



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD**

OF CALIFORNIA

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Fax (916) 263-3664 / [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)**COURT REPORTERS BOARD OF CALIFORNIA  
MINUTES OF OPEN SESSION  
NOVEMBER 15, 2024****CALL TO ORDER**

Ms. Denise Tugade, chair, called the meeting to order at 9:01 a.m. The public meeting was held at Department of Consumer Affairs, HQ2 Ruby Room, 1747 North Market Boulevard, Sacramento, CA 95834 and via a teleconference platform.

**ROLL CALL****Board Members Present:**

Denise Tugade, Public Member, Chair  
Robin Sunkees, Licensee Member, Vice Chair  
Laura Brewer, Licensee Member  
Michael Dodge-Nam, Public Member  
Arteen Mnayan, Public Member

**Staff Members Present:**

Yvonne K. Fenner, Executive Officer  
Anthony Pane, Assistant Chief Counsel  
Steven Vong, Regulations Counsel  
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

**1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Briana Lee, Canada-based steno student, requested the Court Reporters Board of California (CRB/Board) consider legislation to amend the approved professions under NAFTA (sic) to include court reporting. The amendment would authorize Canadian reporters to obtain a TN visa and work in the US easily and without considerable financial and time investments from US employers. The change would also help to alleviate the shortage in the US but also to help the diminishing demand for stenographers in Canada. Unfortunately, in Ontario, a lot of the reporting agencies are using digital reporters and courthouses are not allowing stenographers back into the courts. She proposed that CRB and the California Court Reporters Association (CCRA) combine their strength to pass legislation.

**2. REVIEW AND APPROVAL JULY 12, 2024, MEETING MINUTES**

Ms. Brewer provided amendments to the minutes.

*Mr. Dodge-Nam moved to approve the minutes as amended. Mr. Mnayan seconded the motion.* Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

### **3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE**

Yvonne Dorantes, Assistant Deputy Director of Board and Bureau Relations for the Department of Consumer Affairs (Department/DCA), provided a Department update.

Ms. Dorantes reported that DCA's Diversity, Equity, and Inclusion (DEI) Steering Committee met last month and elected Reji Varghese as chair, and Marlon McManus as vice chair. The combined years of experience and sincere commitment of both individuals assures the accomplishment of many DEI initiatives under their leadership.

DCA is updating its unconscious bias training to specifically focus on board members, their critical roles, and how unconscious bias can affect their decision-making authority. The annual board member training will be self-paced and available in DCA's online Learning Management System (LMS). The launch is anticipated to take place in early 2025. Board members and leaders are strongly encouraged to also take DCA's 20-minute online DEI training courses available in LMS. While the courses are not mandatory, they are useful to the instrumental leaders of the Department.

DCA is hosting a second live webinar on November 21, 2024, to share information about military licensing resources. During the webinar, attendees will learn about licensing resources available to members of the military and their spouses or domestic partners. The webinar will also feature a demonstration of DCA's Federal Professional License Portal and State Registration process, which was launched last fall, as well as a Q&A session. Webinar details and information will be available at [www.dca.ca.gov/military](http://www.dca.ca.gov/military).

The State's Department of Human Resources (CalHR) recently released an updated travel policy to align with the federal policies. Effective October 1, 2024, DCA will use the federal standard meals and incidental expense rates for in-state and out-of-state travel as well as the federal standard and non-standard reimbursement lodging rates.

DCA joined in two annual charitable campaigns: DCA's Annual Turkey Drive and the State's Our Promise Campaign. The Our Promise California State Employees Charitable campaign allows state employees, including board members, the opportunity to support the nonprofit causes they are passionate about through payroll giving or one-time donations. This year's campaign is led by Monica Vargas, deputy director of communications, and Karen Navarro, assistant deputy director of communications.

Ms. Tugade called for public comment. No comments were offered.

#### 4. REPORT OF THE EXECUTIVE OFFICER

##### 4.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 25 of the Board agenda packet for the expenditure projections for Fiscal Month 3. She referred to the Board's overall fund condition on page 26 of the Board agenda packet. She indicated that transfers of \$200,000 to the Transcript Reimbursement Fund (TRF) were projected starting in Fiscal Years 2025/26.

In Fiscal Year 2027/28, the Months in Reserve is projected to approach the six-month threshold that stops transfers to the TRF. A close watch is being kept on the future projections in order to alert the Board to the need for a possible fee increase.

##### 4.2 Transcript Reimbursement Fund

Ms. Bruning reported statistics for the first part of 2024/25 Fiscal Year. She stated that the TRF paid out more than \$55,000 for pro bono cases. She added that over \$19,000 was paid for pro per applicants with an additional \$38,000 in provisionally approved applications awaiting final invoices.

##### 4.3 Enforcement Activities

Ms. Fenner referred to the final enforcement statistics for Fiscal Year 2023/2024 on pages 28-31 of the Board agenda packet. She added that statistics for the first quarter of the current Fiscal Year begin on Page 32 of the packet.

##### 4.4 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 36 of the Board agenda packet starting with the comparison of the steno and voice writer skills portion of the exam. The historical results for all three exams follow, beginning on page 37.

Ms. Tugade commented that the increasing numbers for voice writers have been wonderful to see. Mr. Dodge-Nam noted the pass rate had increased by 50 percent in one year. Ms. Brewer agreed that the consistent upward was really nice to see.

Ms Fenner reported the current testing cycle opened on November 1 and remains open until November 22. She stated that 172 applications for the exam were received of which 89 are first-timers. There are 76 voice writing candidates, 64 who are taking the test for the first time. She indicated that 22 of the voice writing candidates qualified for the exam with a CVR certificate.

At the time of the meeting, 103 voice writers had been licensed, of which nine are also steno writers.

Ms. Sunkees inquired if additional staffing was needed as the volume of applications increases. Ms. Fenner commented that staff is managing well even with the additional license types and influx of applications.

Stacy Gaskill, CSR, inquired if there was a way to obtain a list of just the 103 voice writers from the Board. Ms. Fenner responded that the developers for the new Connect database are working on a way to make that a searchable criterion.

#### 4.5 Technology Modernization

Ms Fenner shared that the licensing and renewal portion of the data had been transferred to the new Connect system. Staff continue to work out problems and refine the process. Progress is being made to add the enforcement module.

### 5. LEGISLATION

Ms. Fenner provided a report regarding the bills the Board is tracking. Information pertaining to the bills could be found beginning on page 43 of the Board agenda packet.

5.1 AB 2269 (Flora) – This bill failed to pass out of committee.

5.2 AB 2862 (Gipson) – This bill failed to pass out of committee.

5.3 AB 3013 (Maienschein) – This bill was chaptered and establishes a one-year remote court reporting pilot project in 13 counties at the Superior Court level.

Ms. Brewer stated that funding to the participating counties for the technical aspects would be crucial to the success of the project. Ms. Fenner indicated that \$30 million was granted for the project but did not know how the funds would be allocated.

Mr. Dodge-Nam inquired if the Board had any involvement in the project. Ms. Fenner responded that the Board does not have any direct involvement, but she has been able to provide input and refer subject matter experts to Judicial Council staff for technical guidelines on items such as what will be needed in the courtroom.

Ms. Tugade called for public comment on this agenda item.

Dolores Rene Wood spoke in support of the project for officials covering multiple courtrooms remotely throughout a day from one room at the court or offsite.

Ana Costa asked where to find a list of courts that will be participating in the project. Ms. Fenner referred her to the language of the bill.

5.4 AB 3252 (Berman and Ashby) – This is the Board's sunset bill and was discussed during Agenda Item 6.

### 6. SUNSET REVIEW

Ms. Fenner thanked Assemblymember Berman and Senator Ashby for authoring the Board's sunset bill, which was chaptered on September 25, 2024. The bill extends the Board until January 1, 2029, along with five additional items of note that become effective January 1, 2025:

First, CSRs will be required to state their full name and license number at the beginning of any proceeding. If an official is reporting multiple proceedings, they are required to provide their name and license number to the clerk before the first one.

Second, the term “voice writer” was added to the list of terms to be used by CSRs only.

Third, holders of the CVR and/or CVR-S certificates will not need to take the California skills exam. They will have three years to pass the two written tests, English and Professional Practice, to obtain their CSR license.

Fourth, the percentage required to pass the skills exam was reduced from 97.5% to 95% accuracy.

Last, CSRs will be required to provide an email address that the Board can share with the public.

Ms. Tugade called for public comment on this agenda item.

Ms. Wood inquired if a name plate would be sufficient for an official reporter including name and license number. Ms. Fenner indicated that officials covering multiple proceedings may provide their name and license number to the clerk in lieu of stating it for each proceeding.

Heather Williams inquired if there would be something on the Board’s website offering guidance to those who qualify by CVR certification prior to the January 1 effective date.

## 7. REGULATIONS

Mr. Vong updated the Board on its three rulemaking packages. Information was also included starting on page 45 of the Board agenda packet.

### 7.1 Title 16, Section 2420, 2422, and 2473 – Examination Results & Transcript Format

Mr. Vong reported that the Board last approved responses to comments at its July 2024 meeting, after which Board staff submitted the regulations package to the Office of Administrative Law (OAL). The package was approved on September 11, 2024, by OAL and go into effect January 1, 2025. The amendments include the repeal of examinees’ ability to request inspection of exam transcripts due to exam security as well as updating transcript format standards. He thanked the Board members and staff for their thorough review and consideration. No further Board action is necessary.

### 7.2 Title 16, Section 2401-2481 – Various Section 100 Proposed Language

Mr. Vong indicated that Board staff reviewed the Board’s regulations for potential updates that are non-substantive such as repealed statutes or grammatical updates. These types of changes do not need to go through the Administrative Procedure Act (APA) because they do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulation provision. OAL’s deadline to review is November 26, 2024. No Board action is necessary.

### 7.3 Title 16, Section 2472 – Disciplinary Guidelines Publication Text

Mr. Vong stated that this regulation section sets forth recommended discipline for violations of the Board's statutes and regulations. The guidelines were last updated through OAL in 1989. In 2020 the Board voted to approve an update; however, Board staff and legal re-reviewed the language and found that it needed substantive updates, such as adding a "Model Orders" section. He referred to the proposed text changes to the CCR as Attachment 2 of Agenda Item 7.3. The guidelines to be repealed were included as Attachment 3. He requested the Board review and approve the draft regulatory language and instruct staff to proceed with the rulemaking process.

Ms. Brewer provided grammatical and format amendments to the proposed Disciplinary and Denial Guidelines document starting on page 47 of the Board agenda packet.

*Mr. Dodge-Nam moved to rescind the Board's previous May 21, 2020, motion and approve the newly proposed regulatory text as amended and changes to CCR section 2472 as provided in the materials and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations for section 2472 as noticed. Ms. Sunkees seconded the motion. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

***The Board took a break at 10:10 a.m. and returned to open session at 10:26 a.m. Board staff established the presence of a quorum by roll call.***

### 8. SKILLS EXAM FORMAT CHANGE

Ms. Fenner stated that the Board voted to change the format of the skills exam at its April 2024 meeting from four-voice for 15 minutes at 200 wpm to the universal format of three five-minute tests: one at 180 wpm for literary, one at 200 wpm for jury charge, and one at 225 wpm for two-voice testimony. Subject matter experts would be needed to write the tests. Staff will assist in final word counts, pretesting, and recording the tests, but we will need assistance with the creation of the exams. Staff recommended the Board appoint a task force to achieve this.

She requested direction from the Board on whether the three parts of the skills exam would have to be passed in one sitting or if they could be passed over a specified period of time.

Ms. Brewer inquired how long a candidate would have to pass all three legs of the test. She stated that National Court Reporters Association (NCRA) allows its RPR candidates three years to pass all three portions. Ms. Fenner responded that candidates currently have three years to pass the dictation exam and the English and Professional Practice written exams. The new format would require three parts for dictation alone. Ms. Brewer recommend the Board use a three-year limit. She suggested the Board review its guidelines for grading and test writing to align with the revised testing format.

Ms. Tugade appointed Ms. Brewer to chair a task force to review the Board's grading guidelines and to develop skills exams in the new format. She appointed Ms. Sunkees as a member of the task force.

*Mr. Dodge-Nam moved to allow candidates to pass the three portions of the skills test over the same three years they must pass the entire exam. Ms. Sunkees seconded the motion. Ms. Tugade called for public comment.*

Heatherlynn Gonzalez, CSR, spoke in support of the motion. She offered her assistance in developing new exams.

Michelle Caldwell, CCRA president, expressed interest in having a CCRA representative as part of the task force.

Stephanie Leslie, president of the California Deposition Reporters Association (CalDRA), also asked to have an association representative join the task force. She requested affirmation that the pass rate for the dictation exam was decreasing to 95% accuracy effective January 1, 2025, but that the format was not yet changing. Ms. Tugade confirmed that the only change to the exam effective at the beginning of the year is to the pass rate.

Ms. Wood echoed support of the motion and volunteered to help with the task force.

A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## **9. SKILLS EXAM RECIPROCITY WITH RPR**

Ms. Fenner reported that the Board began exploring reciprocity with NCRA's RPR certification several years ago. The DCA Office of Professional Examination Services (OPES) performed an evaluation of the test and reported to the Board in 2021 that the RPR was deficient in its occupational analysis (OA). As such, the Board decided to defer

reciprocity until the deficiency could be cured. NCRA has recently reported that they are working on an updated OA and hope to have it completed early in the next year.

Ms. Brewer inquired if the Board and OPES were only looking at the skills portion of the RPR and if there was an abbreviated approval process since OPES had previously reviewed the exam. Ms. Fenner confirmed it is skills only and that she would work to ensure contracts were in place with OPES to help expedite the process.

Ms. Tugade called for public comment. No comments were offered.

#### 10. EXPANDING COURT REPORTER TRAINING PROGRAMS AND RECRUITMENT

Ms. Fenner indicated that the Board received a letter from Assemblymember Kalra, chair of the Assembly Committee on Judiciary, offering help in working with California's community colleges to study how best to increase the availability of court reporter training programs. Additionally, Canada-based court reporting students have requested the Board amend the NAFTA-approved list of professions to include court reporting. As discussed during public comment, this would allow Canadians to work in the US as court reporters under the TN visa. Lastly, the Board received contact from Department of Rehabilitation (DOR) requesting collaboration to solve the shortage issue for court reporting as well as satisfy training for their clients. Staff would be setting up a meeting with DOR the following week. Since attracting people to the profession is part of the Board's strategic plan, she requested the Board discuss how it would like to proceed with the requests.

Ms. Sunkees would like to see a discussion surrounding the NAFTA request as a future agenda item. Ms. Brewer added that a NAFTA agreement would allow US citizens to obtain the same type of visa to work in Canada.

Mr. Mnayan requested the Board obtain and consider more information as to the current supply and demand in California to ensure the Board does not do anything to cause an imbalance to the licensee population. Mr. Dodge-Nam agreed that a balance is needed so that the industry is not flooded with licensees; however, the Board has been addressing a shortage of reporters over the last several years. Although there is a positive trend in the number of individuals taking and passing the exam, the foremost duty is to ensure the required supply of reporter services is available to the consumers. Ms. Sunkees indicated that all California courts are hiring with incentives.

Ms. Brewer inquired if there were any barriers to Canadians to take the California licensing test. Ms. Fenner replied that they may qualify in the same manner as a US candidate.

Ms. Tugade directed the conversation to the offer from Chair Kalra. She believed it would bring positive attention to the efforts being made by the Board. She suggested the Board collaborate with its previous partners as well as workforce development boards and community colleges for more for recruitment.

Ms. Sunkees commented that a couple of adult schools in Southern California either have or are trying to form court reporting programs. She suggested trying to promote more adult school programs, which are nonprofit, throughout the state. She commented that Governor Newsom emphasized vocational training and career technical education as part of his master plan for career education. Ms. Tugade added that funding through the Labor and



Workforce Development Agency may also be available in line with the Board's charge and what the governor is seeking to do.

Mr. Dodge-Nam proposed the Board focus its efforts to increase availability of court reporter training programs to three areas: 1) overall awareness of existing programs; 2) access to funding and assistance with the admission process; and 3) supply/number of training programs. Ms. Tugade agreed.

Ms. Fenner suggested the Board prioritize its goals and determine if they want to assign work to staff or Board members to conduct research or to set up meetings. She stated that Board staff currently tracks schools to ensure they are teaching the curriculum set out in laws and regulations; however, the reviews are largely paper assessments. Site visits fell away during COVID and are time and cost prohibitive.

Ms. Tugade stated that once the Board determines its idea of priorities, they should follow up with Chair Kalra. An information hearing would be common, but there are many ways to engage. Mr. Mnayan volunteered to serve on brainstorming committee to help materialize ideas and create action items.

Ms. Fenner suggested that information regarding the court reporting profession be expanded to both consumers and to potential candidates about this lucrative field. The Board could access the services of the DCA Office of Public Affairs (OPA) to write and produce several different awareness campaigns from one initiative. Services from OPA are covered by the Board's pro rata fees.

Ms. Tugade inquired if staff was aware of the number of available seats or wait-lists in current programs. Ms. Fenner did not have specific numbers but shared that some associations work with schools on obtaining that specific data. Since it is time-consuming for the understaffed programs to compile the numbers, she suggested the Board try to share the load of updating the information with the associations. Mr. Dodge-Nam added that teaching opportunities could also be highlighted in an awareness campaign.

Ms. Sunkees shared that at least one large court has started an online program for its current employees to go to court reporting school. Other courts may be following that path. The program has wait-lists because it was modeled to teach a limited number of students.

Ms. Tugade brought up the issue of a lack of insight to DEI data for the Board's licensee base. There may be key demographics that might affect the kind of services being offered and who is being recruited. She suggested that working with Chair Kalra may be an option to explore, possibly for a legislative fix. Ms. Brewer proposed the Board add a voluntary option to its online renewal portal for collection of such data.

Mr. Dodge-Nam suggested that the Board explore with Chair Kalra any funding or scholarship options to incentivize potential students and schools to pursue a court reporting program. Ms. Brewer added that DOR may have funding for this but just had not previously focused on the court reporting profession.

Ms. Tugade called for public comment.

Ms. Williams commented that she found out about the voice writing profession and change to legislation through the Los Angeles Federation of Labor. She indicated that the Board may want to consider outreach through the various federations of labor throughout the state. She also suggested the Board poll applicants and recent licensees to inquire how they became familiar with the industry.

Sarah Wilson, court reporter from Canada, thanked the Board for considering recruitment through a change to the NAFTA-approved list of professions.

Ms. Leslie shared that CalDRA has been working with legislators to join the grassroots efforts across California and the rest of the country to raise awareness about the profession. She believed it to be working as there is a high demand for programs and schools are gathering wait-lists. She also shared that she has been working to educate community colleges about courses that were allegedly being offered in digital reporting and how title protection does not allow that term to be used. Some of such education led to interest by colleges in a legitimate court reporting program. Unfortunately, though, there are roadblocks to hiring teachers due to the requirement for certain degrees. She requested the Board look into eliminating the red tape so that retired and part-time court reporters could be readers or teachers for court reporting programs. Additionally, there is some ambiguity of the duration of court reporting school. Most community college programs have set time frames, but court reporting is very fluid, which is problematic for community colleges. She inquired if the Board could help carve out some allowances for flexibility on the duration for court reporting programs with the community college framework.

Meagan Heinloo, court reporter from Canada, echoed the comments of Ms. Wilson. She stated that there is a growing interest among Canadian reporters to work internationally.

Mr. Dodge-Nam cautioned the Board from driving too many students to programs that are already overflowing. He suggested the Board prioritize the supply of programs as its first step. Ms. Sunkees shared that there are national programs online that students may access, so that may be part of the awareness campaign for recruiting students to the field. Ms. Brewer added that sometimes the demand for space happens first, so the schools become aware of the need for a program.

Ms. Sunkees commented that a workaround for the credential requirement for the public school would be important so as not to impede court reporting programs from hiring readers for dictation classes. Ms. Tugade thanked Ms. Leslie for flagging the issue. She stated that the Board of Registered Nursing was able to get an exception for their teachers to use work experience toward their credentials due to the struggle of recruiting teachers. Ms. Brewer added that many CSRs are retiring and may want to segue into teaching.

Ms. Tugade thanked the public for their insightful comments.

#### 11. BEST PRACTICE POINTERS TASK FORCE

Ms. Brewer reported that the task force met again on August 27, 2024, and completed the review of the current best practices. She thanked the task force members as well as staff and the public for their participation. She presented 10 revised Best Practice Pointers for review and approval. She requested one amendment to Best Practice Pointer 14.

Mr. Dodge-Nam thanked the task force and staff for their contributions to the great work on the publications. Ms. Sunkees expressed appreciation to Ms. Brewer's attention to detail. She added that Brooke Ryan and Mary Pierce were also invaluable members.

*Ms. Brewer moved to approve as amended Best Practice Pointers 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14. Seconded by Mr. Dodge-Nam. Ms. Tugade called for public comment.*

Ms. Costa thanked the task force for their work on the practice pointers. She stated that she uses the publications as a resource for her codes and procedures students as well as her CSR exam review class. She asked when the revised best practices would be uploaded to the Board's website. Ms. Fenner responded that the pointers would next be sent to DCA Office of Publications, Design and Editing (PDE) for formatting before going to the website.

Ms. Caldwell thanked the task force on behalf of CCRA.

A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Sunkees, and Ms. Tugade

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

***The Board took a break at 11:44 a.m. and returned to open session at 1:16 p.m. Board staff established the presence of a quorum by roll call.***

## **12. 2024-2028 STRATEGIC PLAN**

Ms. Fenner referred to the Action Plan Timeline starting on page 94 of the Board agenda packet. She indicated that the objectives were reordered into chronological target date order per the Board's request.

Ms. Sunkees requested that objective 4.7, update the Board's logo, get underway since licensure of voice writers had been going on for more than a year. Mr. Dodge-Nam inquired how the logo process worked. Ms. Fenner advised that the Board would connect with the DCA Office of Publications, Design and Editing.

Ms. Sunkees requested status of objectives 4.1 and 1.4. Ms. Fenner indicated that they had not yet been started. Objective 1.4, research reinstatement of lapsed license, would require research into whether a legislative change would be needed. Ms. Sunkees asserted that objective 1.6, continuing education, makes a better licensee and, therefore, should be pursued with the Legislature at least at every sunset review.

Mr. Dodge-Nam remarked that he is pleased with the progress made to the Board's top three objectives. He suggested the Board mark objective 1.3, assess feasibility of in-person testing, as complete. The Board has seen the budget, and it is apparent that there is no funding for in-person testing. Additionally, there is not anything that truly

demonstrates that in-person testing drives greater accessibility for candidates. The Board agreed.

Mr. Dodge-Nam suggested objective 4.1, increase Board's visibility, include the TRF and complaint process. He also proposed that it be part of the awareness efforts on expanding training programs in collaboration with OPA.

Ms. Tugade called for public comment.

Ms. Leslie requested the Board consider removing from its strategic plan objective 2.2 regarding digital reporters.

### 13. EXPEDITED FEES FOR DEPOSITION TRANSCRIPTS

Ms. Fenner reported that the Board instructed staff in Fall 2023 to locate an author to change necessary laws to allow court reporters to charge expedited fees to all parties ordering a transcript. In discussions regarding a bill to clarify what a court reporter may charge the public, staff discovered such a change in statute would be better served coming from one or more of the trade associations. As a consumer protection agency, the Legislature tasks the Board to put forth legislation that benefits the public, even if it is contrary to the interests of the licensees.

Ms. Brewer stated that thorough discussions regarding the matter were covered over two meetings. She reiterated her stance that reporters must provide services equally to all parties and have a duty to treat them equally, which means that all parties must be charged equally. She added that fees for freelance reporters are not covered by statute.

Ms. Sunkees joined in Ms. Brewer's remarks, adding that consumers often request value-added service for which they are charged additional fees. The Board was presented with two options at its December 13, 2023, meeting: maintain the position previously taken by the Board and explore clarifying by regulation or legislation, or take the position that any party wanting the transcript on an expedited basis must each pay a fee, in which case the Board would update its website with its revised position. The Board voted to take the position that expedite fees can be charged to all parties and directed staff to update its website with the revised position. She cited California Code of Civil Procedure (CCP) 2025.510(a)-(d). She shared that she contacted the person who sponsored the language in 1986/87, who indicated the legislative intent of the law was not to limit expedite fees, and there is nothing in law that indicates there can only be one expedite fee. She stated that the mission of Board is to protect consumer of reporting services. Taking a position that all parties ordering expedited delivery of the transcript may be charged for that value-added service ensures they are being treated fairly and equally and does not run afoul of CCP 2025.510. She . stated that the Board did not vote to pursue a legislative change and she did not wish to set freelance fees in Code.

Ms. Brewer added that the law's indication that the transcript must be made available to all parties at the same time does not entitle them to receive it at no charge.

Mr. Dodge-Nam indicated that the Board relies on its legal counsel to provide interpretation of the law. He continued to have concerns about one side being able to pay additional fees for expedited transcripts and receive them sooner while the other side is unable to cover

the additional cost. There is potential harm to consumers trying to keep up with parties that have deeper pockets.

Ms. Brewer stated that the same argument could be made to other value-added services, such as real time. If both parties want it, both have to pay.

Ms. Tugade called for public comment.

Carly Savar agreed that court reporters should be able to charge an expedited fee to both sides, however, the judge in the Serrano case found that charging both parties was a form of double-dipping. She asked how the Board would handle a conflict between its guidance and the courts.

Mary Pierce thanked Ms. Brewer and Ms. Sunkees for their thorough comments. She agreed that value-added services are charged to all parties, not just to the first party to make the request. She did not believe the DCA legal opinion to be well grounded and saw no need to make any legislative changes.

Ms. Costa spoke in support of and reiterated the comments made by Ms. Pierce. She stated that court reporters need to be paid for impartially providing services to all parties.

Ms. Leslie indicated that she has been operating her agency since December 2023 based on the vote from that Board meeting. She also shared the information with colleagues. She requested any disciplinary action taken against any licensees since that vote be rescinded retroactively. She thanked Ms. Sunkees for obtaining the history on the Code.

Ms. Gaskill joined in Ms. Leslie's request to rescind disciplinary action.

Ms. Fenner clarified that no disciplinary action had been taken related to this issue since the December 2023 meeting.

***The Board took a break at 2:02 p.m. and returned to open session at 2:18 p.m. Board staff established the presence of a quorum by roll call.***

#### **14. AI GENERATED DEPOSITION SUMMARIES**

Ms. Fenner relayed that some court reporting firms had begun offering deposition summaries generated with artificial intelligence (AI). Board staff had received questions on CCR Title 16, Division 24, Article 8, section 2474 which prohibits a licensee from producing or assisting in the production of a deposition summary. Since part (a) defines a deposition summary as information dictated by an attorney and reported or transcribed by the court reporter at the conclusion of a deposition, staff does not consider the AI-generated deposition summaries to be a violation of the statute. If the Board finds it unclear, they may want to clarify the statute by updating the regulation.

Ms. Brewer stated that AI-generated summaries are new and, therefore, are not addressed in the Code. She referenced the NCRA website and did not find any information pertaining to this subject. She did not believe there was enough information to make a decision. She questioned if the summaries are customized depending on the party and if opposing parties are given notice of the request or order. She stated that the act of summarizing is trying to

draw the salient points from the deposition, which is an opinion regardless of how it is generated. She asserted that attorneys can purchase software to generate the summaries themselves.

Mr. Dodge-Nam commented that AI is not objective and is based on how it is programmed. He agreed that the summaries belong in the realm of the attorneys.

Ms. Sunkees agreed that more information is needed. If it is customized in any way, a new regulation may be needed to prohibit its use.

Ms. Tugade shared in the concerns raised. AI does not exist in a vacuum but is fed by algorithms. She added that the Legislature and DCA are moving toward technology-neutral language. In reference to the CCR, it did not make sense to create a way for reporters to provide the service in a different way by adding technology-specific language for AI summaries.

Mr. Mnayan expressed that he had used AI programs to summarize documents and found that they are not always accurate or consistent. He agreed that you get out of it what you feed into it. He stated that CCR 2474 specified that the definition of a deposition summary was information dictated by an attorney. Since AI is not an attorney, he cautioned the Board in deciding how to move forward.

Mr. Pane offered that the CCR 2474 language allows attorneys to have their hands in deposition summaries; however, court reporters cannot even assist with the summaries. That may include pressing a button for AI summaries. He believed more specificity for the regulatory language would be beneficial, possibly by outlining what court reporters cannot do.

Ms. Fenner stated she would research the questions raised regarding the input to the AI software and the parameters of the service to bring back to the Board.

Ms. Tugade called for public comment.

Ms. Gonzalez reported that generative AI takes everything that it has learned before. This could mean that all previous depositions entered may help it decide what to choose from that deposition. This is problematic when a deposition agency enters all its confidential information from other depositions into the software.

Ms. Pierce stated that these summaries are already being offered by agencies. She expressed that she has so far taken the position that she is barred from providing them, which may cause her to lose clients. There are multiple platforms, including ChatGPT, SmartDepo, and Claude. Some firms have their own proprietary software. The summaries may be generic or customized by telling the platform to address questions. She requested the Board make an immediate ruling before the large firms drive her out of business.

Ms. Costa asserted that some reporting agencies are offering AI summaries without telling the court reporter. In other cases, they are requiring the reporter to accept the job which may include an AI summary. Some firms are using Zoom's AI notes feature to create a summary, bypassing the reporter altogether. She requested the Board devise language

that clearly states to attorneys and the public that the court reporter transcript is the official record and that AI summaries are not impartial or appropriate.

Ms. Leslie spoke in support of the comments made by Ms. Pierce. She requested clarity from the Board on whether AI summaries are included in the prohibition of services set in the CCR 2474.

Ms. Wood shared that she is recently retired from the court and is conducting research to open a deposition firm. During her research, she found that there would be no way to compete with the reporting agencies owned by attorneys who offer lucrative deposition summaries. She stated that remote platforms and editing software use AI software. She suggested the Board put into regulation specific prompts that are allowed for AI summaries.

Shanna Gray, president of the Los Angeles County Court Reporters Association, indicated that her primary concerns on this issue are disclosure and privacy for the parties involved. There is a lot of personally identifiable information divulged on the record.

Ms. Pierce stated that some agencies are selling the summaries, and some are using them to incentivize clients to switch to their agency from the one following the law. She reiterated her request that the Board make a decision quickly to level the playing field.

Ms. Brewer thanked the public and the other member for their comments, which brought additional factors in her mind against allowing AI summaries. She still felt it necessary to have more information to allow it. She shared she received a flyer from a court reporting firm advertising AI summaries. She questioned whether CCR 2474 was broad enough to include AI summaries since they do not meet the definition set in the regulation. She requested legal counsel to advise if the Board could determine that licensees and firms are not allowed to offer AI summaries.

Mr. Pane responded that the Board must first guard against setting policy that becomes an underground regulation by applying a policy uniformly without any statutory or regulatory authority. The Board may choose to pursue a regulation that clarifies an existing statute or regulation. One option is to provide a definitional section or subdivision added to this CCR that clarifies some of the words in the regulation. An example would be to define “assist” in an added subdivision. The Board may make a policy consensus on how they want to approach it, then direct staff to develop regulation language or come up with options for the Board to pursue an issue. He further clarified that regulations have the force of law but are not enforceable until they are vetted and on the books.

Ms. Brewer opined that CCR 2474 does not include AI summaries, which to her meant that licensed CSRs can offer them. She added that she does not believe AI summaries to be a good practice, good for the consumer, or good for the profession. She believed the Board should work to stop the practice. Mr. Dodge-Nam agreed with her summation. He added that technology is working faster than the regulatory process, so it may be difficult to capture everything necessary to effectuate a stop to the practice.

Ms. Sunkees requested more clarification. It appeared that firms want to offer AI summaries as a value-added service.

Mr. Dodge-Nam reiterated that there is currently no prohibition to AI summaries. The question remains whether or not they are good for the consumer and if there are innate biases built in.

*Mr. Mnayan moved to direct staff to put forth regulation to prohibit the generation of AI summaries. Seconded by Ms. Brewer.*

Second withdrawn by Ms. Brewer.

Mr. Dodge-Nam suggested to amend the motion to add “by court reporters and/or agencies.”

Ms. Sunkees commented that she did not have enough information to move forward.

Ms. Tugade would like more information about data usage and retention policies.

### ***MOTION WITHDRAWN***

Ms. Fenner clarified that staff does not see the practice as a violation of the existing regulation. The Board directed staff to bring further information back to the Board.

### 15. FUTURE MEETING DATES

Ms. Tugade stated that staff would poll the Board members offline for calendar availability for the next meeting.

Ms. Tugade called for public comment. No comments were offered.

***The Board convened into closed session at 3:22 p.m.***

### 16. CLOSED SESSION

Pursuant to Government Code section 11126(a)(1), the Board met in closed session to conduct the annual evaluation of its executive officer.

***The Board returned to open session at 3:31 p.m.***

### ADJOURNMENT

Ms. Tugade adjourned the meeting at 3:32 p.m.

  
\_\_\_\_\_  
DENISE TUGADE, Board Chair

5/9/2025  
DATE

  
\_\_\_\_\_  
YVONNE K. FENNER, Executive Officer

5/9/2025  
DATE