:35 a.m. A quorum was reestablished by roll call.

7. LICENSE/CERTIFICATION RECIPROCITY

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

Ms. Sunkees reported that the Texas License Reciprocity Task Force, co-chaired with Board Member O'Neill, met on June 26, 2020. She thanked members of the California task force, Stephanie Leslie and Heather J. Bautista, as well as attendees from the Texas task force including members from their Judicial Branch Certification Commission, the Texas Court Reporters Association (TCRA), and the Texas Deposition Reporters Association.

She stated that the task force was created as a result of the proposal from Texas to create license reciprocity between the two states. Texas considered the licensing tests to be substantially equal and believed reciprocity would ease the growing reporter shortage.

During the meeting, the Board learned that Texas currently has roughly 2200 licensees and 300 firms registered. They reached out to 31 states that have some sort of certification, but California was their first attempt at a reciprocity agreement. Texas accepts provisional licensing, meaning you can work in Texas until you pass test, and an apprentice category for a new reporter who would need to keep trying to take test while working under an experienced reporter.

Though the RPR uses the same testing standards, 180 literary, 200 jury charge and 225 Q&A at 97% accuracy, Texas does not use the RPR, partly because the national test is allowed to be passed in legs rather than in one sitting and also because the RPR test is given by an association. Texas law requires certification by jurisdiction. The Texas exam is developed by the TCRA's Testing Advisory Committee.

She reported that the Board has entered into an interagency agreement with the Office of Professional Examination Services (OPES) to help determine if the Texas license exam is comparable to the California exam. The Board has also requested that OPES look at NCRA's RPR exam for the same purpose. When all information is received, the results will be discussed by the task force and a recommendation will be made to the Board.

Mr. Hensley, President of CCRA, asked for clarification on a question asked at the Board's May 21, 2020, meeting by Ms. Bautista regarding how to determine which state's minimum transcript format standards should be followed for remote proceedings. He asked if Ms. O'Neill's question was answered on how the different state boards would handle enforcement issues.

Ms. Bautista stated that she is also licensed in Texas and was granted endorsement for her machine portion because of her experience and certification. However, she was required to take the written knowledge test for Texas. She is in favor of reciprocity but believes the written knowledge test should be required for the California specific codes.

Ms. Hurt thanked Ms. Sunkees and Ms. O'Neill for working through the issue. She believes it to be very important to have the OPES test analysis to obtain the data necessary to make a decision. She indicated that the task force co-chairs would take the comments and questions back to the task force for consideration.

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

No discussion was taken on this item since it was reported above that OPES has been asked to research the NCRA exam.

8. LEGISLATION

- 8.1 AB 1469 (Low) – Ms. Fenner stated that the bill did not make it out of Senate Appropriations Committee due to the shortened legislative year and the priority that was given to COVID-related legislation. The Board is very appreciative of the continued efforts by Assemblymember Low to move firm registration forward on behalf of the California consumers. Ms. Hurt echoed appreciation to Assemblymember Low.

Ms. D'Urso read the staff comments from the August 11, 2020, Senate Appropriations bill analysis. She stated that the bill was put in suspense because the cost of the bill would likely surpass the Suspense File threshold.

- 8.2 SB 1146 (Umberg) – Ms. Fenner reported that the bill became law in September. She emphasized that the only thing that changed with this law is the requirement of the court reporter to be in the physical presence of a party witness. Before COVID, if the deponent was in California, the reporter had to be licensed by the CRB in order to report that deposition. The same still applies if the deponent is in California regardless if the case is venued in Georgia or the attorneys are from Texas. If it is a federal case, then Federal rules apply as CRB does not have jurisdiction over federal cases. If the deponent is located in another state, the reporter may need to inquire with that state to determine if they have similar requirements for licensure to practice in that state.

She stated that misinformation on social media prompted more phone calls to the Board office on this issue than any other issue. She thanked staff for their endless patience with the variations of questions.

Mr. Hensley requested the Board clarify the question of where a court reporter need to be physically while performing remote proceedings. He requested a written response to avoid inconsistencies and reduce the myriad of phone calls received by the Board and association offices. Ms. Fenner responded that the location of the court reporter was irrelevant, but the Board looks to the location of the deponent.

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

Mary Pierce, on behalf of the California Deposition Reporters Association (CalDRA), related the request to the issue of digital recorders that are calling themselves “court reporter” and “deposition reporter” out in the field. She stated that this leads to a misunderstanding on the part of the attorneys about whether they are licensed and governed by the Board. CalDRA believes that the titles “court reporter” and “deposition reporter” should be added to the same code that restricts the use of “certified shorthand reporter” or “CSR” to add clarity to who is licensed and who is not. She thanked staff for their recommendation to the Board to pursue the proposal.

Ms. D’Urso, on behalf of PYRP, stated that the title of “court reporter” should be protecting and belonging fully to CSRs who have been identified for decades in the legal field as court reporters. She stated that a poll conducted by PYRP revealed that attorneys expect a CSR to report their depositions when a court reporter is ordered, not a notary public posing as one. She shared that one attorney stated that it is imperative that a professional CSR be responsible for the transcripts and their accuracy. She indicated that the deposition notice contains language defining that the CSR will report the proceeding by stenographic means.

She stated that PYRP believes the Board has not protected consumers by not taking action against notaries who fraudulently use the title “court reporter.” She added that the Board changed its name from Board of Certified Shorthand Reporters to Court Reporters Board and uses the title “court reporter” repeatedly in the majority of its publications. She believed the contradictory language and ambiguities to be harmful and requested the Board protect the hard-earned title that stenographic CSRs have professionally trained to use.

Ms. Bautista requested the Board also add “deposition officer” to the list of protected titles. She stated that the Board governs how licensed certified professionals are to conduct themselves while performing duties under the California CCP. She asserted that CSRs readily pay their yearly license fee in order to perform an integral part of the justice system in the state. She found it insulting for the Board to turn a blind eye to the rampant and blatant fraud being perpetrated on consumers by corporations and persons in violation of BCP 8018.

She indicated that she spent seven years training to become a court reporter. Certified reporters depend on skill, their human brain, impartiality, and the ability to determine what is and is not understood. They do not simply press record, monitor microphones, and depend on electronic recordings to capture the record. She asked the Board to seek legislation that offers title protection for its licensees.

Ms. Kuziora stated that attorneys have a reasonable expectation that when a deposition notice of the deposition will be taken before a certified shorthand reporter or a certified court reporter, that a license certified shorthand reporter will be stenographically reporting the deposition transcript and that the transcript will be admissible in a court of law. She stated that untrained persons who show up and represent themselves as court reporters are a fraud and cannot be tolerated in a judicial or administrative proceeding.

She shared that bill analysis for AB 1520 and AB 1469 both state that court reporters are highly trained professionals who stenographically preserve the words spoken at a variety of settings. Additionally, the Board’s sunset review bill states, “licensed court reporters are charged with producing an accurate and timely transcript of legal proceedings. Charged with oversight of the court reporting industry, the Board assures protection of the California consumer and their essential legal rights.” This would lead consumers to believe that anyone who calls themselves a court reporter is a licensed certified shorthand reporter that is under the jurisdiction of the Board. She urged the Board to support the proposal.

Janet Harris, President of the American Association of Electronic Reporters and Transcribers, opposed the proposal. She stated that there are multiple technologies for preserving testimony and producing verbatim transcripts, including digital, machine shorthand, voice writing, and video, each with a recognized national organization certifying a person’s proficiency to preserve and produce a complete and accurate record. She asserted that the Court Reporters Board was formed to regulate only certified shorthand reporters and that changing its name does not broaden its scope. She stated that “court reporter” and “deposition reporter” are terms of art and not specific to a particular technology. She alleged that the proposal is anti-competitive and impacts mostly individuals and small businesses at a time when the state and country are facing huge shortages of court reporters. She stated that the vast majority of consumers of court reporting services are well-informed attorneys and judges who are not before the Board requesting further oversight. She stated the proposal creates a new problem for current users of digital recording technology in California who have relied on these services for decades to ensure the efficient administration of justice including many state agencies, municipal courts, and the superior courts. She urged the Board to reject the proposal.

Mr. Hensley, on behalf on CCRA, shared interest in participating in the furtherance of this endeavor both through discussion and processes.

Ms. Bautista stated that she reviewed the exam statistics and found that the average pass rate for the last two years for the dictation exam is 16.8 percent. It is a difficult test and difficult license to attain. Not all who want to claim the title and respect of being a court reporter should be able to. She shared that she continues to hone her skills so that attorneys can expect an accurate record of proceedings prepared by a person with an ethical and professional obligation to do so.

Ms. D'Urso, on behalf of PYRP, stated that remote reporting has revealed that stenographic reporters have been able to cover calendars through the perceived shortage. She expressed that stenographic reporters have trained to use the term court reporter, and those who want a title should get their own.

Ms. Hurt emphasized the dedication and time that the Board members spend working and reviewing materials to make decisions at the meetings. She shared that there are two licensed reporters and two attorneys on the Board who are thoughtful and knowledgeable and take the mandate to protect California consumers very seriously.

Ms. Sunkees moved to appoint a subcommittee to work with CalDRA and interested stakeholders in find an author for this legislation. Ms. Nocella seconded the motion. Ms. Hurt called for public comment.

Ms. Bautista requested that she be invited to participate in the discussions with the subcommittee.

Ms. Harris encouraged the Board to educate themselves regarding the education and certifications required for technologies outside of steno machine writing.

Ms. D'Urso, on behalf of PYRP, requested to be included in the conversations with the subcommittee.

Ms. Hurt indicated that she would like to understand the topic more, but the current discussion is in regard to protecting the terms "court reporter" and "deposition reporter," and it does not preclude work that is done by other means. She believed it to be appropriate to work to protect the titles.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. Hurt appointed Ms. Sunkees as chair of the Title Protection Subcommittee.

9. REGULATIONS

9.1 AB 2138 Implementation: Status report for section 2470 & 2471

Ms. Rogers shared that Business, Consumer Services and Housing Agency approved the language on November 16, 2020, and she would, therefore, be filing the regulatory package with the Office of Administrative Law soon.

9.2 Disciplinary Guidelines: Proposed amendments to section 2472

Ms. Rogers stated that the proposed amendments were approved by the Board at its May 21, 2020 meeting. Staff is preparing the regulatory package.

9.3 License Examination

9.3.1 Inspection of Examination Papers; Notification: section 2422

Ms. Fenner recommended the Board adopt the proposed language.

Ms. Sunkees moved to approve the proposed regulatory language to amend 16 CA ADC § 2422. Additionally, she moved 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. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Nocella, Ms. Sunkees, and Ms. Hurt

Opposed: None

Absent: Ms. O'Neill

Abstain: None

Recusal: None

MOTION CARRIED

9.3.2 Examination Application: section 2418

Ms. Fenner indicated that section 2418 would be brought back to the Board at a later meeting.

10. BOARD POLICY MANUAL

10.1 Repeal policies already contained in regulations or otherwise duplicative

Ms. Fenner indicated that along with updating the regulations to conform to online testing, the Board Policy Manual also needs to be updated.

The first policy relates to appointing an Appeals Committee. Since there is no longer an appeals process, staff recommends the Board repeal the portion of the policy regarding the Appeals Committee.

Mr. Hensley, on behalf of CCRA student and educator membership, stated that there is a concern regarding the removal of an appeals process as part of the online examination. He stated that in order for California to maintain the high standard of accuracy required to pass the exam, then an appeals process must be included. He asserted that nature of the exam grading is subjective, and candidates have been able to successfully appeal their exam grade leading to licensure. He suggested the Board consider revising the appeal process to align with the online platform instead of entirely removing the appeal process.

Ms. Hurt acknowledged the concern but believed removal of the appeal process to be appropriate to protect the test bank. Ms. Fenner stated that the computer can check for accuracy of the words, but recognizing there can be different styles of punctuation, the Board has added three layers of human grading. The first person rechecks what the computer graded, looking for formatting and style. If the test is within 20 points of passing, the test is reviewed by a second human grader to recheck it. If the test is within 10 points of passing, it is given to a third human grader. If there is any question as to whether something is essential, it always goes in the favor of the candidate. She shared that after the multi-step process, no one from the last test was within 20 points of passing and, therefore, would not have been eligible for an appeal under the old process.

Ms. Sunkees moved to repeal appointment of an Appeals Committee from the current Board Policy. Ms. Nocella seconded the motion. Ms. Hurt called for public comment.

Ms. D'Urso, on behalf of PYRP, supported and thanked Mr. Hensley for his comments.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. Fenner referred to the second policy for consideration regarding the results of the skills test. In December of 1987, the Board adopted the policy of not giving the candidates their actual test scores. The staff recommendation is to similarly move to advising candidates of pass or fail on the skills portion.

Ms. Sunkees moved to send the skills exam results as pass or fail. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

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

MOTION CARRIED

Ms. Fenner stated that the third policy that needed review is regarding printing rough drafts for the skills test. The current policy allows candidates to print one rough draft from which to proof their final transcripts. A request has been received to allow the candidates to print their notes and as many drafts as they feel they need. Recognizing that it is easier to proofread on paper rather than on a screen, the Board previously adopted the recommendation to allow the candidates to print one rough draft. The staff recommendation is to leave the policy as is and limit it to one printing for security reasons.

No public comments were offered. No action was taken.

10.2 Amend policies for online skills portion of license exam:

10.2.1 Time to upload steno notes

10.2.2 Time for a second try

Ms. Fenner reported on these two items together. She stated that despite being allowed unlimited access to RTC to practice, a number of candidates were unable to successfully upload their steno notes in the two-minute time allotted to them. Although by policy they were allowed a second two-minute time period to upload, this created confusion with some of the proctors. To eliminate this problem, staff is proposing that the Board change the policy regarding the uploading of notes to be one four-minute period.

Ms. O'Neill moved to modify the time allowed for uploading of stenographic notes to one four-minute period. Ms. Sunkees seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

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

MOTION CARRIED

10.2.3 Acceptable pass rate

Ms. Fenner indicated that the Board received a written request from a member of the public to lower the current passing grade of 97.5% accuracy on the skills portion of the exam. The reasoning offered is the State Bar has lowered its

passing grade and the CRB should follow suit. If the Board makes a change to the passing grade, it would require a regulatory change.

Ms. Hurt asked how long the pass grade has existed. Ms. Fenner was not sure if it had ever changed but was able to confirm that the passing grade was the same when she took it in 1996.

Ms. Sunkees did not see a convincing reason to lower the passing grade of the skills exam. She gleaned from the discussions of the day that there was a consensus to maintain standards, not lower them.

Ms. Hurt added that there was a huge equity argument being associated with the changes to the State Bar. She stated that the State Bar had quite a bit of statistical data, but there was nothing comparable that for the Board's dictation exam. She said the State Bar made a statement advocating for the change because the passing rate was not reflecting whether one could be a good attorney. She believed the skills of court reporting are more straightforward and objective.

Ms. O'Neill expressed that she did not support proposals to lower the passing grade in the 1980s, and she does not support it now.

Ms. Nocella agreed with the previous comments. She said without significant data she did not believe this was something the Board should act on. She shared that she did not support the change for the State Bar and does not believe the Board should change the threshold for the dictation pass grade.

No public comments were offered. No action was taken.

11. STRATEGIC PLAN

11.1 'Five Reasons to Hire a Licensed Court Reporter' – Publication

Ms. Fenner reported that the Board approved language for a publication to educate attorneys and litigants on the importance of hiring a licensed court reporter. The final design is on the Board's website and is provided in the Board agenda packet on page 62 for informational purposes.

11.2 Best Practices Task Force

Ms. O'Neill reported that the Best Practice Pointers Task Force, co-chaired with Board Member Sunkees, met on June 19, 2020, and took on the topic of remote reporting. She thanked task force members Irene Abbey, Lauren Biggins, Jennifer Esquivel, and Priscilla Gwaltney for their attendance and input based on years of experience.

She presented the draft version of Best Practice Pointer No. 11, Videoconference/ Remote Reporting located on pages 63 and 64 of the Board agenda packet. She emphasized that best practices are not underground regulations but are created and made available for anyone to use as a guidance. The Board will not use these guidelines as a basis for discipline or enforcement.

Ms. Hurt thanked the task force for its efforts. She requested Board and public comment on the draft publication.

Ms. Sunkees recommended insertion of the word “only” after the word “transcription” in the first bullet point under item B.

Mr. Hensley, on behalf of CCRA, proposed removal of bullet point seven of item A. He stated that a reporter does not need to be the host of a session in order to identify all participants. Aside from using various platform capabilities, this can be done by verbally inquiring prior to proceedings on the record as to who all are present for the proceedings, as described in Item B bullet point three. Also, inclusion of this advice would be in direct contradiction to NCRA’s Advisory Opinion 44, wherein it is advised that the court reporter should not act also as the videographer.

He further requested removal of bullet point six of item C. He stated that California Rule of Court 3.670(o) states that all proceedings involving telephone appearances must be reported to the same extent and in the same manner as if participants had appeared in person. He added that bullet five under item C advises that no “modified” or “partial” certification page is allowed, therefore, bullet six should not allow for a “best of my ability” clause to be used.

Ms. Fenner expressed that she believed the intent of the language under bullet point seven of Item A was not for the court reporter to act as the videographer in any way but to make the court reporter in charge of the control of the recording as they would be for backup audio media.

The Board directed the task force to consider the proposed amendments and bring it back to the Board for review.

11.3 Update to the Board on Action Plan

Ms. Fenner referred the Board to the Action Plan timeline on page 65 of the Board agenda packet. She welcomed changes to the priorities from the Board.

Ms. Hurt suggested moving up the launch of a strategic awareness campaign to educate consumers about the court reporting roles and Board responsibilities and services. Ms. Sunkees and Ms. O’Neill agreed that it would be timely to move it forward.

Mr. Hensley, on behalf of CCRA, requested the Board maintain its target of December 2020 to investigate real-time captioning standards and assess industry practices.

Ms. Fenner reminded the Board that the dates listed on the Action Plan Timeline are target dates, not deadlines. She added that the Board has had to shift priorities that took staff time, such as moving the exam online, that may cause other projects to be moved back.

12. ELECTION OF OFFICERS

Ms. Hurt called for election of officers. She stated it had been an honor to serve as chair and welcomed the chance to support a new chair.

Ms. Nocella thanked Ms. Hurt for an outstanding job as chair.

Ms. O'Neill nominated Ms. Sunkees as chair. Ms. Hurt seconded the motion. Ms. Hurt called for public comment.

Mr. Hensley, on behalf of CCRA, thanked Ms. Hurt for her steadfast and diligent efforts in overseeing the Board during her tenure. He also endorsed the nomination of Ms. Sunkees as chair.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. Hurt nominated Ms. O'Neill as vice-chair. Ms. Sunkees seconded the motion. Ms. Hurt called for public comment.

Mr. Hensley, on behalf of CCRA, supported the nomination of Ms. O'Neill as vice-chair.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

13. FUTURE MEETING DATES

Ms. Hurt indicated that staff would reach out to the Board members for their availability when a meeting is necessary. She suggested that the Board consider having more frequent meetings due to the availability of the online platform.

The Board took a break at 12:42 p.m. The Board convened into closed session from 1:08 p.m. to 1:18 p.m.

14. 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 returned to open session at 1:18 p.m.

Ms. Hurt indicated that there was nothing to report from closed session. She thanked the Board members and staff for a great meeting.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 1:19 p.m.

DAVINA HURT, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – APRIL 16, 2021

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 – APRIL 16, 2021

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
- 4.5 Business Modernization

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Support Documents:

- Attachment 1, Item 4.1 – FM07 Expenditure Projections
- Attachment 2, Item 4.1 – CRB Fund Condition FM07
- Attachment 3, Item 4.1 – TRF Fund Condition FM07
- Attachment 4, Item 4.3 – Enforcement Statistics
- Attachment 5, Item 4.4 – Exam Statistics

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Fiscal Impact: None

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Recommended Board Action: None

3/30/2021

**COURT REPORTERS BOARD
BUDGET REPORT
FY 2020-21 EXPENDITURE PROJECTION**

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21			
	PRELIMINARY EXPENDITURES (MONTH 12)	PRELIMINARY EXPENDITURES (MONTH 12)	PRELIMINARY EXPENDITURES (MONTH 12)	CURRENT YEAR EXPENDITURES FM 05	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES							
Civil Service-Perm	243,059	245,418	242,951	131,754	53%	231,907	17,093
Statutory Exempt (EO)	97,898	98,040	101,472	55,289	66%	94,969	(10,969)
Temp Help Reg (907)	14,195	31,074	30,416	14,996	136%	25,707	(14,707)
Bd / Commsn (901, 920)	2,800	3,200	600	500	6%	857	7,143
Overtime	10,532	10,791	8,942	3,514	59%	6,024	(24)
Staff Benefits	220,957	251,702	256,826	136,315	71%	245,000	(53,000)
TOTALS, PERSONNEL SVC	589,441	640,225	643,907	342,368	62%	604,464	(54,464)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	2,727	19,284	27,255	1,980	0%	2,679	6,321
Printing	3,540	3,272	3,515	5,384	0%	5,384	(4,384)
Communication	3,757	3,717	3,499	2,015	34%	3,454	2,546
Postage	7,013	5,662	1,792	0	0%	2,000	(2,000)
Insurance	1,327	1,568	10	0	0%	1,000	(1,000)
Travel In State	20,300	5,658	13,562	1,233	5%	6,000	17,000
Training	0	0	23,642	20,417	1021%	20,417	(18,417)
Facilities Operations	49,192	79,052	86,188	48,420	99%	50,473	(1,473)
C & P Services - Internal	0	354	20	0	0%	0	84,000
Attorney General	25,452	38,509	51,180	42,369	24%	54,578	123,422
Office Admin. Hearings	720	6,140	4,825	125	1%	250	15,750
C & P Services - External	65,623	56,444	43,662	26,701	29%	36,250	55,750
DCA Pro Rata	201,498	189,011	195,064	114,000	78%	146,000	0
IA w/ OPES	0	0	0	15,443	0%	78,000	(78,000)
Interagency Services	0	0	0	0	0%	0	0
Consolidated Data Center	1,667	31	1,918	18	0%	1,500	1,500
Information Technology	3,636	1,229	0	145	7%	1,000	1,000
Equipment	0	730	0	454	5%	6,550	2,450
Other Items of Expense	743	4,100	551	0	0%	0	0
TOTALS, OE&E	387,195	414,761	456,683	278,704	45%	415,535	204,465
TOTAL EXPENSE	976,636	1,054,986	1,100,590	621,072	53%	1,019,999	150,001
Sched. Reimb. - Fingerprints	(392)	(490)	(490)	(588)	0%	(931)	(69)
Sched. Reimb. - External/Private/Grant	(940)	(1,645)	(1,645)	0	0%	0	(17,000)
Unsched. Reimb. - Inves Cost Recovery	(3,372)	(2,230)	(2,230)	(952)	0%	(1,864)	1,864
NET EXPENSE	971,932	1,050,621	1,096,225	619,532	54%	1,017,204	134,796
SURPLUS/(DEFICIT):				SURPLUS/(DEFICIT):			
				11.7%			

Court Reporters Board of California
(Dollars in Thousands) Fund Condition based on FM07

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 434	\$ 366	\$ 611	\$ 784	\$ 900
Prior Year Adjustment	\$ 2	\$ -17	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 436	\$ 349	\$ 611	\$ 784	\$ 900
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 19	\$ 13	\$ 10	\$ 12	\$ 12
4129400 - Other regulatory licenses and permits	\$ 21	\$ 27	\$ 18	\$ 22	\$ 22
4127400 - Renewal fees	\$ 928	\$ 1,371	\$ 1,417	\$ 1,350	\$ 1,350
4121200 - Delinquent fees	\$ 16	\$ 22	\$ 22	\$ 23	\$ 23
4163000 - Income from surplus money investments	\$ 9	\$ 14	\$ 6	\$ 15	\$ 15
4172500 - Miscellaneous Revenues	\$ 80				
Totals, Revenues	\$ 1,073	\$ 1,447	\$ 1,473	\$ 1,422	\$ 1,422
General Fund Transfers and Other Adjustments	\$ -	\$ -	\$ -200	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 1,073	\$ 1,447	\$ 1,273	\$ 1,422	\$ 1,422
TOTAL RESOURCES	\$ 1,509	\$ 1,796	\$ 1,884	\$ 2,206	\$ 2,322
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 1,050	\$ 1,098	\$ 1,020	\$ 1,210	\$ 1,246
9892 Supplemental Pension Payments (State Operations)	\$ 12	\$ 25	\$ 25	\$ 25	\$ 25
9900 Statewide Pro Rata	\$ 81	\$ 62	\$ 55	\$ 71	\$ 62
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 1,143	\$ 1,185	\$ 1,100	\$ 1,306	\$ 1,333
FUND BALANCE					
Reserve for economic uncertainties	\$ 366	\$ 611	\$ 784	\$ 900	\$ 989
Months in Reserve	3.7	6.7	7.2	8.1	8.9

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.

Transcript Reimbursement Fund
(Dollars in Thousands) Fund Condition based on FM07

BEGINNING BALANCE

Prior Year Adjustment

Adjusted Beginning Balance

Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
\$ 43	\$ 1	\$ 35	\$ 181	\$ 125
\$ -7	\$ 36	\$ -	\$ -	\$ -
\$ 36	\$ 37	\$ 35	\$ 181	\$ 125

REVENUES, TRANSFERS AND OTHER ADJUSTMENTS

Revenues

4163000 - Income from surplus money investments

Totals, Revenues

	\$ 1	\$ 1		
\$ -	\$ 1	\$ 1	\$ -	\$ -

General Fund Transfers and Other Adjustments

\$ -	\$ -	\$ 200	\$ -	\$ -
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TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS

\$ -	\$ 1	\$ 201	\$ -	\$ -
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TOTAL RESOURCES

\$ 36	\$ 38	\$ 236	\$ 181	\$ 125
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EXPENDITURES AND EXPENDITURE ADJUSTMENTS

Expenditures:

1111 Program Expenditures (State Operations)

9900 Statewide Pro Rata

Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
\$ 35	\$ -2	\$ 55	\$ 56	\$ 57
\$ -	\$ 5			

TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS

\$ 35	\$ 3	\$ 55	\$ 56	\$ 57
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FUND BALANCE

Reserve for economic uncertainties

\$ 1	\$ 35	\$ 181	\$ 125	\$ 68
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Months in Reserve

4.0	7.6	38.8	26.3	14.3
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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 - February 28, 2021

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	7	9	12	14	13	5	6	8					74
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0					0
Assigned for Investigation	7	9	12	14	13	5	6	8					74
Average Days to Close or Assign for Investigation	1	1	1	1	1	1	1	1					1
Pending	0	0	0	0	0	0	0	0					0 *

Convictions/Arrests Reports	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	0	0	0	0	0	0	0	0					0
Closed	0	0	0	0	0	1	0	0					1
Average Days to Close	0	0	0	0	0	843	0	0					843
Pending	1	1	1	1	1	0	0	0					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	14	13	5	6	8					74
Closed ***	9	5	11	31	51	16	16	7					146
Average Days to Close [Straightline] ***	152	8	94	252	900	94	176	95					419
Pending ***	85	89	90	73	34	23	13	14					53 *

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

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed **	9	5	11	31	51	17	16	7					147
Average Days to Close [Straightline] **	152	8	94	252	900	138	176	95					422
Pending **	86	90	91	74	35	23	13	14					53 *

* Average number of cases pending per month

** Intake complaints and convictions

*** Intake complaints only

Enforcement Actions

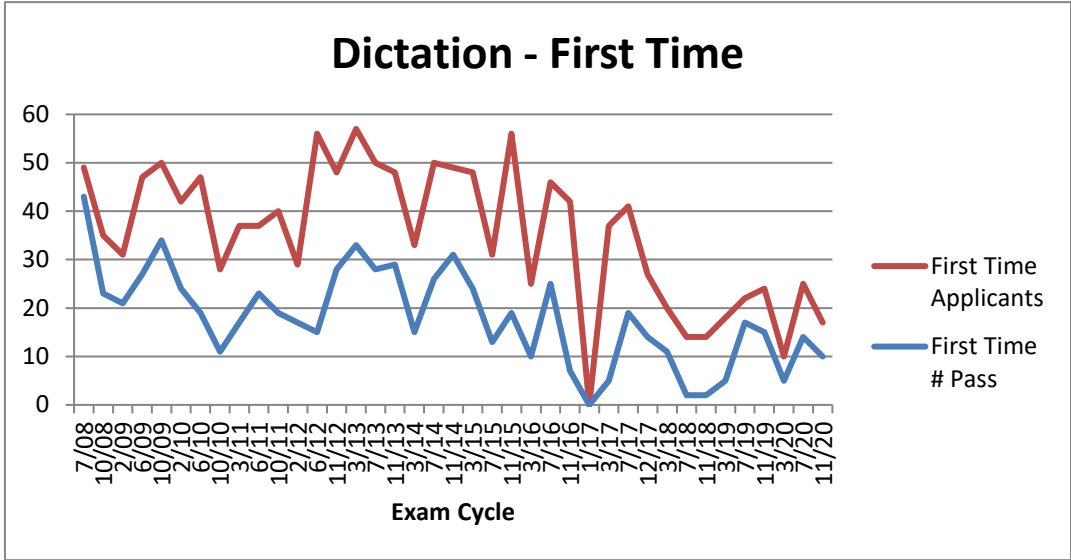
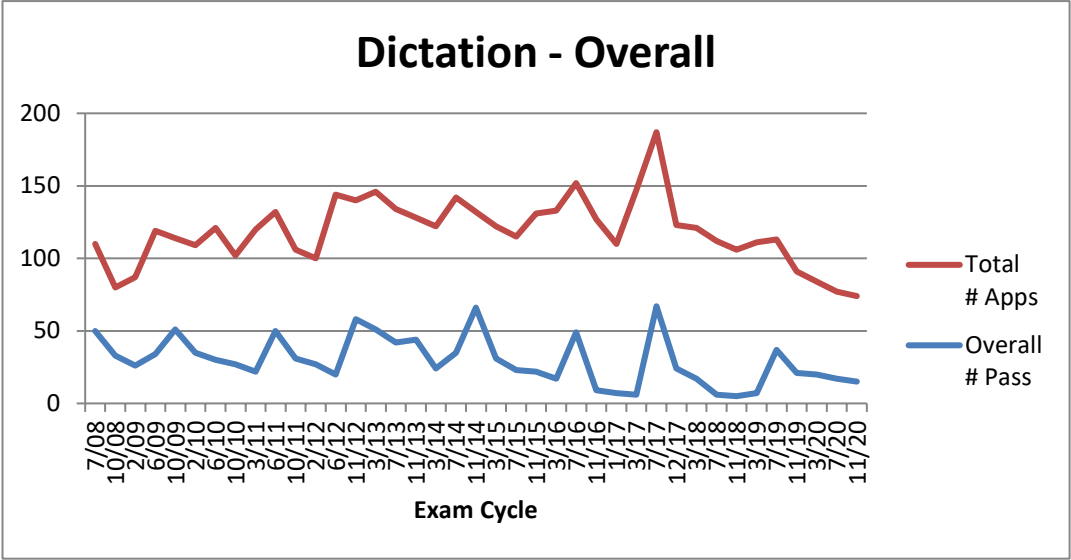
AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	1	0	3	0	1	0	0					5
AG Cases Pending	3	3	3	6	6	5	5	4					4 *
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0	0	0					0
SOIs Withdrawn	0	0	0	0	0	0	0	0					0
SOIs Dismissed	0	0	0	0	0	0	0	0					0
SOIs Declined	0	0	0	0	0	0	0	0					0
Average Days to Complete SOIs	0	0	0	0	0	0	0	0					0
Accusations Filed	0	0	0	0	1	0	0	1					2
Accusations Withdrawn	0	1	0	0	0	1	0	1					3
Accusations Dismissed	0	0	0	0	0	0	0	0					0
Accusations Declined	0	0	0	0	0	0	0	0					0
Average Days to Complete Accusations	0	749	0	0	84	0	0	114					316
Petition to Revoke Probation (PRP)	0	0	0	0	0	0	0	0					0
Average Days to Complete PRP	0	0	0	0	0	0	0	0					0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	0	0	0	0	0					0
Stipulations	0	0	0	0	1	0	0	0					1
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	0	0	1	0	0					4
Average Days to Complete [Straightline]	330	0	0	0	0	468	0	0					364
Interim Suspension Orders	0	0	0	0	0	0	0	0					0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	2	0	1	0	0	1	3	0					7
Average Days to Complete [Straightline]	24	0	234	0	0	36	149	0					109

* 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%
Nov 2020	74	15	20.3%	17	10	58.8%

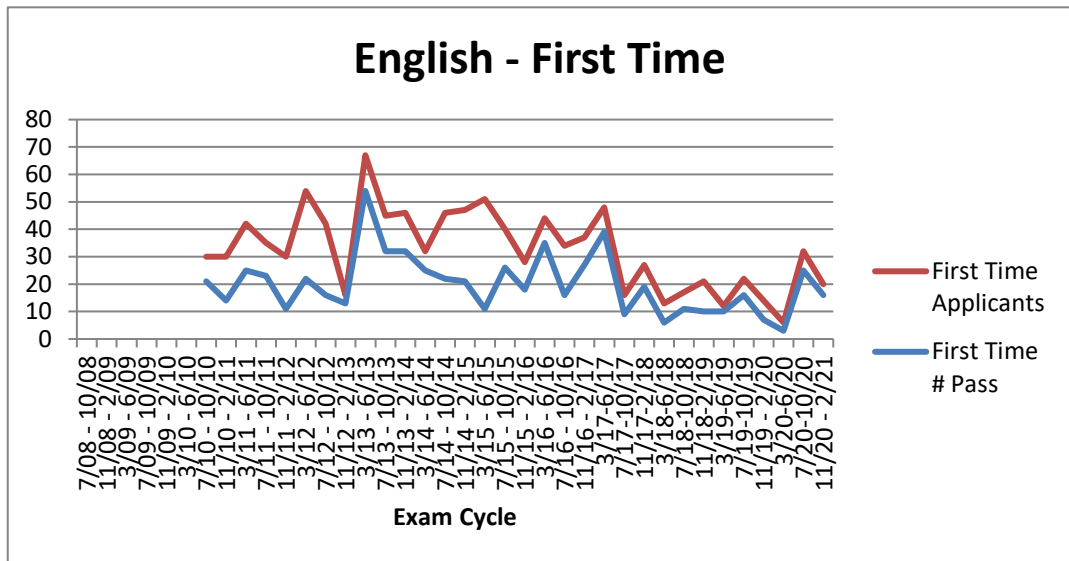
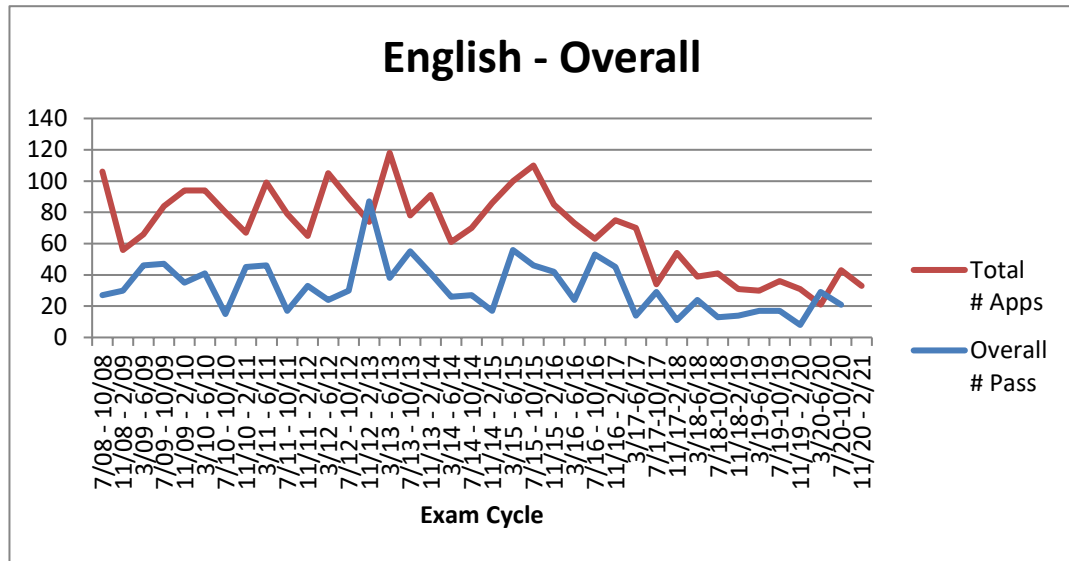
Dictation Exam



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%
Jul 2020 - Oct 2020	43	29	67.4%	32	25	78.1%
Nov 2020 - Feb 2021	33	21	63.6%	20	16	80.0%

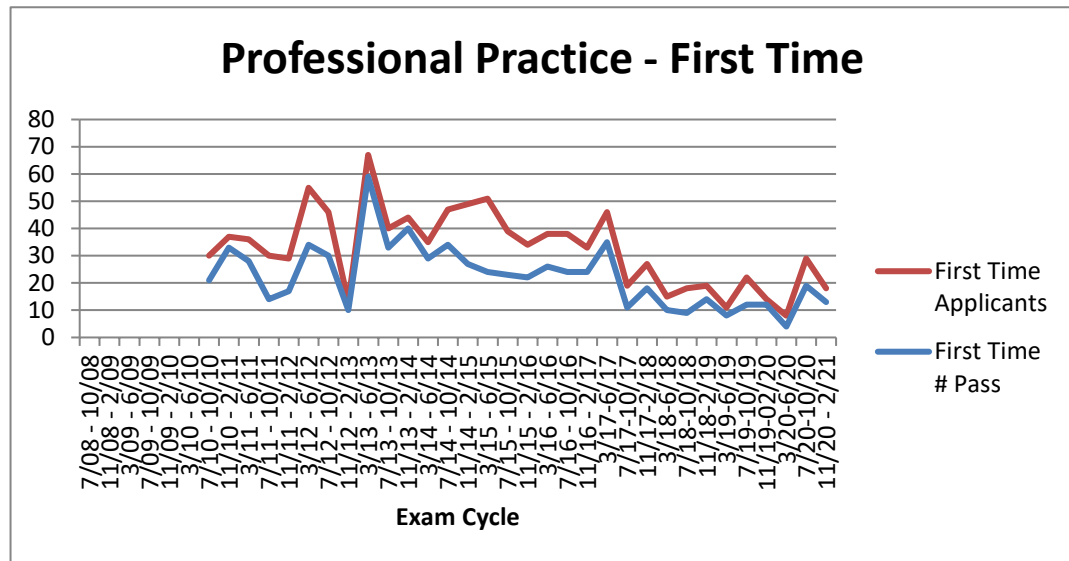
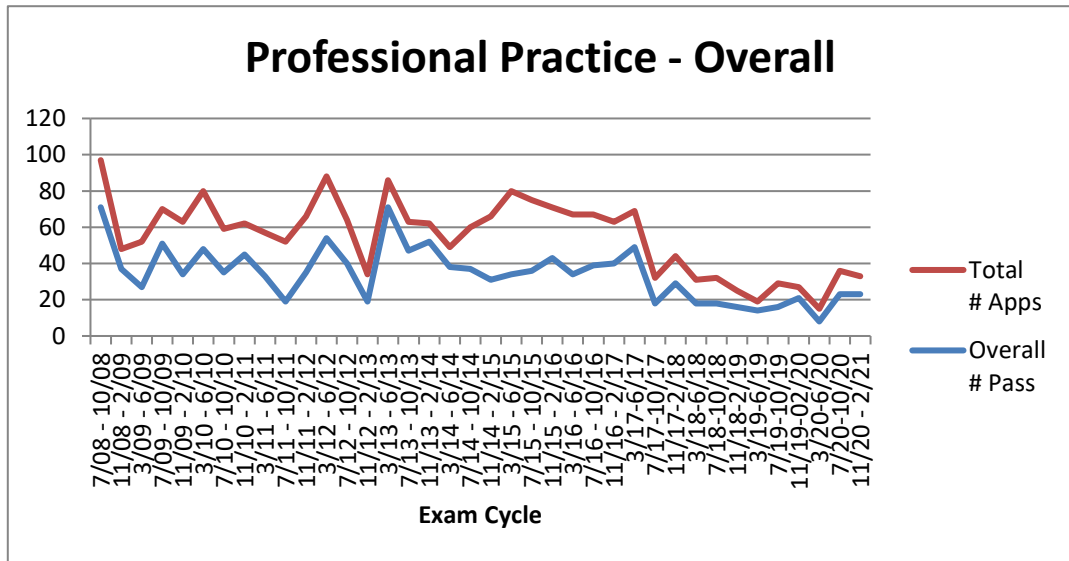
English Exam



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%
Jul 2020 - Oct 2020	36	23	63.9%	29	19	65.5%
Nov 2020 - Feb 2021	33	23	69.7%	18	13	72.2%

Professional Practice Exam



COURT REPORTERS BOARD MEETING – APRIL 16, 2021

AGENDA ITEM 5 – License/Certificate Reciprocity

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Agenda Description:

5.1 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.

The Board has contracted with its sister agency, the Office of Professional Examination Services (OPES), to evaluate the Texas license exam. The report of their work is included in the agenda materials. Because the Texas exam is not linked to an occupational analysis, OPES was unable to complete a full evaluation.

The Reciprocity Task Force met on March 29, 2021, to formulate recommendations to the Board. No consensus was reached. A follow-up meeting will be scheduled.

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Support Documents:

Attachment – November 9, 2020, memorandum from OPES

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description:

5.2 Discussion and possible action to allow reciprocity with National Court Reporters Association's Registered Professional Reporter (RPR) certification

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Brief Summary:

Because the Texas exam is set up in the RPR format, the Board also asked OPES to evaluate the RPR itself with an eye toward reciprocity. That evaluation is ongoing.

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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:

5.3 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:

This item has been deferred pending the outcome of the broader reciprocity discussion. However, the Board may discuss and take action separately if so inclined.

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Support Documents: None

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Fiscal Impact: None at this point

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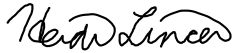
Recommended Board Action: Staff recommends this agenda item remain pending until it can be discussed in the context of the broader reciprocity discussion.



OFFICE OF PROFESSIONAL EXAMINATION SERVICES
2420 Del Paso Road, Suite 265, Sacramento, CA 95834
P (916) 575-7240 F (916) 575-7291



MEMORANDUM

DATE	November 9, 2020
TO	Yvonne Fenner, Executive Officer Court Reporters Board of California
FROM	 Heidi Lincer, Ph.D., Chief Office of Professional Examination Services
SUBJECT	Review of the Texas Court Reporters Association CSR Written Knowledge Exam and CSR Skills Exam

The Court Reporters Board of California (Board) is exploring licensing reciprocity with the State of Texas. California Business and Professions Code § 139 requires that examination programs used for licensure by Department of Consumer Affairs (DCA) boards and bureaus comply with psychometric and legal standards.

The Board's License Reciprocity Task Force requested that DCA's Office of Professional Examination Services (OPES) initiate a comprehensive review of the Texas Court Reporters Association (TCRA) CSR Written Knowledge Exam and CSR Skills Exam. The purpose of the OPES review was to evaluate the suitability of these exams for reciprocity in California licensure.

OPES, in collaboration with the Board, requested examination validation information (validity evidence) from TCRA in the following areas: (a) occupational analysis, (b) examination development, (c) passing scores and passing rates, (d) test administration, (e) examination scoring and performance, and (f) test security procedures. OPES received and reviewed the documentation from TCRA, and TCRA exchanged follow-up email communications with OPES to clarify the procedures and practices used to develop and validate the TCRA CSR Written Knowledge Exam and CSR Skills Exam.

OPES evaluated the information to determine whether the examination program components met professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing* (2014) (*Standards*).¹ In other words, OPES evaluated whether the procedures used to establish and support the validity and

¹ American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (2014). *Standards for Educational and Psychological Testing*. American Educational Research Association.

defensibility of the TCRA CSR Written Knowledge Exam and CSR Skills Exam comply with the *Standards*. Unfortunately, OPES found that the program did not provide evidence of compliance with the standards due to the lack of an occupational analysis linked to either of the exams.

An occupational analysis (OA) is also known as a job analysis, practice analysis, or task analysis. Standard 11.13 of the *Standards* states:

The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale and evidence should be provided to support the claim that the knowledge or skills being assessed are required for credential-worthy performance in that occupation and are consistent with the purpose for which the credentialing program was instituted (pp. 181-182).

The comment following Standard 11.13 emphasizes its relevance:

Comment: Typically, some form of job or practice analysis provides the primary basis for defining the content domain. If the same examination is used in the credentialing of people employed in a variety of settings and specialties, a number of different job settings may need to be analyzed. Although the job analysis techniques may be similar to those used in employment testing, the emphasis for credentialing is limited appropriately to knowledge and skills necessary for effective practice. . . .

In tests used for licensure, knowledge and skills that may be important to success but are not directly related to the purpose of licensure (e.g., protecting the public) should not be included (p. 182).

Because neither the TCRA CSR Written Knowledge Exam nor the CSR Skills Exam are linked to an OA, OPES cannot move forward with the full evaluation of the other areas of review.

OPES is agreeable to continuing the review of the TCRA CSR Written Knowledge Exam and CSR Skills Exam if any additional validity evidence or an OA can be presented to support compliance with the *Standards*.

If you have questions about the information in this memorandum, I can be reached at (916) 575-7265.

cc: Tracy Montez, Ph.D., Chief, Division of Programs and Policy Review

COURT REPORTERS BOARD MEETING – APRIL 16, 2021

AGENDA ITEM 6 – Legislation

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

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

6.1 [AB 29 \(Cooper\)](#) – State bodies: meetings.

(Assembly Governmental Organization Committee) – This bill would require that the notice of a board meeting include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

6.2 [AB 225 \(Gray, Gallagher, and Patterson\)](#) – Department of Consumer Affairs: boards: veterans; military spouses; licenses.

(Assembly Business & Professions Committee) – This bill would expand temporary licensing requirements to honorably discharged military members.

6.3 [AB 339 \(Lee and Christina Garcia\)](#) – State and local government: open meetings.

(Assembly awaiting assignment) – This bill would require all meetings to include a call-in option or internet-based service option that provides closed captioning services. It would require translation services be provided in the ten most spoken languages other than English.

6.4 [AB 646 \(Low\)](#) – Department of Consumer Affairs: boards: expunged convictions.

(Assembly Appropriations Committee) – This bill would require a board, upon receiving an expungement order, to remove from the website that a person's license was revoked and any information previously posted regarding arrests, charges, and convictions.

6.5 [AB 1169 \(Eduardo Garcia\)](#) – (No longer applies to CRB or court reporting)

6.6 * [SB 241 \(Umberg\)](#) – Civil Actions.**

(Senate Business, Professions & Economic Development Committee and Senate Judiciary Committee) – This bill would require non-licensee-owned firms to register with the CRB in order to offer court reporting services.

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Support Documents:

Attachment 1, Item 6.6 – SB 241 (Umberg)
Attachment 2, Item 6.6 – Letter of Support – BP&ED
Attachment 3, Item 6.6 – Letter of Support – Judiciary

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Recommended Board Action: Staff recommends the Board discuss pertinent bills and vote to support, oppose, or take a neutral position. In the case of a support or oppose position, the Board should instruct staff to prepare a letter to the author stating the reason(s) for the Board's position.

AMENDED IN SENATE MARCH 5, 2021

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

Senate Bill No. 241

Introduced by Senator Umberg

January 21, 2021

An act to amend Section 8050 of, and to add Section 8051 to, the Business and Professions Code, and to add Section 367.8 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 241, as amended, Umberg. Civil actions.

(1) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, except if the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after January 1, 2021, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board after meeting specified requirements, including paying an annual registration fee to the board in an amount not to exceed \$500 and designating a board-certified reporter-in-charge, as specified. The bill would require the board to approve an entity's registration or deny the entity's application upon making specified findings. The bill would make a registration valid for one year and would also provide for the suspension and revocation of a registration by the board under specified circumstances. The bill would require the board to make available on its internet website a directory of registered entities. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions to apply to these new registrants the bill would expand the scope of a crime and impose a state-mandated local program.

(2) Existing law authorizes a party in a civil case to appear by telephone at specified conferences, hearings, and proceedings, if the party has provided notice, unless the court determines that a personal appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the particular case. Existing law requires the Judicial Council to adopt rules to effectuate these provisions.

This bill would authorize a witness in a proceeding, including a trial or an evidentiary hearing, to appear and give testimony by remote electronic means that provide a live audiovisual connection to the court, if the parties stipulate to this manner of appearance or one party requests it by motion. The bill would specify factors a court would be required to consider in determining whether to grant a motion. The bill would authorize the court to require the stipulating or moving parties to incur the costs of the remote appearance.

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be

posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

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

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

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

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

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

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

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

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

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

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

SEC. 3. Section 367.8 is added to the Code of Civil Procedure, to read:

367.8. (a) Notwithstanding any other law, and subject to the requirements of this section, the following may appear and give testimony, including at a trial or an evidentiary hearing, by remote electronic means that provide a live audiovisual connection to the court:

(1) A witness for whom all of the parties to the action stipulate to remotely appear.

The court shall not deny or disapprove a stipulation for a witness to remotely appear.

(2) A witness for whom a party files a motion requesting permission to remotely appear.

(b) In ruling on a motion for permission to allow a witness to remotely appear, the court shall consider the following factors:

(1) Whether the witness is critical or necessary for the determination of the proceeding or the management or resolution of the action.

(2) Whether allowing the witness to appear remotely would materially prejudice one or more of the parties to the action.

(3) Whether the witness resides more than 100 miles from the place of the proceeding.

(4) Whether the witness's circumstances would make it impossible or difficult for the witness to appear in person, including whether appearing in person would present risks to the witness's health or safety.

(c) A witness remotely appearing and giving testimony pursuant to this section shall take an oath under penalty of perjury, administered by the court or a person authorized to take testimony in the proceeding or action, as if the witness was appearing in person.

(d) If the court authorizes a witness to remotely appear pursuant to this section, the court may order the party or parties who requested or stipulated to the remote appearance to incur the costs of the remote appearance.

(e) This section does not prohibit or supersede a party's ability to seek authorization to take a deposition pursuant to Section 2025.260.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD
OF CALIFORNIA**

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



March 29, 2021

Attachment 2
Agenda Item 6.6

The Honorable Richard D. Roth, Chairman
Members, Senate Business, Professions & Economic Development Committee
State Capitol, Room 2053
Sacramento, CA 95814

RE: SB 241 (Umberg) Civil Actions – Support

Dear Chairperson Roth and Committee Members:

The Court Reporters Board of California (Board) is supportive of SB 241 to ensure the consumers of court reporting services in California are protected whether they secure those services through a licensee-owned firm or through a non-licensee-owned firm. There is room in the California court reporting market for all competition who are willing to follow the law as properly set out by the California Legislature.

Firm registration is an uncomplicated, smart solution for all businesses who are providing court reporting services, as well as a vetted standard by many other large states. As you are aware, court reporting is not a “true” free market. In a deposition setting, the noticing attorney has the ability to choose the court reporter, and opposing counsel are forced to get transcripts from that reporter. Because of this dynamic, the Code of Civil Procedure sets out laws to ensure goods and services are handled fairly, available to all sides at the same time. SB 241 expressly states, without doubt or confusion, that the Board regulates all providers of court reporting services and all will be held to the same laws and regulations as intended by the Legislature.

To ensure the integrity, neutrality, and fairness of the judicial process, all litigants must be assured that transcripts provided by court reporting services are honestly and accurately prepared and distributed. This is a hallmark of this industry that must not be compromised. Without holding all entities to the same laws and regulations, it creates inequities within the provision of court reporting services and can undermine the integrity of the American judicial system.

We appreciate your support of this important bill – SB 241 (Umberg).

Sincerely,

ROBIN K. SUNKEES, FAPR, RDR, CRR, CSR 8824
Chairperson

CC: Amanda Richie, Policy Consultant, Senate Republican Caucus
Department of Consumer Affairs



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March 29, 2021

Attachment 3
Agenda Item 6.6

The Honorable Thomas J. Umberg, Chairman
Members, Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, CA 95814

RE: SB 241 (Umberg) Civil Actions – Support

Dear Chairperson Umberg and Committee Members:

The Court Reporters Board of California (Board) is supportive of SB 241 to ensure the consumers of court reporting services in California are protected whether they secure those services through a licensee-owned firm or through a non-licensee-owned firm. There is room in the California court reporting market for all competition who are willing to follow the law as properly set out by the California Legislature.

Firm registration is an uncomplicated, smart solution for all businesses who are providing court reporting services, as well as a vetted standard by many other large states. As you are aware, court reporting is not a “true” free market. In a deposition setting, the noticing attorney has the ability to choose the court reporter, and opposing counsel are forced to get transcripts from that reporter. Because of this dynamic, the Code of Civil Procedure sets out laws to ensure goods and services are handled fairly, available to all sides at the same time. SB 241 expressly states, without doubt or confusion, that the Board regulates all providers of court reporting services and all will be held to the same laws and regulations as intended by the Legislature.

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We appreciate your support of this important bill – SB 241 (Umberg).

Sincerely,

ROBIN K. SUNKEES, FAPR, RDR, CRR, CSR 8824
Chairperson

CC: Amanda Richie, Policy Consultant, Senate Republican Caucus
Department of Consumer Affairs

COURT REPORTERS BOARD MEETING – APRIL 16, 2021

AGENDA ITEM 7 – Regulations

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

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

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Brief Summary:

The regulations package was submitted to the Office of Administrative Law (OAL) on November 30, 2020. We have been granted a 120-day extension for additional review by Department of Finance. OAL has until May 13, 2021 to approve or deny the rulemaking package.

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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:

7.2 Title Use – Discussion regarding potential adoption of regulations in Article 1, California Code of Regulations.

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Brief Summary:

At the November 20, 2020, meeting, the Board discussed a petition from the California Deposition Reporters Association to amend Business & Professions Code section 8018 to prohibit the use of “court reporter” and “deposition reporter” by anyone who is not a CSR. The Board moved to create a subcommittee to reach out to stakeholders to find an author for this legislation.

After the Board meeting, it was pointed out to staff that this change might more appropriately be made via regulation. Staff is currently working with our regulations counsel on this issue.

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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:

7.3 Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations (Gov. Code § 11340.6)

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Brief Summary:

The Board as received a request for an amendment to Minimum Transcript Format Standards (MTFS). The MTFS are set out in California Code of Regulations Title 16, Division 24, Article 8, section 2473.

The request is for a change to the standards that includes searchability as a requirement for electronic transcripts. The reason stated for the request is as follows:

“Searchability is already a requirement for electronic filing in many federal and state jurisdictions within California, and leaving searchability as optional for the reporter is not good for the court’s business and, more importantly, can be interpreted as a hindrance to due process and equal access as it puts a family law litigant – typically less legally sophisticated and with fewer administrative and financial resources – at a significant disadvantage.”

The requesting party believes no reporter should be granted the discretion to make a decision that hinders a litigant’s ability to access and process the official record of court proceedings – especially in family law.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the appointment of a task force to develop language to amend the MTFS as requested.

COURT REPORTERS BOARD MEETING – APRIL 16, 2021

AGENDA ITEM 8 – Strategic Plan

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Agenda Description:

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

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Brief Summary:

The Five Reasons to Hire a Licensed Court Reporter publication was sent to the California State Bar, who recommended that we contact the California Lawyers Association for distribution. Staff did so with a letter recommending that attorneys request the court reporter’s CSR number before the proceeding.

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Support Documents:

Online reference, Item 8.1 – [Five Reasons Why You Should Choose a Licensed Court Reporter](#)

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Fiscal Impact: None

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Recommended Action: Informational only

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Agenda Description:

8.2 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:

At its November 20, 2020, meeting, the Board received public comment on the draft Best Practice Pointer No. 11 – Remote Reporting. The comments were taken back to the task force, and a revised document was created for the Board’s consideration.

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Support Documents:

Attachment 1, Item 8.2 – 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:

8.3 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 2, Item 8.3 – Action Plan Timeline

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Fiscal Impact: None

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

Best Practice Pointer #11 - DRAFT

Videoconference/Remote Best Practices

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

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

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 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
- Use of term “virtual” is discouraged as it may imply “simulated.” Preferred practice is use of “videoconference” or “remote”

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 transcript only where a court reporter did not report the proceedings.
- 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

- The transcript should clearly indicate that the proceeding was held on a remote platform (i.e., via videoconference)
- 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

D. Recording Considerations

- Depositions

Reporters should be aware of increased ability for surreptitious recording of the deposition. Before going on the record, reporters may want to remind participants that unless included in the notice of deposition or with the consent of all parties, audio or video recording is not permissible.

- Court

Courtroom proceedings may not be recorded without the express permission of the Court.

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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.

--o0o--

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 – 4/21
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	April 2021 & on-going
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 – APRIL 16, 2021

AGENDA ITEM 9 – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2021 Board Calendar

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Current scheduled activities:

CSR Dictation Exam:

July 6, 2021 – July 27, 2021 – Realtime Coach (Online Vendor)

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Recommended Board Action: Staff is recommending that the Board consider going back to three meetings per year as long as the remote meetings are available to us. Shorter more frequent meetings will allow for better conduct of Board business without an increase in travel expenses. Meetings would be set in July 2021, November 2021, and March 2022.

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						
	1	2	3	4	5	
	8	9	10	11	12	
		16	17	18	19	
	22	23	24	25	26	

MARCH 2021						
	1	2	3	4	5	
	Exam Starts					
	8	9	10	11	12	
	15	16	17	18	19	
	22	23	24	25	26	
	29	30				

APRIL 2021						
				1	2	
	5	6	7	8	9	
	12	13	14	15	16	
	19	20	21	22	23	
	26	27	28	29	30	

MAY 2021						
	3	4	5	6	7	
	10	11	12	13	14	
	17	18	19	20	21	
	24	25	26	27	28	

JUNE 2021						
		1	2	3	4	
	7	8	9	10	11	
	14	15	16	17	18	
	21	22	23	24	25	
	28	29	30			

JULY 2021						
				1	2	
		6	7	8	9	
	12	Exam Starts	14	15	16	
	19	20	21	22	23	
	26	27	28	29	30	

AUGUST 2021						
	2	3	4	5	6	
	9	10	11	12	13	
	16	17	18	19	20	
	23	24	25	26	27	
	30	31				

SEPTEMBER 2021						
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		7	8	9	10	
	13	14	15	16	17	
	20	21	22	23	24	
	27	28	29	30		

OCTOBER 2021						
					1	
	4	5	6	7	8	
	11	12	13	14	15	
	18	19	20	21	22	
	25	26	27	28	29	

NOVEMBER 2021						
	1	2	3	4	5	
	8	9	10		12	
	15	16	17	18	19	
	22	23	24			
	29	30				

DECEMBER 2021						
		1	2	3		
	6	7	8	9	10	
	13	14	15	16	17	
	20	21	22	23	24	
	27	28	29	30	31	

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

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

COURT REPORTERS BOARD MEETING – APRIL 16, 2021

AGENDA ITEM 10 – 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