

# CRB\* TODAY

COURT REPORTERS  
BOARD NEWSLETTER

GUARDING THE RECORD  
FOR CONSUMER PROTECTION



## Message from the Chair *Toni O'Neill*

### *STRATEGIC VALUES*

In the words of novelist and former Simon & Schuster editor-in-chief Michael Korda, "One way to keep momentum going is to have constantly greater goals." This is the spirit captured by the Court Reporters Board strategic planning session held in conjunction with our last Board meeting in October.

It's always good to take time out to confirm the mission and vision of an organization in order to keep it relevant and on track. The Board certainly maintains its commitment to its consumer protection mission and reaffirmed its vision for the organization. What was interesting to me were the core values that resulted from a discussion of what the Board really stands for, and I'd like to share them with you.

The first value is "integrity." The Board is accountable to the general public, our licensees and the government. This is a core requirement for all court reporters as well, for it forms the foundation of all trust. It's one of the reasons impartiality is not just a good idea for court reporters, but mandated. There can be no hint of impropriety tainting the reliability of the official record. In these days of belt tightening and declining resources, it's easy to cut one corner too many. But it's important to never compromise one's belief system in difficult times.

The second value is "quality." The Board delivers service, information, and products that reflect excellence. This, too, is a core requirement for court reporters, for what higher standard is there than verbatim? Even going back to the license exam itself, the required pass rate for the practical portion of the exam is 97.5 percent accuracy. Do you know of another field where 97.4 percent is a mark of failure?

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### *Board Members*

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PAULA BRUNING, *Layout Designer*

*Message continued from cover*

The third value is “customer oriented.” The Board treats all persons who interact with the CRB as valued stakeholders. What if every person you came into contact with today were not an obstacle or a problem to be solved, but rather a chance to improve customer service and improve how the world perceives court reporters? Staff at the CRB office is tasked with explaining the complicated world of the court reporter to litigants and, surprisingly, a fair number of attorneys.

The fourth value is “initiative.” The Board encourages a creative look at problems and processes and actively seeks solutions and improvements. When working within the confines of government, the word “creative” in any of its iterations doesn’t necessarily spring to mind. But just because there are rules and laws to be followed doesn’t mean the brain has to stop thinking. Court reporters make decisions every day because every possible situation they may confront is not outlined specifically within the plain language of the statutes. That being said, however, the right decision can be made by asking two simple questions when evaluating a course of action: Am I protecting the record? Am I remaining impartial to all parties?

The fifth and most important value of the Board is “consumer protection.” The Board makes effective and informed decisions in the best interest and for the safety of Californians. Every action taken, every improvement made, every piece of information shared is done so in order to protect our consumers.

The Board plans to continue the momentum of past accomplishments through the achievement of the goals and objectives set out in the 2012-2014 Strategic Plan. We look forward to serving you.

### **CRB to Amend Gift-Giving Regulation**

In response to a Petition to Clarify and Amend Regulations Related to Gift Limit – Title 16 of the California Code of Regulations, section 2475(a)(8) submitted by the Deposition Reporters Association (DRA) at the October Board meeting, the CRB will be developing a rulemaking package to amend that section. DRA’s petition was granted by the Board. Specifically the amendment is to the “person or entity” language found in section 2475(a)(8). The amended language is as follows:

(8) Other than the receipt of compensation for reporting services, neither directly or indirectly give nor receive any gift, incentive, reward, or anything of value to or from any person or entity associated with a proceeding being reported. Such persons or entities shall include, but are not limited to, attorneys, law firms, employees of attorneys, clients, witnesses, insurers, underwriters, or any agents or representatives thereof. Exceptions to the foregoing restriction shall be as follows: (A) giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) ~~per above-described person or entity per calendar year~~ per calendar year to or from an attorney, a law firm, an employee of attorneys, a client, a witness, an insurer, an underwriter, or any agent or representative thereof; or (B) providing services without charge for which the certified shorthand reporter reasonably expects to be reimbursed from the Transcript Reimbursement Fund, Sections 8030 et seq. of the Code, or otherwise for an “indigent person” as defined in Section 8030.4(f) of the Code.

The Board will discuss the rulemaking package at its next Board meeting, currently scheduled for April 27 in Sacramento.

## Pitfalls of Privatizing Court Reporters

With several of the courts across the state no longer providing court reporters in civil courtrooms, attorneys and litigants are being forced to make their own arrangements to bring in a court reporter. Freelancers should beware of rushing into a California state court without knowing applicable statutes.

A major pitfall is charging more for transcripts than is allowed by statute. Government Code 69950(a) sets the fee for the original to be charged at 85 cents per folio and 15 cents per folio for each copy purchased at the same time by the court, party, or other person purchasing the original. Section 69950(b) sets the fee for a first copy to any court, party, or other person who does not simultaneously purchase the original at 20 cents per folio. And while section 69951 allows the reporter to charge an additional 50 percent for a daily transcript, there are no provisions for expedited rates. There is no such thing as a fee for searching for testimony. There is no such thing as a minimum charge. There is no increased rate or extra charge because it was technical or complicated testimony.

The statutes do set out court reporter fees, but these are not per diem fees that go to the court reporter. They are “overhead” fees that are charged for and received by court administration. For purposes of charging per diem rates to go in to court, the law is silent.

While it is true that court reporters are independent contractors when providing transcripts to anyone other than the court, that is a tax status and not permission to charge more than what the law allows.

While it is true that the statutory transcript rates were set with the idea in mind that official court reporters are already receiving a salary and additional benefits such as health insurance and retirement, there is no statutory exception for freelancers going in to court. If there is a privately-hired court reporter producing an official record, that reporter is considered a pro tempore and is the official court reporter of record for that proceeding, and statutory transcript rates would apply. If the reporter is going in to court to report proceedings solely to produce an unofficial transcript for the attorney’s work product, that is a completely different situation and market rates would apply.

Be aware that in the case of a complaint where an investigation finds that a reporter has charged more than what is allowed by statute, the Board will require the reporter to refund the difference to the litigant, at a minimum, and may also issue a citation and a fine of up to \$2,500.

### **Denise Brown Appointed Director of Department of Consumer Affairs**

Denise Brown was appointed Director of the California Department of Consumer Affairs (DCA) by Governor Brown on January 9, 2012. As Director, she oversees the nearly 40 regulatory entities (including the Court Reporters Board) and other divisions within the Department. She has more than 30 years of service with DCA and, during that time, has held numerous positions within the Department and its various boards.



## Welcome Back to Paula Bruning

Our newest staff member is not new to many as this is her second “stint” with the Court Reporters Board (CRB).

Paula Bruning originally joined the staff of the Board in June of 2009 as a half-time analyst assigned to assist with Board and committee/task force meetings.

In October of 2010, when she decided to come back to state service full time, she moved to the Board for Professional Engineers, Land Surveyors, and Geologists. However, a retirement prompted a reorganization of positions at the CRB, and a full-time position became available. Paula was the successful candidate to fill the new position, and since April of 2011 she has been responsible for the administration of the Transcript Reimbursement Fund, while serving as liaison to schools, Board, and committee/task force members and jumping in to carry out the infamous “other duties as requested.”

“It’s nice to be back at the CRB,” reported Ms. Bruning. “With such a small staff, I’ve ended up with a real variety of job responsibilities, and it seems there’s never a dull moment.”

We’re very happy to have Paula back and appreciate her strong work ethic, cheery personality, and can-do attitude. We’re at full staff again -- four and a half strong!

## Examination Statistics

Written Exams				
November 1, 2011 - February 29, 2012		Total	Pass	Overall %
English	Overall	65	17	26.2%
	First Timers	30	11	36.7%
Professional Practice	Overall	66	35	53.0%
	First Timers	29	17	58.6%
July 1, 2011 - October 31, 2011				
English	Overall	79	46	58.2%
	First Timers	35	23	65.7%
Professional Practice	Overall	52	19	36.5%
	First Timers	30	14	46.7%

Dictation Exam			
February 2012*	Total	Pass	Overall %
Overall	100	24	24.0%
First Timers	29	15	51.7%
October 2011	Total	Pass	Overall %
Overall	106	31	29.2%
First Timers	40	19	47.5%

\* Unofficial until appeals hearing

## A Note from Jennifer’s Desk

**Mail Delays** – As with many businesses and agencies these days, the United States Postal Service has experienced many budgetary cutbacks. As a result, the quick turnaround time we have become accustomed to with one- or two-day-delivery time frames is no longer the norm. Please take this into consideration when sending your renewal payment to avoid delinquency fees and loss of work. Mail your renewal early and help us keep you on track.

*Jennifer Hauptert is the Board receptionist. She is the first point of contact for most licensees and consumers, and processes all incoming mail, including renewal applications.*

## Student Spotlight



A circuitous path led Lindsey Karin Sill to court reporting, but it was love from the start.

She first earned a degree in architectural engineering from California Polytechnic State University, San Luis Obispo. After working in that field for a bit, she learned that a cubicle job was not for her.

“I had grown up thinking I would love a cubicle job, but when I actually had to sit in one staring at a computer, I realized it wasn’t for me,” she said. “There was a significant lack of interaction with other people, and *I wanted to be involved with people* rather than just staring at a computer the entire day. With court reporting, the computer time is balanced out by being in the middle of legal proceedings, which I find exciting.”

But she’d take one more turn before meeting her destiny. A passion for baking led her to Northern California, where she found a job at a wonderful bakery. But she soon craved more challenge. “Once I memorized the information to help customers and learned the skills for the kitchen, it then became monotonous,” Lindsey said. “You would do the exact same thing, make the same cookie flavors and sell the same things to customers, so there was an inherent lack of challenge. I began to hate that job. My husband was sweet enough to let me quit, so I decided to go to a community college for a semester to figure out what I was going to do with my life. I lived close by West Valley College and decided to take a few ‘fun’ classes in the fall of 2010.”

She saw court reporting offered in the course catalog and thought it sounded interesting. “We went in the computer lab and began working on the computer drills, and *I was hooked*. I didn’t get up from the machine for three hours! I was so excited and so in love with court reporting from that first day. I’ve never looked back.”

Lindsey works part time for the court reporting department at West Valley College. “It’s a great situation because I am already at school for my classes, and I help the department when I have time,” she said. “I’m lucky that I don’t have to have a full-time job while in school; instead, I make school my full-time job. I arrive early, work hard all day, and leave feeling accomplished.”

She said her favorite class is speed building, which provides the opportunity to constantly improve. “*I love being able to write faster and faster*. If I can have one less error each day, it means I’m on my way to passing my next test. In those times that I get super frustrated and want to run away from it all, I remind myself of my final goal. I want to be a court reporter and make a living doing something I enjoy. With that little reminder, I am able to sit down, focus, and get my practice time in.”

Lindsey plans to take the skills dictation portion of the certified shorthand reporter exam in October. With graduation on the horizon, she is pondering her options.

“My plan is to try a little bit of everything – court, depositions, Communication Access Realtime Translation, maybe even captioning – and see what I like most,” Lindsey said. “*I don’t want to limit myself* to one aspect of court reporting; instead, I plan on seeing what I like the most and going from there.”

## Frequently Asked Questions

**Q** I recently completed a transcript for a litigant who applied for funds from the Transcript Reimbursement Fund. The Court Reporters Board denied payment of the expedite fees on the copies. When I reported the job, all counsel present asked for their transcripts on an expedited basis, so why is this charge being denied?

**A** The Board considers such a practice “double dipping” and as such would be a violation of CCR 2470(b), a violation of any rule or code provision specifically governing shorthand reporting. An unreasonable fee would be anything that violates CCP section 2025.510. On these facts, 2025.510 (b) and (c) provides that the noticing party bears the cost of transcription unless otherwise ordered by the court, and all others get to purchase a copy. Section 2025.510(c) starts off with “notwithstanding 2025.320,” this means that the reporter is relieved of treating all parties the same way related to the cost of transcription. The expedite fee is a fee added to the cost of transcription for its early production and delivery. It is a one-time charge, and to charge twice would be unreasonable.

**Q** After working as a deposition reporter for several years, I recently took a position as an official reporter. I’ve been told by some co-workers that I can charge “the going rate” on civil matters, yet other co-workers tell me I can only charge the multiplier agreed to with our county. Who’s right?

**A** The statutory transcript rate applies to all cases affected by California Code of Civil Procedure 269, specifically in a civil case on order of the court or at the request of a party; in a felony case, on order of the court or at the request of the prosecution, the defendant, or the attorney for the defendant; or in a misdemeanor or infraction case, on order of the court, and in those cases identified in Government Code section 69952, namely criminal, juvenile, emancipation of minors, and cases under Welfare and Institutions Code section 5000 et seq. If you have a contract with your county for charges, the Board would have no power to interfere with that contract.

**Q** I’m a freelance reporter who is having trouble collecting from one of the agencies I work for. I no longer take work from this agency, but recently I received a back order. I have informed the agency that I won’t be producing the transcript until the outstanding invoices are paid, but the agency told me I’d be in trouble with the Board if I did that. Is that true?

**A** The Board does not endorse your position. The CRB was formed by the Legislature to help ensure consumer protection. The litigant who is waiting for his or her transcript had nothing to do with your decision to accept work for this agency or any other, nor do they have anything to do with the agency’s decision to pay, or not pay, you. The litigant requested a court reporter, one was provided, and the litigant is entitled to his or her transcript, notwithstanding the history you and the agency might have.

You have other avenues available to you for solving the problem of outstanding invoices, including hiring a collection agency or going through small claims court. You may also file a complaint with the CRB, as the Board considers an agency that does not pay court reporters for subcontracted work to be in violation of Business and Professions Code 8025(d), unprofessional conduct.

**Q** I recently saw “free deposition summaries” being offered right on a court reporter’s business card. Aren’t deposition summaries prohibited?

**A** California Code of Civil Procedure 2025.320(c) states in part: “The deposition officer or the entity providing the services of the deposition officer shall not provide to any party or any party’s attorney or third party who is financing all or part of the action any service or product consisting of the deposition officer’s notations or comments regarding the demeanor of any witness, attorney, or party present at the deposition.” That being stated, if an agency were to hire a paralegal, for instance, to read over a deposition and provide a summary, that would be legal as long as it didn’t contain any of the court reporter’s observations from the proceeding.

*FAQs continued from page 6*

**Q** I'm a student in 180s and sat out in court last week to start to get my required intern hours. While there, I overheard a group of official reporters talking about how they talk with attorneys about cases, offering up opinions on how credible certain witnesses appear. I thought reporters weren't supposed to do that. Can you clarify?

**A** You are correct. Court reporters are to act without bias toward, or prejudice against, any parties and/or their attorneys, per California Code of Regulations, Title 16, section 2475(a)(6).

### CRB vs. U.S. Legal Support

Trial in the matter of the Court Reporters Board of California vs. U.S. Legal Support began on March 5, 2012, in the Santa Clara County Superior Court in San Jose. The evidentiary portion of the trial was completed that day, with written closing argument submitted by March 12, 2012, and oral argument on March 16. At the hearing on March 16, the Court asked the parties for supplemental briefing, which is to be submitted by April 6th, with another hearing date set for April 20. The Board looks forward to resolution of this issue.

### Transcript Reimbursement Fund Pro Per Pilot Project Update

The new year kicked off the second half of the two-year Transcript Reimbursement Fund (TRF) pro per pilot project. With 73 requests remaining from 2011, staff immediately began processing applications with the new \$30,000 allotment for the year.

There were 216 requests approved between January 1, 2011, and February 29, 2012. A total of 45 applications have been denied for being criminal cases or because the litigant retained an attorney or were returned as incomplete because of missing signatures, fee waivers, estimates or other information.

Every effort is made to remedy deficient applications when clarification is needed or the estimates have not been provided; however, this greatly increases the processing time for all applications since the fund is limited and requests are processed on a first-come, first-served basis.

As part of the addition of Business and Professions Code 8030.5, the Board was mandated to further publicize the availability of the TRF to qualified legal services projects, qualified support centers, and pro bono attorneys. These efforts were to be made utilizing existing resources and include outreach to the State Bar Association of California, the California Commission on Access to Justice, and the Legal Aid Association of California. With the restriction of travel and other expenditures, the Board was limited on the type of outreach available. An informational brochure was created and has been distributed at conventions, such as the State Bar Annual Meeting, the Beyond the Bench Family Law Conference, and the Northern California Pro Bono Regional Meeting. In addition to the mandated outreach, the California Court Reporters Association published an article in its *CCRA Online* newsletter in December 2011.

To date, approximately 114 vulnerable litigants have been assisted by the pro per pilot project who may not have been able to pursue their cases or appeals without the assistance of the TRF. And although demand clearly exceeds resources for the pro per fund, the TRF overall is being better utilized than in prior years and continues to be fiscally sound.

As required by the Business & Professions Code, the Board submitted a report to the Senate and Assembly Judiciary Committees on March 1, 2012, regarding the TRF and pro per pilot project. The subject is also of special interest to the Legislature in their oversight of the Board as a whole in the sunset review process. The Board awaits a decision from the Legislature on whether or not the pro per pilot project will be extended after January 1, 2013.

## Anna Caballero Appointed Secretary of State and Consumer Services Agency

Anna Caballero, 56, of Salinas, has been named Secretary of the State and Consumer Services Agency (SCSA) by Governor Jerry Brown.

SCSA is dedicated to protecting consumers and delivering efficient, cost-effective, and responsive services to internal and external State clients. It is made up of 15 entities – departments, boards, commissions, and museums – and includes the Department of Consumer Affairs which encompasses the Court Reporters Board. Caballero advocates on behalf of these entities' mission-critical items in the current administration.

She previously served in the California Assembly representing the 28th District. From 2000 to 2006 she was the executive director of Partners for Peace, a nonprofit specializing in violence prevention work. Prior to that she was mayor of Salinas from 1998 to 2006 and served on the Salinas City Council from 1991 to 1998. She was a partner at Caballero, Matcham and McCarthy from 1995 to 2007 and Caballero, Govea, Matcham and McCarthy from 1982 to 1995. She was also a staff attorney for California Rural Legal Assistance, representing farm workers in consumer matters, from 1979 to 1982. She holds a law degree from the University of California, Los Angeles, and a bachelor's degree from the University of California, San Diego.

## CRB Develops Strategic Plan for Upcoming Years

At the last Board meeting in October, the Board underwent a strategic planning session, facilitated by the Department of Consumer Affairs Strategic Planning and Development unit. The Board affirmed its mission: To protect the health, safety, and welfare of the public by ensuring the integrity of judicial records through oversight of the court reporting profession, which the CRB carries out by testing, licensing and disciplining court reporters and by recognizing the schools of court reporting that meet state curriculum standards. A review of the prior plan allowed the Board to look at what was accomplished during the last plan with an eye toward any unaccomplished objectives that needed to be rolled over into the new plan. The Board developed the plan after completing an environmental scan of the industry, which identified potential issues and challenges which might affect the CRB's ability to carry out its mission. Goals were set in the four following categories: organizational effectiveness, professional qualifications, practice standards and enforcement.

The Board will look at a draft of the 2012-2014 Strategic Plan at the next meeting, April 27, with an eye toward approval. Once approved, it will be posted to the Board's Web site.

## The CRB Video Debut

The Court Reporters Board included a video presentation as part of the 2011-12 Sunset Review Report provided to the Legislature last fall. Produced by the Department of Consumer Affairs' (DCA) Office of Public Affairs in conjunction with DCA's Office of Publications, Design & Editing, the three-minute video provides background information about the Board and highlights the technological side of the court reporting industry.

The Board owes many thanks to those who made the video possible: The wonderful staff and location of Carol Nygard and Associates helped make the deposition scenes in the video come to life. Additionally, Humphreys College coordinated amazing faculty and students to assist with the courtroom scenes on their beautiful campus. Without the cooperation of a lot of incredible participants at both venues, the video would not have been feasible.

The culmination of their efforts can be seen by viewing the video presentation at <http://youtu.be/aQGTuLLRnM0>.



## CRB in the Eye of the Legislature

The Senate Business, Professions and Economic Development Committee oversight hearing for the Court Reporters Board (CRB) was held March 12. Vice Chairman Greg Finch and Executive Officer Yvonne Fenner addressed Committee members, and Executive Analyst Paula Bruning was also on hand to field technical questions on the Transcript Reimbursement Fund. The Board has until April 12 to submit a formal response to the issues raised in the background paper. At that point, it is anticipated that the Committee will amend SB 1237, which currently extends the sunset extension date for the CRB, to include any provisions from our background paper. That bill will most likely be heard in the Committee sometime in April.

The background paper prepared by Committee staff included eight issues:

*Should the licensing and regulation of court reporters be continued, and should the profession continue to be regulated by the CRB?* The Committee staff recommendation is that the court reporting profession should continue to be regulated by the current CRB in order to protect the interests of the public and be reviewed once again in four years.

*Should an extension be granted to continue to fund the Transcript Reimbursement Fund (TRF) for indigent litigants?* The Committee staff recommendation is for the TRF to be extended four years in order to ensure that indigent individuals are able to access justice.

*Are professional corporations owned by non-CSRs asserting lack of Board jurisdiction over their activities?* The Committee staff recommendation is that Business and Professions Code section 8046 should be amended to clarify that any entity offering or providing shorthand reporter services must comply with the laws governing licensees of the CRB.

*Is the TRF Pro Se Pilot Project underfunded to meet the demands placed upon it?* The Committee staff recommendation suggests no legislative changes need to be made at this point. However, the CRB should notify the Committee if conditions change.

*Should the CRB continue to explore the possibilities of establishing a continuing education requirement for licensed CSRs?* The Committee staff recommendation here is for the CRB to continue to monitor this issue and continue to work with the Administration on the issue of continuing education for all licensed court reporters. The CRB should report back to the Committee the results of any guidance received from the Administration.

*Are discretionary travel restrictions negatively impacting outreach?* The Committee staff recommendation in this regard is that travel restrictions should be lifted once economic conditions allow.

*Why has the CRB's Fund reserve decreased over the last five years?* Here the Committee staff recommendation is that the CRB discuss with the Committee the CRB's fund condition, and identify any unusual expenditures or shortfalls that are contributing to the diminishing fund reserves. The CRB is also to identify appropriate solutions, including raising fees, controlling spending, or other steps that might be taken in order to ensure a stable reserve level for the Court Reporters Fund.

And the final issue is a technical correction needed to the Licensing Act. Business and Professions Code section 8027(a) should be amended to reflect the correct name of the Bureau for Private Postsecondary Education.

## A Look Ahead: Opportunities Still Strong for CSRs

### *BOARD CONTINUES WITH SUPPORTIVE ACTION PLAN*

It's an exciting time to be in court reporting. According to the U.S. Bureau of Labor Statistics (BLS), employment for court reporters is projected to grow by 18 percent, and job opportunities should be excellent, reflecting the demand for real-time broadcast captioning and translating. This growth is faster than the average for all occupations between 2008 and 2018.

Increasing numbers of civil and criminal cases are expected to create new jobs for court reporters, but budget constraints are expected to limit the ability of federal, state, and local courts to expand, which will also limit the demand for traditional court reporting services in courtrooms and other legal venues. Several courts across the state no longer provide court reporters in civil courtrooms, so attorneys and litigants must make their own arrangements to bring in a court reporter. The CSR's service is still needed, it's just a matter of who will pay for it. In addition, although some courtrooms have installed tape recorders that are maintained by electronic court reporters and transcribers to record court proceedings, this is only in a limited capacity, so traditional CSRs will continue to be used in felony trials and other proceedings.

Increasingly, court reporters will be needed for captioning outside of legal proceedings. Not only is there federal legislation mandating that all new television programming be captioned for the deaf and the hard of hearing, but all new Spanish-language programming must also be captioned. In addition, the Americans with Disabilities Act gives deaf and hard-of-hearing students in colleges and universities the right to request access to real-time translation in their classes. These factors are expected to continue to increase the demand for court reporters who provide Communication Access Realtime Translation (CART) services.

The BLS also reports that job opportunities for court reporters are expected to be excellent as job openings continue to outnumber jobseekers in some areas. Court reporters with certification and those who choose to specialize in providing CART, broadcast captioning, or webcasting services should have the best job opportunities. Court reporters who are willing to relocate to rural areas or large cities, where demand for their services is very high, should have good job opportunities. The favorable job market also reflects the fact that fewer people are entering this profession, particularly as stenographic typists, says the BLS.

Also promising is that, according to the National Court Reporters Association (NCRA), the nation's top court reporting schools are reporting nearly 100 percent placement.

More than 70 percent of the nation's 35,000 court reporters work outside of the courthouse, says NCRA. Because court reporting involves a highly specialized skill set, reporters have a variety of other career options. These include:

*Freelance reporter* -- CSRs are hired on a freelance basis by attorneys, corporations, unions, associations and other individuals and groups who need accurate, complete, and secure records of pretrial depositions, arbitrations, board of director meetings, stockholders meetings and convention business sessions.

*Broadcast captioner* -- Broadcast captioners, also called stenocaptioners, use court reporting skills on the stenotype machine to provide captions of live television programs for deaf and hard-of-hearing viewers through realtime technology that instantly produces readable English text. Captioners provide captions for local stations, national networks and cable channels. They caption news, emergency broadcasts, sports events, and other programming.

*CART provider* -- A version of the captioning process called Communication Access Realtime Translation (CART), also known as live-event captioning, allows court reporters to provide more personalized services for deaf and hard-of-hearing

people. CART providers accompany deaf and hard-of-hearing clients as needed — for example, to college classes — to provide an instant conversion of speech into text using the stenotype machine linked to a laptop computer.

*Webcaster* – Webcasters are reporters who use their training to capture financial earnings reports, sales meetings, press conferences, product introductions, and technical training seminars and instantly transmit the captions to all parties involved via the Internet. As participants speak into telephones or microphones, the words appear on everyone’s computers, accompanied by any relevant documents or graphics.

For additional details about where your skills as a certified shorthand reporter can take you, visit [www.bestfuture.com](http://www.bestfuture.com), presented by the NCRA ([www.ncra.org](http://www.ncra.org)).

### THE BOARD'S ROLE

The substantial workforce growth in court reporting will be key to California’s economy, and the Board will continue to ensure that only the most qualified make the cut. This supports the Board’s mission to protect the health, safety, and welfare of the public by ensuring the integrity of judicial records through oversight of the court reporting profession. To that end, here are some of the Board’s recent accomplishments:

- Completed an occupational analysis of the court reporting profession. The findings will serve as the basis for exam development to ensure the licensing exam accurately tests for the skills and knowledge currently necessary to enter the profession.
- Convened a task force of program instructors and administrators, licensees, and consumers to comprehensively review school curriculum regulations for continued relevancy to the profession.
- Reduced the environmental footprint of the Board by implementing an online newsletter.
- Developed best practices for use of backup audio media.
- Conducted seminars for licensure to explain how the enforcement process functions, from complaint intake through resolution.

The Board has focused on goals in five areas to provide continued support of its mission and the court reporting profession. Here are some highlights:

*Organizational effectiveness* – Continues to achieve the highest level of organizational effectiveness and improve the quality of customer service. The Board is fiscally sound and must continue to work efficiently and effectively to protect the California consumer.

*Professional qualifications* – Continues to ensure the professional qualifications of court reporters by seeking to establish examination standards and requirements for continuing competency/education. Given technological changes and the need for court reporters to keep their skills current, the Board will continue to promote continuing education.

*Practice standards* – Continues to seek regulatory standards of practice for California court reporters. The Board will continue to monitor how technological changes in practice may necessitate changes in regulation. From Web repositories to overseas outsourcing of transcript production, privacy issues continue to be challenged. The Board must ensure the security and privacy of recordings and documents through regulations or standards.

**CSR SPOTLIGHT**

*In Tulare County, Court Reporting is a Family Affair*

**Lesia Mervin, CSR, RMR, CRR, FAPR**

The first time she saw a steno machine in high school, Lesia Mervin was fascinated by it.

“I had never seen anything like it before,” she said. “I thought it looked like a toilet with adding machine tape! I couldn’t believe that what looked like gibberish to me could be read in English.”

The high school state typing champion had also excelled in Gregg shorthand, so *court reporting seemed like a natural fit*. In her senior year in high school, she began attending night classes for court reporting and finished the program in just 18 months.

She’s been in the field 32 years, and is now an official reporter in Tulare County, working in a criminal department, a job she loves. “What you see on the evening news could be in your court in a day or two. I have a front-seat view of some very interesting cases.”

She said her favorite aspect of the job is traveling around the country teaching realtime seminars and writing techniques.

She’s also highly involved in the California Court Reporters Association as past president, now in an advisory role. *“I love advancing our profession*, and that’s an excellent way to do that,” she said. “I’m also very involved on the national level with the National Court Reporters Association as chair of the Steno Opportunities in the Courts Task Force, and also as a member of the Certified Realtime Reporter Committee, which is responsible for the realtime testing on a national level.”

She said her greatest accomplishment, however, is teaching her daughter, Bree, stenotypy on her lunch hour, then sending her to a school and watching her breeze through

the program in 13 months. Bree is now a realtime reporter herself. In fact, they work together.

“It’s very rewarding and something I will always be very proud of,” said Lesia. “I love working with her on a daily basis in something we both love. It’s a lot of fun.”

Lesia has also seen a lot of changes in court reporting over the years.

“The first year I worked we utilized note readers for transcribing or typing the transcripts ourselves with carbon paper to make additional copies. Talk about labor intensive!” Translating would take hours.



*Computers coming into the industry gave it a leap forward.*

Lesia said she remembers sharing a huge, \$50,000 computer with other office reporters as well as a dictionary loaded on disks the size of a spare tire.

“Now my dictionary is stored in the iCloud somewhere and can fit on a tiny disk smaller than my thumb. It’s amazing how far we’ve come. Then the computers got smaller and smaller, less expensive, until the age of realtime! That’s when things really began changing in the industry. Things are always changing. I’m always learning. The industry is not stuck in the dinosaur age, but is on the cutting edge of technology.”

What has not changed, Lesia said, is the threat of technology taking over the role of the reporter. “We were often told tapes would replace us 30 years ago even when I was in school. The same threats are alive today, but the reporting industry has kept up with technology and quashed those threats at every turn. Had the industry not changed and still kept the same technology as we had 30 years ago, we would in fact have been replaced by tapes long ago.”

After more than three decades in the field, Lesia still loves her job. “I’m amazed that after that many years I

*CSR Spotlight continued from page 12*

can still say that. I'm always learning, always trying to make this better. That's why I love court reporting. You learn something every day. Maybe it's DNA, maybe it's a civil case and you're learning medical, or maybe it's a car accident case and you're learning all about coefficient of friction. You just never know."

### **Bree Mervin, CSR, RPR, CRR**

Bree Mervin likes to say that court reporting is in her blood.

"My mom has been a reporter for more than 30 years, and she has been an amazing mentor and support system for me," she said. "That's not only in court reporting, but every aspect of my life."

*Her exposure to the field started early.* Her mother, Lesia, was able to bring Bree and her brother in to work with her. "My brother and I would watch movies in the jury room, and sneak into the courtroom to play," said Bree. "She has some pretty embarrassing photos of me there! And I'm not sure how, but she always talked me into organizing her notes."

So the seed was planted. And as she got older, the skills were cultivated.

"To learn theory, I went to my mom's office on her lunch

break for a few weeks," Bree said. "She taught me to write identically to her." Her mother's expert tutelage gave her a leg up, then she went to court reporting school for about a year to build speed. "It allowed me to start hooking up realtime to my judge on my second day working. As fate would have it, the judge just happened to be my mom's first judge! He's retired and was sitting on assignment as a pro tem."

Bree obtained her certified realtime reporter designation six years ago and has been court reporting for seven years. "I was 20 years old when I had my first job. The job also happened to be in the courtroom I grew up playing in -- my mother's!"

Bree is an official reporter for Tulare County Superior Court in a family law department – where her mother is her boss. "Having your mother as your boss has its ups and downs," she said. "If I'm calling in sick, I better be sick!"

Though *a skilled and experienced reporter in her own right*, Bree said she still turns to her mom for advice. "Truth be told, I still call her a minimum of three times a day, we e-mail or text at least 10 to 15 times a day, and I convince her to buy me lunch almost every day. We have a very unique relationship with her being my educator, the person I look to for advice, the person that yells at me when I'm late to work, my mentor and best friend."

*A Look Ahead continued from page 11*

**Enforcement** – Continues to protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

**Consumer information** -- Increasing public and professional awareness of the CRB's mission, activities, and services, including complaint handling. More can be done to educate lawyers and other consumers. Another issue is that attracting sufficient candidates to meet future workforce needs is key. The CRB is considering its possible role in recruitment.

To ensure that the Board continues to meet its strategic goals, they are assigned to committees, subcommittees, task forces, staff members, or individuals throughout the Board. For more information, visit our Web site at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) or call (877) 3-ASK-CRB.

**Court Reporters Board of California - Citations and Fines Issued** September 2011 - February 2012

RESPONDENT NAME - CITY	LICENSE NO.	DATE ISSUED	VIOLATION	SATISFIED
Holbrook, Joyce - Placentia, CA	9041	2/29/2012	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to produce transcript)</i>	No
Galten, Frederick - San Francisco, CA	13202	2/23/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Medina, Mandy - Lodi, CA	11649	2/23/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
Fagan, Amanda - Murrieta, CA	8764	2/23/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Roux, Jennifer - Santa Rosa, CA	11033	1/12/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to produce transcripts)</i>	No
Johnston, Jody - Costa Mesa, CA	8914	12/21/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
Roux, Jennifer - Santa Rosa, CA	11033	12/21/2011	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to timely produce transcript)</i>	No
Farnsworth, Karen - San Francisco, CA	5162	12/21/2011	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to timely produce transcript)</i>	No
Clayborne, Jennifer - Rancho Cucamonga, CA	10608	12/16/2011	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to timely produce transcript)</i>	No
Walker, Valerie - Eureka, CA	7209	12/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
James, Alisa - Oakland, CA	10901	12/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Moser, Paige - Simi Valley, CA	2669	12/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Brickman, Mark - San Mateo, CA	5527	12/15/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Foster, Janice - Visalia, CA	4744	12/14/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Parchman, Connie - Pleasanton, CA	6137	12/14/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes
Kuhlin, Tracey - Pasadena, CA	7735	12/14/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	No
Hernandez, Patricia - Woodland, CA	6875	12/13/2011	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... <i>(failed to timely produce transcript)</i>	No
DeAlba, Judith - San Mateo, CA	5709	11/17/2011	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. <i>(late renewal)</i>	Yes

The Citations and Fines remain posted for one year from the date initially issued. To find out whether a specific licensee has ever been issued a Citation and Fine prior to the date shown, or to obtain further information on a specific Citation and Fine, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

The above respondents' Citation and Fines that reflect "Satisfied" have been satisfactorily resolved. Payment of a fine is not an admission to the violation.

**Court Reporters Board of California - Disciplinary Actions** September 2011 - February 2012

The disciplinary actions listed below cover the period of time from September 2011 to February 2012. To find out whether a licensee has had disciplinary action prior to September 2011, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

A disciplinary action is a formal proceeding that includes the basis for the action sought against the licensee. These disciplinary actions are held in front of an Administrative Law Judge and allow for attorney, testimony, and challenges as provided in the legal system. The Administrative Law Judge then issues a decision that the Board can accept, reject, or send back for additional information. Disciplinary cases can result in license suspension and/or a probationary status with conditions.

RESPONDENT NAME - CITY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Campbell, Carol - Indio, CA	3646	Stipulated Surrender of License.	11/28/2011	Business and Professions Code Section 8025 (d): Unprofessional Conduct.
Chapa, Sandi - Hayward, CA	11031	Stipulated Settlement and Disciplinary Order: 3 years probation.	11/28/2011	Business and Professions Code Section 8025 (d): Gross negligence, incompetence, unprofessional conduct.

**Court Reporters Board Of California - Disciplinary Actions Pending** September 2011 - February 2012

Gunter, Diana - El Dorado, CA	8431	Accusation	10/20/2011	Business & Professions Code Sections 8025 (d): Unprofessional conduct; (e): Failure to transcribe; CA Code of Regulations Title 16, section 2480 (d): Failure to abide by Citation.
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