



DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD
OF CALIFORNIA

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COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
AUGUST 20, 2021

CALL TO ORDER

Ms. Robin Sunkees, Chair, called the meeting to order at 9:02 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, and a physical meeting location was not provided.

ROLL CALL

Board Members Present:

Robin Sunkees, Licensee Member, Chair
Toni O'Neill, Licensee Member, Vice Chair
Davina Hurt, Public Member
Denise Tugade, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Board Counsel
Danielle Rogers, Regulations Counsel
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

Ms. Sunkees welcomed new Board member Denise Tugade to her first meeting.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Carolyn Dasher suggested the Board consider allowing online schools to qualify students to take the CSR examination.

2. REVIEW AND APPROVAL MEETING MINUTES

2.1 November 20, 2020

Ms. Hurt moved to approve the November 20, 2020, minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

2.2 April 16, 2021

Ms. Hurt moved to approve the April 16, 2021, minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Ms. Sunkees noted that the minutes are not meant to be a verbatim record.

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

The Department of Consumer Affairs (Department/DCA) provided a written update, which was included as pages 37 and 38 of the Board agenda packet.

4. REPORT OF THE EXECUTIVE OFFICER

4.1 CRB Budget Report

Ms. Fenner referred to the Board's fiscal month 11 expenditure projections on page 40 of the Board agenda packet. She highlighted the 15.5 percent predicted budget excess for the fiscal year.

Ms. Hurt requested information on how remote Board meetings and online testing have affected the budget. Ms. Fenner responded that cost savings had been realized as a result of not requiring hotel space or travel expenses for meetings and exams. She added that remote meetings have resulted in larger volume and diversity of public comments at the Board meetings due to the access it has provided to stakeholders across the state. Ms. Hurt agreed.

Ms. Fenner moved to the overall fund condition report on page 41 of the Board agenda packet. The months in reserve projections appeared stable and robust enough to continue funding the Transcript Reimbursement Fund (TRF).

Ms. Hurt inquired about trends that should be considered with regard to revenue. Ms. Fenner indicated that there is a downward trend in renewal revenue due to the number of licensees retiring and fewer new licensees. Ms. Hurt suggested the Board focus on increasing its licensee base as COVID-related restrictions are lifted.

4.2 Transcript Reimbursement Fund

Ms. Bruning provided statistics for the end of fiscal year 2020/21, reporting that the TRF paid out more than \$96,000 for pro bono applications and approved more than \$18,000 for pro per applicants. Thus far for fiscal year 2021/22, \$8,500 had been authorized for payment for pro bono applicants, and \$6,000 has been approved for pro per applicants.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 43 of the Board agenda packet. She indicated that the most common complaints received continue to be for timeliness of production and accuracy of the transcript.

4.4 Court Reporting Schools; Charles A. Jones Career and Education Center, Court Reporting (Argonaut) Closure

Ms. Fenner reluctantly reported the impending closure of the Argonaut Court Reporting program. She reported that there are six public and one [sic] private recognized court reporting programs remaining.

Bonnie Chufar, Program Director at Argonaut Court Reporting, stated her regret that Argonaut was closing after 60 years of operation and graduation of more than 1,000 licensees. She thanked the Board on behalf of herself and Lori Doll for their support over the years. Ms. Hurt thanked Ms. Chufar and her staff for their passion for teaching and court reporting.

4.5 Exam Update

Ms. Fenner referred to the exam statistics starting on page 45 of the Board agenda packet.

Angela Olvera, court reporting agency owner and parent of an exam candidate, stated that her daughter has experienced technical problems with the online dictation exam four times. She requested the Board consider returning to in-person testing.

Deborah Alvino volunteered to proctor exams.

Alyssa Olvera, exam candidate, reported that she has run into technical issues with the online exam each of the four times she took it. She requested the Board offer an in-person dictation examination.

Maggie Ortiz, West Valley College, shared that her students have had similar problems with the online platform.

Tricia Taveras agreed with Alyssa Olvera, adding a request to return to the three-hour allowance for transcribing the dictation exam.

Ms. Dasher inquired if the statistics reflect candidates who did not complete their exam due to technical difficulties. Ms. Fenner affirmed that incomplete exams are counted as failures just as they were when the test was offered in person.

Ana Fatima Costa requested information on the test process and asked who grades the exams. Ms. Fenner indicated that the exams are hand graded due to the various format types for transcripts and, therefore, grading cannot be done by computer. Ms. Costa asked why there is no longer an appeal process. Ms. Fenner explained that there is a finite number of recorded tests available which cannot be shared with the candidates. Ms. Costa stated that she has received several complaints about the online test platform and requested an audit of the test provider.

Ms. Sunkees stated that approximately 47 individuals passed the dictation exam since July 2020. The Board did not have to skip any scheduled examination cycles due to COVID because staff moved so quickly to pivot the exam to the online platform. Overall the pass rate has remained fairly consistent.

Ms. Fenner acknowledged the difficulties with ProctorU on occasion. She stated that the Board does not contract with ProctorU. The Board contracts with RealtimeCoach (RTC), who subcontracts ProctorU. She added that ProctorU does not have dedicated proctors dedicated to any industry – they work across a vast variety of disciplines and follow a “flight” plan with instructions for each type of test.

Ms. Hurt stated that with any new testing approach there will be issues that surface that need to be solved. She thanked the public for their feedback. She suggested the Board review the online platform’s success again when there are more statistics available.

Alyssa Olvera requested the Board consider that in-person candidates have the advantage of being able to hear the full dictation whereas she was not able to as a result of technical issues. Ms. Fenner directed Ms. Olvera to contact the Board’s licensing and exam staff.

Ms. Hurt inquired if the Board has received calls from candidates expressing technical difficulties. Ms. Fenner indicated that phone call had been received and indicated that there were often technical difficulties at the in-person exam as well. Staff works with the candidates in an attempt to resolve those issues.

Ms. Costa shared that RTC indicated that they deliver exams but do not have control over the quality of the video and audio that they are provided with. Ms. Fenner stated that the video and audio uploaded to RTC are of high quality, however, they are 15 minutes in length, which is a large data file. Some individuals have difficulty with the amount of bandwidth that it takes to process that large of a file.

Ms. Tugade asked if the Board received metrics from RTC which differentiate individuals who submit incomplete tests versus those who experienced technical issues and what type of technical issues they faced. Ms. Fenner responded that RTC does not provide that information. She stated that staff could potentially formulate those statistics, but she did not believe they would be meaningful due to the variety of possible factors. She stated that candidates are allowed to sign up for and take free

practice exams to work out any technical difficulties but many do not, or they do not listen to the full 15 minutes to ensure it's not buffering.

Angela Olvera expressed concern that some candidates may not be able to overcome the bandwidth issue but still need to be able to complete the exam.

Ms. Costa stated that candidates should be tested on their skill not on technology.

Ms. Sunkees thanked the California Court Reporters Association (CCRA) for putting on a seminar to prepare CSR candidates for the online dictation exam platform where there were 30 to 40 attendees. It is hoped that there will be a positive reflection in the exam statistics as a result.

4.6 Business Modernization

Ms. Fenner stated there continues to be a good response to online renewals.

She stated that as a result of the larger budget reversion, it may be possible for the Board to join a cohort that would be a more global modernization of its licensing and enforcement databases.

4.7 CRB Today Newsletter

Ms. Fenner stated that the summer edition of the CRB Today newsletter was scheduled to be posted on the Board's website in the next week. An email will be sent to the Board's subscriber list once it is posted.

The Board took a break at 10:25 a.m. and returned to open session at 10:40 a.m.

5. LICENSE/CERTIFICATION RECIPROCITY

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

Ms. Sunkees stated that the Task Force met via videoconference with the representatives from Texas on July 14, 2021, where a similar presentation was made to the attendees. After much discussion with the public attendees and the task force members, the consensus was to recommend to the Board that it pursue reciprocity with Texas but not with NCRA regarding the RPR.

Ms. Sunkees reported that Dr. Montez has been in contact with representatives from Texas in order to see if more information, specifically an occupational analysis, can be obtained. Ms. sunkees noted that the staff recommendation is to not move forward with reciprocity with Texas or the RPR at this time. She asked if there was any member of the public that would like to add any new information on this topic.

Ms. Alvino spoke in support of reciprocity with Texas and NCRA certifications, stating that it may resolve the court reporter shortage and reduce recruitment of digital reporters.

Ms. Fatima Costa spoke in support of reciprocity to ensure the integrity of the record by providing licensed court reporters.

Charlotte Mathias inquired why staff's recommendation was to not grant reciprocity with Texas when the Task Force had recommended pursuing reciprocity. Ms. Sunkees responded that OPES was not able to make a recommendation due to the lack of an OA from the Texas licensing entity. She reiterated that Dr. Montez had been contact with the Texas representatives.

Mike Hensley, on behalf of the California Court Reporters Association, spoke in opposition to reciprocity with Texas, but stated that he believed there to be a pathway to allow for Texas license holders to take portions of the California exam to prove competency in California.

Ms. Hurt thanked the Task Force and OPES for the work and support provided. She believed it to be important to maintain the current standard and not hastily jump into reciprocity without all the metrics that appear to be lacking. She supports reciprocity when it can be proven that competency has been met. She stated that there does not currently exist a hurdle for out-of-state applicants who may already qualify to take the California exam to become licensed.

Dr. Montez stated that OPES did try to review the Texas exam; however, Texas did not have any of the foundational documents to establish evidence of content validation. Texas relies primarily on their statute to support their exam, but they need an OA to show the link between the job and the exam.

Ms. O'Neill supported the comments provided by Ms. Hurt. She reiterated the need for additional information from Texas to meet the standards, which was the direction the Task Force was pursuing.

Dr. Montez clarified that OPES makes recommendations based on national testing standards.

Ms. O'Neill moved to not grant reciprocity with Texas at this time but to continue to work with Texas as new information around an occupational analysis becomes available. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

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

Ms. Sunkees introduced Amy Welch-Gandy, Research Data Supervisor II with DCA's Office of Professional Examination Services (OPES), as well as Tracy Montez, Chief of Division Program and Policy Review for DCA.

Ms. Welch-Gandy provided an overview of the OPES report on the National Court Reporters Association (NCRA) Registered Professional Reporter (RPR) examination. The report was included in the Board agenda packet starting on page 53.

Due to standards set in the Business and Professions Code (BPC), an occupational analysis (OA) and examination validation study are fundamental components of California licensure. Additionally, DCA sets policy to address minimum requirements for psychometrically sound examination validation and development.

She stated that OPES recommends that NCRA's OA focus on the full practice of the court reporting profession so that it may be linked to both the written knowledge and skills test. She indicated that there is concern of educators acting as subject matter experts for the NCRA skills test, which is a conflict of interest.

OPES worked with a group of California licensed court reporters serving as subject matter experts (SMEs). These individuals are practicing in the profession and familiar with the requirements of performing in actual court reporting settings. Since there was not an OA for the RPR, OPES and SMEs evaluated and compared the format of the skills test to the California dictation exam.

Ms. Welch-Gandy reported that OPES found that the RPR written knowledge test generally meets psychometric standards; however, the content of the professional practice exam is not adequately assessed by the written knowledge test. She added that an OA is needed to support content validity and job relatedness. The RPR skills test is not parallel to the California CSR skills test because the format of two tests held several key differences. She offered to incorporate any additional data brought forward and collaborate with the Board on further reviews. She suggested the Board periodically check with NCRA on updates to their tests and the OA to reevaluate at that time.

Ms. Hurt inquired if NCRA indicated they would cure any deficiencies in the OA. Ms. Welch-Gandy responded that they listened to the suggestions but did not indicate if they were going to make any changes at this time.

Ms. Hurt moved to not move forward with reciprocity with the RPR at this time, but request that OPES follow up with NCRA to cure any deficiencies in the occupational analysis and bring this issue back when it has obtained more information. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

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

Ms. Fenner recommended the Board not move forward with the proposal to grant reciprocity with the RMR and CRR. She stated that the higher-level certifications lack the same foundation of an OA that the RPR lacks. Therefore, OPES did not evaluate the RMR or CRR.

Ms. Fatima Costa asked if California had reciprocity with any other state. Ms. Fenner responded that there is no reciprocity with other states for certification. One avenue to qualify for the California exam is to hold a license from a state who offers an equivalent exam to the California test; however, there are no longer any states who offer four-voice dictation skills exams. Ms. Fatima Costa suggested the Board consider making changes to its requirements to allow more reporters to qualify for its exams.

Ms. Sunkees stated that OPES clearly directs that the Board is to be testing for entry-level skill to ensure competency of licensees. The RMR or the CRR would not be appropriate since they are advanced skills, not entry level. Adopting higher standards could be exclusionary and make the Board susceptible to legal challenges.

The Board took a break at 11:53 a.m. and returned to open session at 12:25 p.m.

6. LEGISLATION

Ms. Fenner referred to the information starting on page 94 of the Board agenda packet. She stated that most of the bills relate more generally to how the Board operates, such as posting requirements for Board meeting materials and expanding temporary licensing requirements to military spouses. She offered to discuss them in more detail if any member determined there was a necessity.

6.1 AB 29 (Cooper) – No discussion.

6.2 AB 107 (Salas) – No discussion.

6.3 AB 225 (Gray, Gallagher, and Patterson) – No discussion.

6.4 305 (Maienschein) – No discussion.

6.5 AB 646 (Low) – No discussion.

6.6 AB 885 (Quirk) – No discussion.

6.7 AB 1386 (Cunningham) – No discussion

6.8 SB 241 (Umberg) – Ms. Fenner reported that the bill contains the firm registration language that the Board continues to pursue. It has become more of an omnibus bill for several items that relate to civil actions. The bill was heard by the Assembly Appropriations Committee on August 19, 2021, where it is remaining in suspense.

Ms. Dasher, on behalf of the Los Angeles County Court Reporters Association (LACCRA) as well as SEIU 721 and SEIU California State Council, indicated that amendments to the language would be put forth before the next hearing pertaining to remote reporting for court. She spoke in opposition to the bill.

Ms. Hurt expressed that firm registration would bring equity and consumer protection for all those working in the court reporting area. She thanked Senator Umberg for carrying the bill to hold firms to the letter of the law as it pertains to court reporting. She stated that doing business online would increase in many ways, so she looked forward to the Board being thoughtful on how it works to ensure consumers are protected. Ms. O'Neill concurred with Ms. Hurt's sentiments regarding firm registration and supported the bill.

Ms. Sunkees spoke in support of the bill, commenting that the Board has a fiduciary duty and its mission of consumer protection to consider when weighing the sides of the bill.

6.9 SB 731 (Durazo and Bradford) – No discussion

6.10 SB 772 (Ochoa Bogh) – No discussion

7. REGULATIONS

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

Ms. Rogers reported that the Office of Administrative Law approved the AB 2138 package to be effective May 12, 2021.

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

Ms. Fenner disclosed that pursuing title protection via the regulatory pathway appears not to be supported by existing statute. There are steps that could be done immediately, such as the Board helping educate attorneys to the importance of using a certified shorthand reporter. The Board can also continue outreach to the various bar associations throughout the state. Additionally, court reporters themselves can take immediate action by stating their CSR number at the beginning of every proceeding, much like the interpreters currently are mandated to do.

Ms. O'Neill suggested that reporters also add their CSR number with their name on their identification label on remote deposition platforms.

7.3 Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations. (Gov. Code, § 11340.6.) – Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend or Adopt Title 16, California Code of Regulations Section 2473

Ms. Rogers stated that the proposed amendment would provide that text must be in a full text-searchable PDF or other searchable format. She stated that the Board would need to move to approve the proposed language.

Ms. Sunkees questioned if the requirements should go further than simply a searchable electronic transcript. She referenced California Rule of Court 8.144(d), which was adopted in January 2018 and requires that the electronic transcripts also include such things as bookmarks, digital signatures, and that the PDF page counter match the transcript page numbers. She acknowledged that the requirement has a grace period until January 2023 to allow for upgrades to software systems. She described how the bookmark function would suffice for searching text of transcripts.

Ms. O'Neill hesitated to require freelance reporters to provide the items listed in Rule 8.144(d) as a minimum because those features may be offered as value-added services. Ms. Sunkees stated that it is not her intent to reduce the ability to offer the features as value-added services.

Ms. Hurt inquired if the proposed addition to the minimum standards would require anything more than a software update and what the cost of doing so would entail. Ms. Sunkees responded that her software has included the additional features for the past five years.

Ms. Mathias spoke in opposition to the proposed amendment, stating that text-searchable transcripts are a product offered for a fee, not a minimum transcript issue.

Rosalie Kramm Jordan stated that many court reporters are not on Eclipse or Case Catalyst and they would require different software to create anything more than a searchable PDF.

Ms. Dasher spoke in support of considering Rule 8.144(d) in the MTFs, adding that when freelancers work in court, Code of Civil Procedure 271 requires them to comply with the Rules of Court. She stated that it is important to keep reporters relevant and technically advanced.

Ms. Fatima-Costa spoke in opposition to adding services to the MTFs. She questioned which law, if any, requires freelance court reporters to produce PDF transcripts.

Ms. Mathias stated that YesLaw protects transcripts of officials, but freelancers do not have the same type of protection of electronic deposition transcripts.

Ms. Kramm Jordan expressed concern of protecting certified copies used for read and sign, especially under current restrictions where locked electronic copies are being used in lieu of paper copies.

Ms. O'Neill stated that the majority of transcripts are in electronic format and paper is rarely produced anymore.

Ms. Hurt suggested the Board not consider the additional features as mentioned in Rule 8.144(d). She acknowledged the need to keep up with the minimum basics of reporting and stenography but wanted to take care in crafting the language. After further discussion, she supported the proposed amendment.

Ms. O'Neill suggested the language use "electronic format" in lieu of "PDF". Ms. Hurt agreed.

Ms. Tugade suggested the language specify safeguards to protect the transcript from being edited.

Ms. Fenner reported there is a built-in safety net to guard against changes that may be made to an electronic copy or the original transcript because there are multiple copies. If one transcript is changed, others have copies to contradict the changes.

Ms. O'Neill noted that the proposed language made it appear that a paper copy was not an option and that only electronic copies were to be made available. She suggested addition of "if requested" to the language.

Ms. Rogers offered to research and carve out instances where searchable transcripts are required. She aims to avoid using permissive language in the MTFs.

8. LICENSURE OF VOICE WRITERS

Ms. Fenner provided a history of the request from the National Verbatim Reporters Association's (NVRA) request in 2018 for the Board to license voice writers in California. The Board voted to move forward with licensing voice writers, believing at the time that existing statutes allowed the Board to do so; however, the Legislature disagreed. Board staff was working with staff from Senate Business, Professions & Economic Development Committee on an offer to gather stakeholders and see if there was a path to licensing voice writers. Unfortunately, all such plans were put on hold as a result of COVID-19. Now that business has returned, staff thought it timely to resume negotiations. Considering the amount of time that has passed, the issue is before Board for discussion and confirmation that this is still an initiative they would like staff to be pursuing.

Ms. Fenner stated that staff proposed some sample questions for guidance on page 114 of the Board agenda packet should the Board decide to move forward.

Margaret Ortiz, West Valley College, reported that they started a voice writing course in the spring. She stated that her research found that 32 California county superior courts are advertising for court reporter positions. Additionally, she consistently receives emails from deposition firms looking for court reporters. She stated that there are not enough reporters qualifying through school programs and/or passing the CSR examination to fill the shortage. Voice writing is currently being used successfully in 36 other states, as well as a long history in the military and federal courts alongside machine stenographers. She does not see a threat of voice writers replacing stenographic machine writers. Since the end product is the same from qualified writers regardless of which of the two types of technology used, the consumer of the product is well protected.

Ms. Ortiz shared that after one semester of voice writing classes, former machine writing students who were stuck anywhere between 80 to 160 words per minute were able to read back accurately at speeds from 180 to 220 words per minute and produce speed test transcripts with higher accuracy than most of the machine writing students.

She stated that the voice writing technology uses Dragon Speech Recognition software in conjunction with CAT software. Their program is teaching using Eclipse Vox, but the software also works with Case Catalyst. She stated that the technology is facilitating the production of more accurate transcripts by students in far less time than most machine writing students.

Linda Lawson, West Valley College, shared that she has been teaching court reporting for more than 40 years. She said that 90 percent of hopeful machine stenography students will drop out of the program before completion. She began investigating voice writing 10 years ago. In that time, technology has improved significantly to allow for realtime translation comparable to stenographic machine writing. Voice writing students are able to write multi-syllable words from day one, something it may take machine writing students several months to accomplish. She stated that voice writers should not be confused with digital recorders who do not interrupt proceedings for clarification or provide readback.

Ms. Ortiz added that the school's voice writing students are being guided toward captioning at this time since court reporting is not currently an option for them in California; however, many already have completed the academic requirements for licensure because they were previously in the machine writing program. She shared testimonials from current voice writing students. Ms. Ortiz acknowledged that voice writing does take work and practice, but proficiency is much more attainable for more students than machine writing.

The Board took a break at 1:56 p.m. and returned to open session at 2:10 p.m. wherein public comment was commenced.

Ms. Dasher, on behalf of LACCRA, provided statistics in relation to the number of licensed CSRs and the number of official court reporters positions, asserting that there is not a court reporter shortage. She stated that freelance court reporters providing pro tem services are making a higher wage than official reporters, causing many officials to leave their jobs to become pro tems. She did not object to licensure of voice writers provided they are held to the same level of professional standards, educational requirements, and testing that machine writers are held to.

Ms. Fatima Costa stated that she coached 11 voice writing students in the last five years. She questioned how the Board could vote to allow voice writers to sit for the exam if there was no legislative authority. She also expressed confusion as to why the Board would consider waiving the skills exam for those holding the NVRA certification instead of holding them to the same scrutiny that the NCRA RPR exam was held to. She agreed that voice writers should be held to the same standards and testing as machine writers. She also suggested that education about voice writers was needed in the court reporting community.

Ms. Mathias agreed that voice writing candidates should be required to take the same California exams as machine writing candidates. She suggested the Board hold town hall meetings with stakeholders to gain input from attorneys. She questioned if voice writers are able to currently work in California. Ms. Fenner responded that voice writers are not licensed and cannot work in court; however, attorneys may stipulate how they would like their record made. A judge would need to decide whether that transcript would be accepted in court.

Ms. Ortiz reiterated that they are not trying to send voice writers out to work in California. Additionally, students at her school are taught the same academics regardless of which writing program they are in.

Ms. O'Neill supported licensure of voice writers. She believed voice writers should be required to take the California skills exam. She was open to discussion regarding titles.

Ms. Hurt expressed that discussions with stakeholders is warranted. She agreed that voice writers should be required to pass the same skills test or at least be able to demonstrate the same competency as machine writers. She inquired if an occupational analysis had been completed for the NVRA exam. Ms. Fenner responded that NVRA has conducted an occupational analysis; however, she has not yet requested that OPES conduct a validation and analysis since she was awaiting direction from the Board.

Ms. Hurt stated that she believed voice writing may open the door to differently-abled individuals to participate in court reporting, as well as former machine writers who are no longer able to use stenography machines as a result of injury. She suggested that stakeholders discuss the pros and cons of a separate license category.

Ms. Tugade conveyed that voice writers may address the court reporter shortage and agreed that they may also increase diversity among court reporters. She concurred that voice writers be required to pass the California test, but was also interested in further analysis from OPES on the NVRA exam.

Ms. Sunkees reported that no other state that licenses both stenography writers and voice writers differentiates between the licenses. She added that when machine writers became licensed in California, there was no differentiation between them and the pre-existing pen writers.

Ms. Sunkees reported that there are an adequate number of licensees to meet the needs of California consumers of court reporting services. However, based on historical data and trends affecting court reporting in California, the time is now to act to ensure that that continues into the future. She acknowledged that change can be scary, but if voice writers can meet testing standards, produce transcripts, and provide realtime reporting, there is no reason not to license them.

Ms. Lawson stated that attorneys are becoming more comfortable with speech recognition. She believed they would accept it if they see a demonstration of how it works with voice writers.

Ms. O'Neill moved to pursue legislation changes to explicitly allow voice writers to be licensed to practice in California. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

9. STRATEGIC PLAN

9.1 'Social Media Outreach; CRB Facebook Page

Ms. Fenner reported that the Board now has Facebook and Twitter accounts which have gone live.

9.2 Update to the Board on Action Plan

Ms. Fenner referred to the Board's Action Plan on page 117 of the Board agenda packet. She stated that having the new social media outlets will help accomplish some of the remaining target actions on the plan since many of them involve outreach.

Ms. Fenner shared that a new half-time office technician was hired to fill the vacant receptionist position. This will free up time for other staff who were contributing to those receptionist duties.

Ms. Hurt expressed appreciation for the social media accounts. She noted three items on the Action Plan with target dates that were quickly approaching. She acknowledged that COVID had changed priorities for staff. She suggested social media be used to contribute to school recruitment efforts to preserve the integrity and continuity of the work force, as well as inform licensees regarding the role of the Board's enforcement to dispel common misconceptions. Ms. Fenner reported that recruitment was one of the initial posts, which included the Board's Student Career Brochure. She stated that enforcement information will be upcoming, however, the content has not yet been developed.

Ms. Sunkees suggested the Board publicize information regarding the A to Z programs offered by the associations. Ms. Fenner invited the associations to contact the Board if they have content they would like shared.

Ms. Fenner thanked the Office of Public Affairs at DCA who developed the accounts and content for release.

10. ELECTION OF OFFICERS

Ms. Sunkees called for election of officers.

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

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

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

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

MOTION CARRIED

11. FUTURE MEETING DATES

Ms. Sunkees stated that staff would poll the Board offline to determine their availability for meeting in November.

12. 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.

This item was deferred as there were no cases to review.

Ms. Sunkees memorialized the passing of Toni Pullone, who had contributed much to the court reporting profession.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 2:51 p.m.


ROBIN SUNKEES, Board Chair 1/26/2022
DATE


YVONNE K. FENNER, Executive Officer 1/26/2022
DATE