



COURT REPORTERS BOARD

OF CALIFORNIA

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MEETING OF THE COURT REPORTERS BOARD

Friday, December 5, 2014
 9:00 a.m. to conclusion

Department of Consumer Affairs, HQ2
 SOLID Training Center
 1747 North Market Boulevard
 Sacramento, CA 95834

AGENDA

Board Members: Toni O'Neill, Chair; Davina Hurt, Vice Chair; Rosalie Kramm; Elizabeth Lasensky; and John Liu

CALL TO ORDER –Toni O'Neill, Chair

ROLL CALL AND ESTABLISHMENT OF A QUORUM

| | | |
|------|---|----|
| I. | <u>MINUTES OF MARCH 14, 2014 MEETING</u> (Possible Action)..... | 3 |
| II. | <u>REPORT OF THE EXECUTIVE OFFICER</u> | 19 |
| | A. CRB Budget Report | |
| | B. Transcript Reimbursement Fund | |
| | C. Exam | |
| | D. School Updates | |
| | E. CRB Today Newsletter, Fall 2014 | |
| | F. BreEZe | |
| | G. Regulatory Agency Collaboration Update | |
| | H. Mandatory Training | |
| | I. Sunset Review | |
| III. | <u>ENFORCEMENT REPORT</u> | 30 |
| IV. | <u>STRATEGIC PLAN UPDATE</u> (Possible Action)..... | 35 |
| | A. Task Forces | |
| | 1. Exhibit Handling at Depositions | |
| | 2. Interpreted Depositions | |
| | B. 2015-2018 Strategic Plan | |

| | | |
|-------|---|----|
| V. | <u>REPORT ON LEGISLATION</u> (Possible Action) | 43 |
| | SB 176 (Galgiani), SB 315 (Lieu), SB 1159 (Lara), AB 186 (Maienschein), AB 365 (Mullin), AB 655 (Quirk-Silva), AB 788 (Wagner), AB 1702 (Maienschein), AB 1711 (Cooley), AB 2006 (Wagner), AB 2396 (Bonta), AB 2487 (Wagner), AB 2720 (Ting). And other bills later discovered which are relevant to the Board's mission. | |
| VI. | <u>DRA PETITION FOR RULEMAKING IN RE SCOPE OF PRACTICE</u> (Possible Action)..... | 47 |
| | Discussion and possible action to amend proposed text at California Code of Regulations, Title 16, Section 2403(b)(3) | |
| VII. | <u>ELECTION OF OFFICERS</u> (Possible Action) | 56 |
| VIII. | <u>FUTURE MEETING DATES</u> (Possible Action) | 60 |
| IX. | <u>PUBLIC COMMENT</u> | 63 |
| X. | <u>CLOSED SESSION</u> | 64 |
| | Personnel Matters, Disciplinary Matters, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and 11126(e)(2)(C)] | |
| | <ul style="list-style-type: none"> • Moose v. US Legal, Case No. 1-14-CV-258886 (Possible Action) | |
| XI. | <u>ADJOURNMENT</u> | |

Action may be taken on any item on the agenda. All times are approximate and subject to change. The meeting may be canceled or the ending time shortened without notice. For further information or verification of the meeting, call Paula Bruning at (877) 327-5272, email to paula.bruning@dca.ca.gov, write to Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833, or access the Board's web site at www.courtreportersboard.ca.gov.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting Paula Bruning at (877) 327-5272 or emailing paula.bruning@dca.ca.gov or sending a written request to 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation. Requests for further information should be directed to Yvonne Fenner at the same address and telephone number. If any member of the public wants to receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting. Otherwise, the documents, if any, will be available at the meeting.

The public can participate in the discussion of any item on this agenda. While not required, to more accurately memorialize public comments, staff requests that public commenters state their names and the name of the organization they represent, if any. Please respect time limits. Be aware, the Board CANNOT discuss any item not listed on this agenda.

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM I – Minutes of March 14, 2014 Meeting

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Agenda Description: Review and approval of minutes.
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Brief Summary:

Minutes from March 14, 2014 meeting in Los Angeles
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Support Document:

Attachment – Draft minutes.
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Fiscal Impact: None
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Report Originator: Paula Bruning, 11/17/2014
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Recommended Board Action: Approve minutes.



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Attachment
Agenda Item I

COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION MARCH 14, 2014

DRAFT

CALL TO ORDER

Ms. Toni O'Neill, Chair, called the meeting to order at 11:03 a.m. at the Westin LAX, 5400 West Century Boulevard, Grand Ballroom D, Los Angeles, California.

ROLL CALL

Board Members Present:

Toni O'Neill, Licensee Member, Chair
Davina Hurt, Public Member
Rosalie Kramm, Licensee Member
Elizabeth Lasensky, Public Member
John K. Liu, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Angelique Scott, Staff Counsel
Paula Bruning, Executive Analyst
Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. INTRODUCTION OF NEW BOARD MEMBER, JOHN LIU

Ms. O'Neill introduced John Liu, the Board's newest public member, and highlighted his background. Ms. O'Neill spoke about him at the prior Board meeting; however, he was unable to attend at that time. Mr. Liu's term runs through June 1, 2016.

The Board moved to Agenda Item VIII, Curriculum Hours Increase.

II. MINUTES OF THE NOVEMBER 19, 2013 MEETING

Ms. Lasensky requested the addition of the word "like" following the word "would" on the first line of the fourth paragraph from the bottom of page five of the minutes.

Ms. Lasensky moved to approve the minutes as amended. Second by Ms. Hurt. **MOTION CARRIED.**

III. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner referred to the Budget Report on page 22 of the Board agenda packet, which reflects the projections for fiscal month seven with a slight surplus. The Board has had a lot of expenses for the Attorney General's Office; therefore, cutbacks have been made everywhere possible. She then turned the attention to page 23 to discuss the projections for the following budget year. The Board's Months in Reserve stand healthy at 18.3.

B. Transcript Reimbursement Fund

Ms. Fenner referred to the Fund Condition of the Transcript Reimbursement Fund (TRF) on page 24. She indicated that \$250,000 of the \$300,000 allowance was expended.

Ms. Bruning reported that processing of TRF applications resumed in October 2013 following the inadvertent repeal of portions of the Business and Professions Code that govern TRF. Since then, staff has processed 239 invoices totaling more than \$125,000 for the pro bono program, and the program is back in compliance with the 30-day mandatory response time. She reported that the 2012/13 and 2013/14 fiscal year reports might be skewed since applications from last fiscal year were processed this fiscal year.

Ms. Bruning reported that since the beginning of the calendar year, staff has processed approximately 52 requests for the pro per program totaling over \$17,000. All the applications processed this year to date were received last year, and staff is currently reviewing applications from September 2013. There are currently more than \$35,000 in application requests pending, which exceeds the \$30,000 allotment for the calendar year. The addition of Ms. Melissa Davis, whose main focus is the pro per program, has allowed Ms. Bruning to work toward clearing the pro bono program backlog.

Ms. Fenner added that having the additional staff has afforded Ms. Bruning the ability to assist in reaching strategic plan initiatives. Ms. Bruning indicated that the Administrative Office of the Courts made a change to a rule of court to limit TRF applicants to 90 days to obtain a response from the Board. If the litigant does not have an approval from the Board in that time frame, they must deposit the money for their transcripts or forfeit their appeal.

C. Exam

Ms. Fenner reported that 131 candidates were in attendance for the dictation examination being held concurrently with the meeting, of which 34 are first time applicants.

D. School Updates

Ms. Fenner reported that Bryan College of Court Reporting in Sacramento is currently conducting a teach out. Their current students are taking classes on campus and online. The student contracts allow the school to move them to an online format through the Bryan University program.

E. BreEZe

Ms. Fenner stated that the first group of boards and bureaus scheduled to go live with the BreEZe project was implemented in October 2013. The Department of Consumer Affairs (DCA) is analyzing the lessons learned from that release. Group two is scheduled to transition to BreEZe in the spring of 2015. The Board is included in group three, which does not have a firm release date.

F. State Bar Invitation to Consumer Protection Agencies

Ms. Fenner informed the Board that retired Senator Joe Dunn, CEO of the State Bar, has been working with Real Estate Commissioner Wayne Bell on collaborating with other boards and bureaus in the interest of consumers. The collaboration creates an infrastructure of communication. She reported that she learned from Mr. Dunn that legislators have resources to produce public service announcements. Although they may only distribute that announcement to their own district, once something is produced, it can later be distributed by other means. Ms. Lasensky supported this idea, stating that it would put the Board in view of the legislators.

IV. ENFORCEMENT REPORT

Ms. Fenner directed the Board to the corrected enforcement statistics that were distributed to the Board with an amendment to the number of complaints received from 60 to 64 (see Attachment 1).

V. STRATEGIC PLAN UPDATE

A. Professional Oath

Ms. Fenner presented the updated language for a voluntary professional oath, as provided on page 31 of the Board agenda packet. Mr. Liu stated that he liked the language.

Ms. Scott inquired how the Board was intending to use the oath. Ms. Fenner responded that it would be voluntary and that she would work with DCA on disseminating it to the licensees.

Ms. Lasensky moved to adopt the language for a voluntary professional CSR oath. Second by Ms. Hurt. **MOTION CARRIED.**

Ms. Fenner reported that the Action Plan, as reflected on pages 32 and 33 of the Board agenda packet, had been updated with the progress made to date.

B. Task Forces

1. Electronic Record/Signatures

Ms. O'Neill, Chair of the Electronic Record/Signatures Task Force, reported that the National Court Reporters Association (NCRA) has a subcommittee focused on this issue. The Board has utilized information developed by NCRA in the past to model its own best practices, such as those for Backup Audio Media. The research conducted by NCRA is excellent. Ms. O'Neill would like to delay the meeting of this task force until there is an opportunity to review what NCRA distributes, which is due to emerge within the next year.

2. Best Practice Pointers

Ms. Hurt, Chair of the Best Practice Pointers Task Force, indicated that three volunteers have been appointed to the task force. The first meeting is due to be held in July 2014 in Northern California to brainstorm topics within the mission and consider breaking up the best practices amongst groups based on where a licensee is within his or her career.

3. Exhibit Handling at Depositions

Ms. Kramm, Chair of the Exhibit Handling Task Force, stated that her committee has also been established and plans to meet in the summer. The volunteers are from various regions of the state and a broad spectrum of backgrounds.

4. Interpreted Depositions

Ms. Kramm, Chair of the Interpreted Depositions Task Force, indicated that this group has also been put together; however, she has decided to add an interpreter to the task force. This team will also meet starting in July 2014.

The Board took a break at 12:36 p.m. and reconvened into open session at 12:45 p.m.

VI. REPORT ON LEGISLATION

Ms. O'Neill called the meeting back to order.

Ms. Fenner drew the attention of the Board to the summary of current legislation that may affect the court reporting industry or the Board starting on page 34 of the Board agenda packet. She indicated that those marked by two asterisks were directly related to the Board; however, the language for just three bills was included in the packet for the Board's consideration of taking a position.

Ms. Fenner indicated AB 365 (Mullin – Court reporting) went into an inactive status and has returned in an amended form. Mr. Howard reported that Assembly Member Mullin will be stripping the bill to use for a different purpose, and, therefore, there is no need to take a position.

Ms. Fenner reported that AB 2006 (Wagner – Depositions: video recording) allows videotapes to be introduced with the same weight as a court reporter's transcript. Mr. Howard stated that DRA is taking an oppose position, as did Ms. Christy Cannariato of CCRA. Ms. Kramm added that it would not serve the best interest of the consumer to allow this bill to go through. Ms. O'Neill agreed, and Mr. Liu added that it appeared dangerous as currently proposed.

Ms. Hurt moved to oppose AB 2006. Second by Ms. Kramm. **MOTION CARRIED.**

Ms. Fenner described AB 2487 (Wagner- Witness testimony: copies of transcripts), stating the bill would continue the automatic production of transcript for homicide cases, but mandate that the transcript be specifically especially ordered for all other felony cases. Ms. Cannariato, CCRA, requested the Board oppose the bill to further the rights of defendants in non-homicide cases. She added the bill may cause a delay instead of actually saving funds. Mr. Howard concurred, but indicated that DRA had not taken an official position yet. Ms. O'Neill stated that the change may be detrimental in the flow of justice and does not change the financial burden. Ms. Lasensky stated that it appears to put forward unequal treatment.

Ms. Lasensky moved to oppose AB 2487. Second by Ms. Hurt. **MOTION CARRIED.**

Ms. Fenner stated that she would draft letters for Ms. O'Neill's signature for each bill opposed.

VII. SCOPE OF PRACTICE REGULATION

Ms. O'Neill summarized where the language stands in the regulatory process. She indicated that the Board was charged with adopting or not adopting the proposed language. She requested public comment on the language.

Mr. Howard, DRA, regrettably requested the Board not adopt the regulation as presented. He asserted that the Scope of Practice as presented imposes new duties on licensees under subsection (b)(3) by requiring the reporter to notify all parties when a request is made for an original or a copy of the transcript. He added that the duties are inconsistent with code and current practice and provide no public policy benefit. He stated that Code of Civil Procedures (CCP) 2025.510(d) already requires notification by reporters of any requests made for any portion of or partial transcript that will be made available prior to the time the original or copy would be available. The statute requires that transcripts be made available to all parties at the same time and not allow for a litigation advantage of one side. Mr. Howard also indicated that law requires that deposition proceedings be transcribed unless the parties agree otherwise; therefore, the notification to parties of that which is automatic is redundant.

Mr. Howard continued by indicating that the language further loses the opportunity to make specific what state law means by omitting the specific products and services that are not mentioned in the code but which do potentially provide a litigation advantage to one side over another such as rough drafts, partial transcripts, and expedited transcripts. He referred the Board to DRA's proposed language on page 63 of the Board agenda packet. Mr. Howard requested that the Board reconsider the proposed language and send it back out for public comment.

He further provided comment on subsection (b)(10), stating that there is a simple omission that could make the regulation unclear. He referred the Board to DRA's comments on page 64 of the Board agenda packet, suggesting the language encompass that which is required by CCP 2025.570(b), so that a reporter is on notice that there is further obligation beyond providing a copy of a transcript to a party.

Ms. Hurt inquired if the DRA proposed change to subsection (b)(10) was accepted. Ms. Fenner indicated that it was.

Ms. Kramm indicated that she could see the redundancy of subsection (b)(3). She added that including a list of products could be dangerous. She inquired if the language would require the deposition officer to notify all parties every time a deposition is taken and a transcript is ordered, stating that current practice does not oblige reporters to do so. Ms. Scott clarified that the Scope of Practice is not imposing a list of duties, but a description of what is considered an "accurate transcription thereof." Although the reporter does not have to do each of the things listed in the Scope of Practice, if an individual or entity participates in any of the items listed, they are considered to be offering court reporting services. The proposed regulatory change was born out of the US Legal case.

Mr. Howard responded that the proposed language is an attempt to catalog the duties of licensees; however, statute does not require court reporters to notify all parties when a request for an original or a copy is made. He stated that licensees will be confused and view it as a new burdensome duty being imposed.

Ms. Hurt asked for a comparison of the proposed regulatory language to the Professional Standards of Practice. Ms. Scott responded that all the activities were specifically taken from existing statute, for which the authority is cited on page 50 of the Board agenda packet.

Ms. Cannariato, CCRA, also opposed the proposed language, stating that it leads to unintended consequences and agreed with Mr. Howard's statements.

Ms. Fenner indicated that the Board can change any of the proposed language; however, any change would require a new regulatory package since the one-year time limit for the current package was quickly approaching and there would not be enough time for an additional public comment period on new or revised language. Ms. Hurt inquired if the proposed language could be adopted with the deletion of subsection (b)(3). Ms. Fenner responded that any substantive change would require a new public comment period. In addition, the Board would need to provide the language they wanted to see for staff to go forward with a new regulatory package.

Mr. Howard commented that the Scope of Practice is a legacy document that seeks to memorialize what licensees do, and he enthusiastically supports getting it right. He encouraged the Board to send the language back out for public comment and consider the DRA suggested change to subsection (b)(3). He stated that deleting that subsection instead of amending it would be a disadvantage since it is imperative that reporters ensure there is equity between the parties when it comes to delivery of their services. Mr. Howard continued, stating that the regulation does not capture the services, such as rough drafts, that are not covered in the code.

Ms. Scott quoted CCP 2025.510(d), stating, "If the deposition officer receives a request from a party for an original or a copy of the deposition transcript, or any portion thereof, or the full or partial transcript will be available to that party prior to the time the original or copy would be available to any other party, the deposition officer shall immediately notify all other parties attending the deposition of the request, and shall, upon request by any party other than the party making the original request, make that copy of the full or partial deposition transcript available to all parties at the same time." She commented that the proposed language was derived from the quoted code as the description of the act of court reporting services. Mr. Howard argued that a portion of the statute states, "...prior to the time the original or copy would be available to any other party..." Therefore, the statute does not require the notification of parties in the case of a regular delivery time. Ms. Scott reiterated that the purpose of the Scope of Practice is not to define all duties that have to be completed, but to provide a list of things that would be considered engaging in the accurate transcription thereof if they are done by an individual or entity.

Mr. Howard stated that if the regulation is not consistent with current practice, then it is capturing nothing. He indicated that if a person or entity does not provide notice when an original or copy is requested, then they may claim they are not providing services requiring a license. Ms. Scott responded that if someone that is not licensed does perform any of the services listed under the Scope of Practice, they will then be under the jurisdiction of the Board.

Ms. O'Neill commented that subsection (b)(3) appeared to be stating that standard practice should include a requirement for the deposition officer to notify all parties that the original is being produced every time a deposition is taken. Ms. Scott responded that if that were true, all ten items under subsection (b) would be required every time. Instead, the regulation sets out to state that if a person completes any one of the items, they would be providing court reporting services.

Ms. Kristy Johnson, DRA, referred the Board to CCP 2025.10(a), which states: "Unless the parties agree otherwise, the testimony at any deposition recorded by stenographic means shall be transcribed." Therefore, the fact that the deposition went forward is notice that the original is coming. She commented that the regulation is confusing to her as an agency owner as to what her duties become.

Ms. Scott restated that the Scope of Practice states: "The accurate transcription thereof includes, but is not limited to:" and then lists the activities considered under the regulation.

Ms. Hurt moved to approve the proposed modified text and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified.

Mr. Liu commented that the proposed regulatory language was a grab bag of actions with isolated actions that are not exhaustive of all the duties required. He asked if subsection (b)(3) was truly inaccurate in regards to practice. Ms. Hurt reminded the Board why the regulatory change was created, which is why she moved to approve it. She added that tabling the decision would diminish the authority the Board has over non-licensed practitioners.

The motion was seconded by Ms. O'Neill. Ms. Hurt and Ms. O'Neill voted to approve the motion. Ms. Lasensky and Ms. Kramm voted to oppose the motion. Mr. Liu abstained.

MOTION FAILED.

Ms. Kramm commented the reason for the change is to protect the consumer. With past litigation considered, clarification is necessary to have everyone playing by the same rules. She added that the language was a bit ambiguous with regards to day-to-day practice; however, the language is in the code. She stated that she did not desire to pick apart the language if it is not for the greater good, and due to the time-sensitive nature of the regulatory package, it may better benefit the consumer to move forward. Ms. Hurt concurred.

Mr. Liu inquired if the Board could pass the currently proposed language and then clarify the ambiguity in another manner. Ms. Scott confirmed that would be an option through a separate regulatory process. She encouraged the Board to provide specific language to staff in further regulatory packages to limit the number of revisions necessary and, therefore, make the process turnaround time faster.

Mr. Howard stated that the intent of the regulatory change is to make subsequent enforcement actions of the Board against non-licensees easier by providing a set denominator of what constitutes the practice of licensees, which it does not.

Mr. Howard added that he sees a litigation risk to move forward with the proposed language by affording non-licensees the opportunity to say they are not providing notice as indicated in subsection (b)(3); therefore, what they are doing is not within the Scope of Practice.

Ms. Kramm inquired if there was any way to shorten the time frame of a new regulatory package. Ms. Fenner responded that the current package has to be completed by July 2014, which will expire before a new public comment period can be completed and the language can be brought before the Board. A new package would start the one-year maximum time limit clock over again. Since the Board meets just twice a year, additional comment periods eat up the time.

Ms. Lasensky moved to table the discussion of the proposed regulatory language.

MOTION FAILED.

Ms. O'Neill inquired as to the advantage of tabling the discussion. Ms. Fenner responded that the Board could take their time to decide how to change the language. Mr. Liu clarified that the clock still runs on the regulatory time limit and will expire. Ms. Scott added that the new regulatory clock does not even start until a new package is submitted to the Office of Administrative Law (OAL). Newly proposed language must be approved at a Board meeting.

Ms. Hurt requested that Mr. Howard repeat why he objects to subsection (b)(3). Mr. Howard stated that there are four reasons. The first is that the aim of the regulations is to list the lawful Scope of Practice of a licensee, which it does not. Secondly, the scope does not accurately reflect what the law currently requires of a reporter, as mandated by CCP 2025.510. He stated that the law triggers the reporter's obligation, not the request for the transcript. The third reason is that because it is incorrect, it fails on its own premise of what

the law requires reporters to do. Finally, he stated that the scope arms the respondent with an argument that if they are not providing the services under (b)(3), they are not providing court reporting services under the jurisdiction of the Board.

Mr. Liu commented that the Scope of Practice contains excerpts from actual statutes, which are surrounded by other statutes. The net sum of all the statutes derives the practice. Citing all the related statutes would likely still result in confusion. Mr. Howard suggested that citing CCP 2025.510(d) would suffice to bring the scope into conformity with the law. He added that including partial transcripts and rough drafts in the language is to refine the statute, which is the purpose of regulations.

Mr. Liu asked the licensee Board members if the language was confusing. Ms. Kramm responded that subsection (b)(3) is concerning because it is not the practice of court reporters to notify all parties every time a deposition transcript is requested unless it is a rough draft, partial transcript, any other type of special request. However, if you add the other nine items under subsection (b), it makes sense. Mr. Liu inquired if a corporation could develop a business around avoiding (b)(3). Ms. Scott responded that omitting the act of just one of the items listed does not relieve someone of the other nine items. If a person or entity is performing even one of the items listed, then they are within the scope. She added that currently there is nothing providing jurisdiction of the Board over these entities; therefore, there is a need to start somewhere to provide oversight even it is further refined later. If the Board attempts to include everything from the CCP into the regulation, OAL would kick it back.

Ms. Hurt reminded the Board of the reason why the DRA amendment from the 15-day comment period was rejected, in that the three instances being offered in the amendment are already included under the broader language of the proposed language and are unnecessarily limiting. The language provide by staff counsel is not limiting and keeps it open, which is less harmful. Ms. Lasensky commented that harmful is not the same as clarifying, and she sees that lack of clarification as a problem. Ms. Hurt responded that there is a lot that needs to be clarified.

Ms. Scott stated that the Board could accept the language or reject it completely and start over if they do not like it. The intent is to best protect the public by ensuring the Board has jurisdiction over the individuals or entities that may cause harm. Ms. Kramm favored moving forward with the regulation with the option to amend it later to give the Board better ability to protect consumers.

Ms. Hurt moved to approve the proposed modified text and delegate to the executive officer the authority to adopt the proposed regulation changes as modified. Second by Ms. Kramm.

Mr. Liu inquired if the licensee members were comfortable with the entire Scope of Practice. Ms. Kramm and Ms. O'Neill responded that it is what is necessary.

MOTION CARRIED.

VIII. CURRICULUM HOURS INCREASE

Ms. O'Neill moved to this agenda item immediately following Agenda Item I. She opened the discussion up to the public for comment.

Ms. Sandy Finch from Golden State College of Court Reporting approached the Board and thanked them for considering her proposal of March 1, 2014. She indicated that she has a goal of assisting students to receive financial aid for a longer time than they can under the current clock-hour program. She stated that she met with the public schools the day before, and there was a consensus that it takes four to five years on average for students to complete the court reporting program. The regulations currently require 2,960 hours, which equates to two and half years. She pointed out that the student brochure put out by the Board discloses to students that CSR school programs are designed to take three to four years. Ms. Finch finds that the discrepancy is harming students' ability to access financial aid beyond two and a half years. She added that Sage College and South Coast College are in agreement with her proposal.

Ms. Finch went on to say that the Department of Education (DOE) allows programs to increase their program hours up to 50% over the regulatory requirement over a two-year period, however, this would max the hours out at 4,440 clock hours. She stated that her proposal would bring the minimum required hours to 4,760, which would equate to a three-and-a-half-to-four-year program.

Ms. Hurt inquired what information was gathered from the discussion with the other schools. Ms. Finch responded that she left the meeting understanding that the public and private schools are in different categories and will probably be treated differently by DOE. She stated that she hopes the public schools will go to their financial aid directors and inquire how this proposal would affect them.

Ms. Lauren Soma of Sage College and Ms. Jean Gonzalez of South Coast College approached the public comment table. Ms. Soma stated that the federal regulations recently changed and has caused DOE to look at the Board's approved curriculum. She stated that she increased her hours with the DOE to three and a half years as Ms. Finch described. She supports the proposal of Ms. Finch because it would allow students to stay in school and complete their education. If students are not allowed to do so, there will be fewer CSRs. She indicated that the statistics show that 50% of students complete the program in more than the allotted time.

Ms. O'Neill asked if the increase in hours would benefit both the private and public schools, or would the two types of programs need different requirements. Ms. Soma responded that the public schools have indicated that it may affect them negatively because they would no longer be a two-year program. However, the program has never been a two-year program. Ms. Soma asked for the support of the Board and offered to meet with the Board to educate them on the federal regulations.

Mr. Liu asked for clarification on the number of students who complete the program in more than three and half years. Ms. Gonzalez provided an example by relaying that she sent 12 first-time students to the dictation examination being held concurrently with the Board meeting. Of the 12, only five finished in less than three years. Ms. Soma added that the

academic hours are fine, but more hours are needed in the machine speed-building category to develop the skill.

Ms. Lasensky inquired about the cap on the hours being requested. Ms. Soma responded that the machine hours would be increased from 2,300 hours to 4,100 hours and that the academic hours would remain at 660, bringing the total to 4,760. Ms. Lasensky asked if that is for both private and public. Ms. Soma stated that the Board regulates what is required, so if it is changed, it would apply to both.

Ms. Hurt asked if the schools had spoken with the DOE about how to help. Ms. Gonzalez indicated that DOE looks to the state law, which requires clock hours.

Ms. O'Neill requested clarification on the process for effecting such a change and the time frame. Ms. Fenner responded that a regulatory change would be required and would take approximately one year.

Ms. Margaret Ortiz from West Valley College, a public community college, stated her support for the private schools. She requested, however, the Board take more time to consider the proposal since not all of the potential issues are understood at this point. She indicated that the community college environment requires any program offered to be able to be completed in two years, which can be extended to two and a half. Although the students usually do take longer, they cannot say they are a four-year program in a two-year school. At this time, it appears that adding hours could essentially shut down the community college court reporting programs.

Ms. Ortiz stated that after discussing the proposal with Ms. Finch, the public schools all agreed to meet with their individual offices of instruction and financial aid offices to seek out additional information in order to make an educated decision. She expressed that one idea that had surfaced was to have out-of-class machine practice hours. Ms. O'Neill asked if the idea was to add that component to the regulations. Ms. Ortiz responded that she did not know if that was even a viable option. She understands that private schools have to track clock hours, but that her school is measured in units and then converted to clock hours as outlined in the course approval handbook of the State of California.

Ms. Hurt inquired as to the number of students enrolled at West Valley. Ms. Ortiz indicated that there are just fewer than 100 students in her program. They are hoping to increase that number in the near future with some new technological changes.

Ms. Gonzalez clarified that all proprietary schools are not clock-hour institutions, which is why she and Ms. Soma advocated for a regulatory language change at the last Board meeting. They measured their programs in clock hours and credits until DOE required them to take out the credits.

Ms. Fenner asked the schools if proposing a range of hours in the regulations would benefit the schools. Ms. Soma responded that DOE would need to be consulted to confirm doing so would meet the needs of the schools' requirements with them.

Ms. O'Neill inquired if the regulations could include separate requirements for the private schools and public schools. Ms. Scott responded that there is nothing in code that would

prohibit doing so. An argument would have to be made as to why the differentiation is wanted.

Mr. Kevin Magner of South Coast College expressed that state regulation is dictating the time frame. However, the brochure indicates that the requirement set forth is a "minimum" number of hours. He suggested the Board look into whether or not the wording would make a difference with DOE. He then provided statistics from the Board's three separate examinations over the past five years for all the recognized schools (see Attachment 2).

Ms. O'Neill inquired if the Board could direct the executive officer to review the issues in the sense of creating a change to the code of regulations, asking when the time would start running. Ms. Fenner responded that it would not be until the request is filed with the OAL. Ms. Scott added that the request is not filed until the Board provides approved language.

Ms. Soma inquired how the public schools, specifically West Valley College, are keeping students in school after two and a half years when they are already facing a repeatability issue. Ms. Ortiz responded that her program has different academic components with each speed building course. Each speed can be taken up to four different times because they are four different course numbers. She indicated that each prospective student is informed that the program takes an average of four years, although they do have students finish sooner. Just like the private school students, once they have completed the required hours, their financial aid runs out.

Ms. Ortiz added that some of her students are working as CART providers on campus. This is a valuable service being offered that may not show up in statistics. Ms. Soma suggested Ms. Ortiz look into enrolling students into a CART certification program to give more hours toward financial aid.

Ms. Soma expressed that the problem with financial aid is a national problem.

Mr. Liu asked how a clock hour translates to a unit. Ms. Ortiz explained that one unit of lecture translates into 18 hours for that semester. Scheduled, supervised lab translates one unit to 54 hours. Mr. Liu asked if the units are converted to hours or hours to units. He also inquired how DOE handles this. Ms. Ortiz responded that the private schools may know more about how DOE views the hours; however, in the community college arena the units and hours have a symbiotic relationship. West Valley has ensured that the hours required by the Board coincide with the units and hours for their program. Ms. Gonzalez stated that her degree-granting institution uses a formula of 12 hours to 1 lecture credit, and 24 hours to 1 lab credit. She suggested Ms. Ortiz present an increase of lab hours for credit to her administration.

Ms. Kramm suggested that schools offer a two-year CART program, a two-year captioning program, and a two-year court reporting program to give students six years on a machine. Ms. O'Neill commented that Ms. Kramm's idea was great, but indicated that the Board does not have jurisdiction over CART and captioning.

Ms. Vycki Morgan of Cerritos College indicated that an increase in lab hours means the school has to pay the instructor for more hours. Unfortunately, that will not happen in community colleges. She added that each college has an individual curriculum which takes a year to have approved plus additional time to implement. She did, however, like the idea

of having a range of required hours and validating out-of-class practice. There can possibly be three categories: 1) academics, 2) time on the machine in the classroom, and 3) time on the machine outside of class.

Ms. Lasensky asked what the Board's next move would be procedurally. Ms. Scott indicated that the Board would have to make a decision within 30 days to adopt the petition as is, not adopt it, or adopt it with modifications.

Ms. O'Neill commented that she sees the urgency in the proposal; however, discussions are needed between stakeholders. She suggested the schools come together and either propose language that works for both private and public schools or explore the option of having two separate requirements. Ms. Hurt agreed that language covering both groups would be best.

Mr. Howard, Deposition Reporters Association (DRA), stated that DRA withdrew their petition at the November 2013 Board meeting because they did not know if the regulatory change would satisfy the requirements of DOE. It is often challenging to obtain information from DOE as to what they want. He suggested that the Board may be more successful in getting DOE to be forthcoming with the necessary information.

Ms. Scott pointed out the CCR Section 2411 requires "not less than" 2,300 hours of machine shorthand. She, therefore, questioned what type of language should be proposed with the change to 4,100 when the language currently allows for more than 2,300 hours.

Ms. O'Neill again suggested that the schools meet to come up with a course of action that can be agreed upon by everyone. Ms. Fenner indicated that the instructors have agreed to go back to their administrations and financial aid offices to make informed decisions.

Ms. Soma commented that the schools have to face many requirements from different entities. She stated that it will be difficult for all of the programs to come up with something that will fit everyone because each school has their own battles with administration and accrediting bodies. She added that she would like it to be recognized that court reporting is a four-year program.

Ms. Kelly Emerick of Golden State College of Court Reporting suggested that two-year programs have a minimum requirement of 2,960 and private schools have a four-year program of 4,400. Ms. Fenner indicated that it may be difficult from a regulatory standpoint to justify different curriculum for different types of schools.

Mr. Liu asked if the DOE ignores the fact the requirement is a minimum. Ms. Finch responded that DOE sees just the number of hours required, and that is "the" number they apply to court reporting. Mr. Howard reiterated that opening the lines of communication between DOE and the Board may offer opportunities to resolve this issue. Ms. Ortiz supported the idea of the Board contacting DOE and suggested the Board request an extension during the solution process.

Ms. Lasensky asked if it is appropriate for Board staff to contact DOE. Ms. Scott indicated that it would be legally permitted. She added that the Board needs to address the petition before the Board before directing staff to take any other action.

Ms. Lasensky moved to adopt the proposal to increase the clock hours from 2,300 hours to 4,100 hours. No second. **MOTION FAILED.**

Ms. Kramm moved to not adopt the proposal presented by Ms. Finch at this time. Second by Mr. Liu. **MOTION CARRIED.**

Ms. Lasensky moved to direct staff to contact DOE to request a grace period and get clarification on what their requirements really are. Ms. O'Neill amended the motion to also request staff to propose language to modify the regulations surrounding the issue of clock hours. Second by Mr. Liu. **MOTION CARRIED.**

Ms. Hurt expressed concern that the schools still need to be involved in relating what they need. Ms. Fenner suggested that she contact DOE first to inquire about any possible solutions and then present those to the schools. Ms. Hurt and Mr. Liu urged the schools to talk to their administrations to enable them to make decisions in consideration of the timing of the regulatory process.

The Board then returned to the regular order of the agenda by moving to Agenda Item II, Minutes of November 19, 2013 Meeting.

IX. RESOLUTION FOR REAGAN EVANS

Ms. O'Neill referred to the resolution for Ms. Evans as presented on page 73 of the Board agenda packet and read it into the record. Unfortunately, Ms. Evans was unable to attend the Board meeting to personally receive the resolution.

Ms. Lasensky moved to adopt the resolution of Reagan Evans. Second by Mr. Liu.

Ms. Lasensky stated that Ms. Evans was a great Board member. Ms. O'Neill added that Ms. Evans was the epitome of acting forthrightly and conscientiously. She always had the consumers in mind and looked at the global picture and was a true asset to the Board.

Ms. Kramm commented that Ms. Evans is very well-respected within the court reporting community as a reporter. She added that she is a very talented, smart woman.

MOTION CARRIED.

Ms. Fenner commented on behalf of staff what a pleasure it had been working with Ms. Evans, a caring, professional advocate for consumers. Her passion for court reporting and ethics served the Board well during her tenure. Her service has been greatly appreciated.

X. FUTURE MEETING DATES

Ms. Fenner reported that there is not a contract in place as of yet for the fall dictation examination, which will take place in Sacramento. Upon securing a date, staff will poll the Board for scheduling availability of a half-day meeting coupled with a full-day strategic planning session. She indicated that a Sacramento meeting would be the most economical, but it is not set in stone.

Ms. O'Neill asked if it was possible to meet in July. Ms. Fenner responded that staff is awaiting results of budgetary appropriations, but it may be possible.

XI. PUBLIC COMMENT

No comments were offered.

The Board took a break at 2:20 p.m. and convened into Closed Session at 2:30 p.m.

XII. CLOSED SESSION

The Board convened in Closed Session pursuant to Government Code sections 11126(a) and 11126(e)(2)(C).

- Moose vs. US Legal Case No. 1-14-CV-258886

Upon returning to open session at 2:46 p.m., Ms. O'Neill indicated that there was nothing to report from closed session.

XIII. ADJOURNMENT

Ms. O'Neill adjourned the meeting at 2:46 p.m.

TONI O'NEILL, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM II – Report of the Executive Officer

=====
Agenda Description: Report on:

- A. CRB Budget Report
- B. Transcript Reimbursement Fund
- C. Exam
- D. School Updates
- E. CRB Today Newsletter, Fall 2014
- F. BreEZe
- G. Regulatory Agency Collaboration Update
- H. Mandatory Training
- I. Sunset Review

=====
Support Documents:

- Attachment 1, Item A – Budget Report, Fiscal Month 4 Projection (2014/15)
- Attachment 2, Item A – Fund Condition Analysis for Fund 0771, CRB
- Attachment 3, Item A – Fund Condition Analysis for Fund 0410, TRF
- Attachment 4, Item C – Historical Examination Pass Rates
- Attachment 5, Item E – CRB Today, Fall 2014
- Attachment 6, Item H – Mandatory Training Schedule

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 11/18/2014
=====

Recommended Board Action: (Informational)

11/17/2014

**COURT REPORTERS OF CALIFORNIA - 0771
BUDGET REPORT
FY 2014-15 EXPENDITURE PROJECTION
Oct-2014**

| OBJECT DESCRIPTION | FY 2013-14 | | | FY 2014-15 | | | UNENCUMBERED BALANCE |
|--|--------------------------------|-----------------------------------|----------------|-------------------------------------|---------------|-------------------------|----------------------|
| | ACTUAL EXPENDITURES (MONTH 10) | PRIOR YEAR EXPENDITURES (MONTH 9) | BUDGET ACTUAL | CURRENT YEAR EXPENDITURES (MONTH 9) | PERCENT SPENT | PROJECTIONS TO YEAR END | |
| PERSONNEL SERVICES | | | | | | | |
| 003 Salary & Wages (Staff) | 225,414 | 68,794 | 233,018 | 80,454 | 35% | 242,346 | (9,328) |
| 063 Statutory Exempt (EO) | 84,989 | 28,060 | 84,180 | 28,620 | 34% | 85,860 | (1,680) |
| 033.04 Temp Help Reg (Seasonals) | 1,913 | 555 | 11,000 | 1,054 | 10% | 3,000 | 8,000 |
| 033.05/15/16 Temp Help (Exam Proctors) | | | | | | 0 | 0 |
| 063.01 Board Member Per Diem | 2,100 | | 7,310 | 100 | 1% | 2,100 | 5,210 |
| 083.00 Overtime | 8,485 | 3,099 | 6,000 | 3,305 | 55% | 10,000 | (4,000) |
| 103-137 Staff Benefits | 169,517 | 50,431 | 140,420 | 63,750 | 45% | 192,000 | (51,580) |
| TOTALS, PERSONNEL SVC | 492,418 | 150,939 | 481,928 | 177,283 | 37% | 635,306 | (53,378) |
| OPERATING EXPENSE AND EQUIPMENT | | | | | | | |
| 201.00 General Expense | 7,589 | 1,869 | 1,366 | (392) | -29% | 6,000 | (4,634) |
| 213.04 Fingerprint Reports | 510 | 196 | 9,449 | 196 | 2% | 700 | 8,749 |
| 226.00 Minor Equipment | | | 7,800 | | | 0 | 7,800 |
| 241.00 Printing (General) | 3,171 | 395 | 916 | 320 | 35% | 3,200 | (2,284) |
| 251.00 Communication | 5,211 | 1,224 | 1,160 | 1,011 | 87% | 5,200 | (4,040) |
| 261.00 Postage (General) | 10,461 | 3,894 | 5,516 | 3,680 | 67% | 11,000 | (5,484) |
| 271.00 Insurance | | | 0 | | | 0 | 0 |
| 291.00 Travel In State | 20,414 | 8,681 | 22,941 | 6,631 | | 20,000 | 2,941 |
| 311.00 Travel Out-of-State | | | | | | 0 | 0 |
| 331.00 Training | | | 2,517 | | 0% | 0 | 2,517 |
| 343.00 Facilities Operations (rent only) | 43,647 | 42,804 | 28,745 | 42,804 | | 42,804 | (14,059) |
| 41.00-347.00 Facilities Operations (lease surcharge & other) | | 211 | | 700 | | 6 | (6) |
| 361.00 Utilities | | | | | | 0 | 0 |
| 382.00 C & P Services - Interdept. | | | 1,883 | 0 | 0% | 0 | 1,883 |
| 402.00 C & P Services - External (General) | | 14,000 | 27,042 | 0 | 0% | 0 | 27,042 |
| 404.00 C & P Services - External (PSI Servcs LLC) | | | | | | 0 | 0 |
| DEPARTMENTAL SERVICES: | | | | | | | |
| 424.03 OIS Pro Rata | 90,017 | 46,076 | 84,568 | 42,284 | 50% | 84,568 | 0 |
| 427.00 Admin/Exec | 45,925 | 22,860 | 55,071 | 27,536 | 50% | 55,071 | 0 |
| 427.01 Interagency Services | | 33,900 | 83 | | 0% | 0 | 83 |
| 427.10 C & P Services (OPES IACs #77178-79) | | | | 38,226 | | 0 | 0 |
| 427.30 DOI-ProRata Internal | 1,467 | 726 | 1,720 | 860 | 50% | 1,720 | 0 |
| 427.34 Public Affairs Office | 1,696 | 1,022 | 1,679 | 840 | 50% | 1,679 | 0 |
| 427.35 CCED | 1,675 | 870 | 1,839 | 917 | 50% | 1,839 | 0 |
| INTERAGENCY SERVICES: | | | | | | | |
| 428.00 Consolidated Data Center (TEALE) | 43 | 14 | 3,251 | 12 | 0% | 100 | 3,151 |
| 32.00-449.00 DP Maintenance & Supply | 280 | | 1,578 | 1,538 | 97% | 3,000 | (1,422) |
| 438.00 Central Admin Svc-ProRata | 28,819 | 7,205 | 36,375 | 9,094 | 25% | 36,376 | (1) |
| EXAM EXPENSES: | | | | | | | |
| 206.20 Exam Supplies | | | 751 | | 0% | 0 | 751 |
| 207.20 Exam Freight | | | | | | 0 | 0 |
| 343.20 Exam Site Rental | 24,752 | 49,852 | 7,680 | 43,208 | 563% | 43,208 | (35,528) |
| 404.00 C/P Svcs-External (PSI Servcs LLC) | 14,662 | 14,160 | | 14,160 | | 15,600 | (15,500) |
| 404.01 C/P Svcs-External Expert Examiners | 18,047 | 9,339 | 30,479 | 7,284 | 24% | 22,000 | 8,479 |
| 404.03 C/P Svcs-External Subject Matter | | | | | | 0 | 0 |
| ENFORCEMENT: | | | | | | | |
| 394.00 Legal fees (excluding AG) | | | | | | 0 | 0 |
| 396.00 Attorney General | 33,015 | 22,493 | 127,172 | 10,328 | 8% | 40,000 | 87,172 |
| 397.00 Office Admin. Hearings | 19,267 | 267 | 15,573 | | 0% | 5,000 | 10,573 |
| 418.97 Court Reporters | 1,300 | | | | | 1,000 | (1,000) |
| 414.31/33/34 Evidence/Witness Fees | 7,875 | 2,688 | 25,793 | 3,250 | | 10,000 | 15,793 |
| 427.31-.32 DOJ - Investigations | | | | | | 0 | 0 |
| 452-472 Major Equipment | | | 0 | | | 0 | 0 |
| 545.00 Special Items of Expense | | | | | | 0 | 0 |
| 501.00 Other Items of Expense | | | 1,125 | | 0% | 0 | 1,125 |
| 609.00 Tort Payments | | | 0 | | | 0 | 0 |
| TOTALS, OE&E | 379,863 | 284,566 | 504,072 | 254,487 | 50% | 409,971 | 94,101 |
| TOTAL EXPENSE | 872,281 | 435,505 | 986,000 | 431,770 | 87% | 945,277 | 40,723 |
| 991937 00 Sched. Reimb. - External/Private | | | | | | | 0 |
| 991937 01 Sched. Reimb. - Fingerprints | | (98) | (17,000) | (245) | | (900) | (16,100) |
| 991937 02 Sched. Reimb. - Other | (4,551) | (235) | (1,000) | (470) | | (500) | (500) |
| 995888 01 Unsched. Reimb. - Other | | (1,140) | | (2,364) | | (2,500) | 2,500 |
| NET APPROPRIATION | 867,730 | 434,032 | 968,000 | 428,691 | 44% | 941,377 | 26,623 |
| SURPLUS/(DEFICIT): | | | | | | | 2.8% |

0771 - Court Reporters Board
Analysis of Fund Condition

11/17/2014

(Dollars in Thousands)

| | ACTUAL | CY | BY | BY+1 |
|---|----------------|----------------|----------------|----------------|
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
| BEGINNING BALANCE | \$ 1,370 | \$ 1,133 | \$ 799 | \$ 465 |
| Prior Year Adjustment | \$ -38 | \$ - | \$ - | \$ - |
| Adjusted Beginning Balance | \$ 1,332 | \$ 1,133 | \$ 799 | \$ 465 |
| REVENUES AND TRANSFERS | | | | |
| Revenues: | | | | |
| 125600 Other regulatory fees | \$ 19 | \$ - | \$ - | \$ - |
| 125700 Other regulatory licenses and permits | \$ 40 | \$ 39 | \$ 39 | \$ 39 |
| 125800 Renewal fees | \$ 892 | \$ 875 | \$ 875 | \$ 875 |
| 125900 Delinquent fees | \$ 18 | \$ 18 | \$ 18 | \$ 18 |
| 141200 Sales of documents | \$ - | \$ - | \$ - | \$ - |
| 142500 Miscellaneous services to the public | \$ - | \$ - | \$ - | \$ - |
| 150300 Income from surplus money investments | \$ 4 | \$ 3 | \$ 2 | \$ 1 |
| 150500 Interest Income From Interfund Loans | \$ - | \$ - | \$ - | \$ - |
| 160400 Sale of fixed assets | \$ - | \$ - | \$ - | \$ - |
| 161000 Escheat of unclaimed checks and warrants | \$ - | \$ - | \$ - | \$ - |
| 161400 Miscellaneous revenues | \$ - | \$ - | \$ - | \$ - |
| Totals, Revenues | \$ 973 | \$ 935 | \$ 934 | \$ 933 |
| Transfers to Other Funds | | | | |
| T00410 TRF per B&P Code Section 8030.2 | \$ -300 | \$ -300 | \$ -300 | \$ -300 |
| Totals, Revenues and Transfers | \$ 673 | \$ 635 | \$ 634 | \$ 633 |
| Totals, Resources | \$ 2,005 | \$ 1,768 | \$ 1,433 | \$ 1,098 |
| EXPENDITURES | | | | |
| Disbursements: | | | | |
| 0840 State Controller (State Operations) | \$ - | \$ - | \$ - | \$ - |
| 1110 Program Expenditures (State Operations) | \$ 868 | \$ 968 | \$ 968 | \$ 987 |
| 8880 Financial Information System for California (State Operations) | \$ 4 | \$ 1 | \$ - | \$ - |
| Total Disbursements | \$ 872 | \$ 969 | \$ 968 | \$ 987 |
| FUND BALANCE | | | | |
| Reserve for economic uncertainties | \$ 1,133 | \$ 799 | \$ 465 | \$ 111 |
| Months in Reserve | 14.0 | 9.9 | 5.7 | 1.3 |

0410 - Transcript Reimbursement Fund
Analysis of Fund Condition
(Dollars in Thousands)

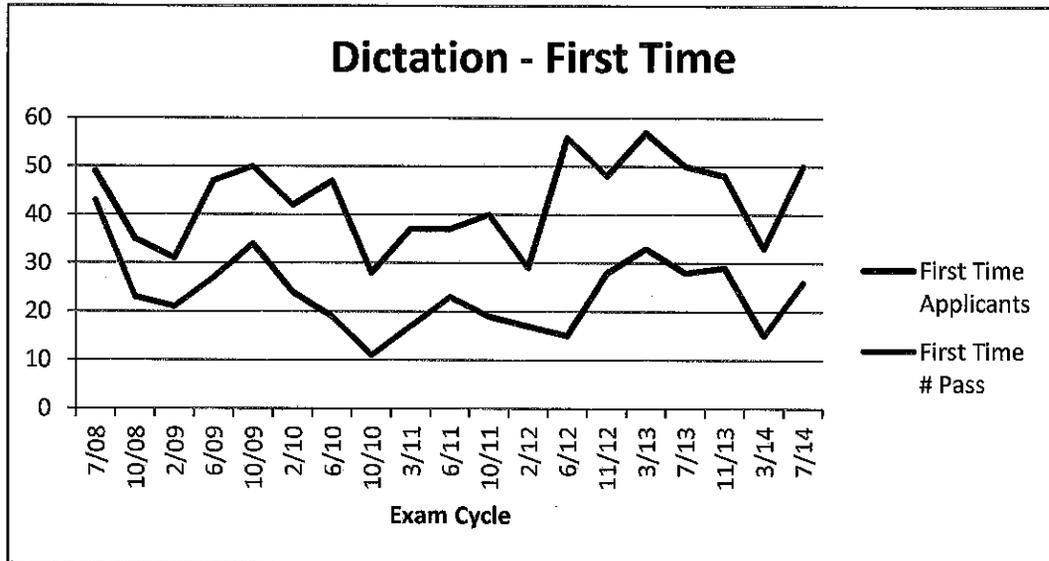
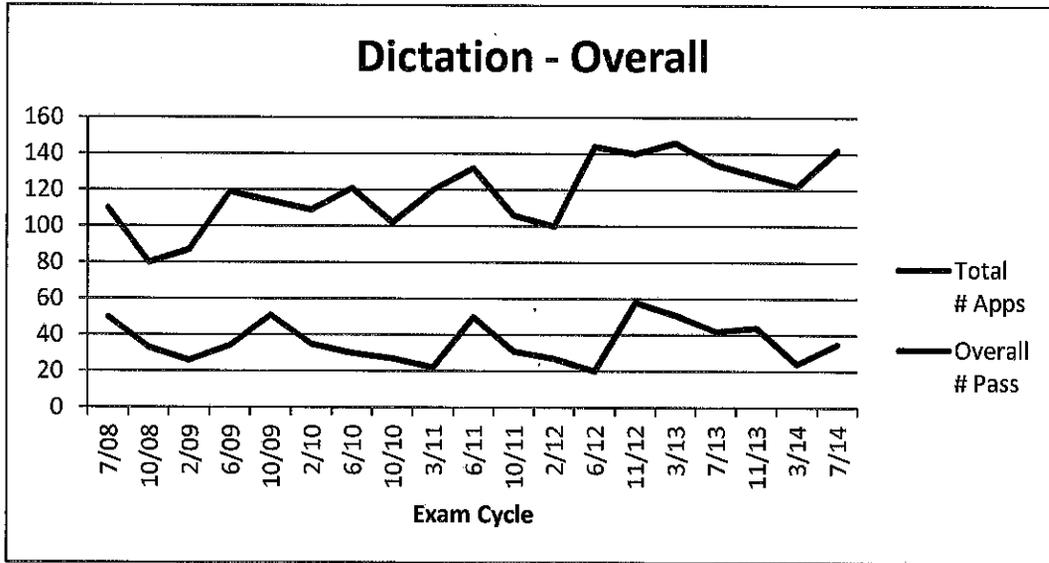
11/17/2014

| | ACTUAL 2013-14 | CY 2014-15 | BY 2015-16 |
|---|-------------------|---------------|---------------|
| BEGINNING BALANCE | | | |
| Prior Year Adjustment | \$ 319 | \$ 422 | \$ 408 |
| Adjusted Beginning Balance | \$ -2 | \$ - | \$ - |
| | \$ 317 | \$ 422 | \$ 408 |
| REVENUES AND TRANSFERS | | | |
| Revenues: | | | |
| 125600 Other regulatory fees | \$ - | \$ - | \$ - |
| 125700 Other regulatory licenses and permits | \$ - | \$ - | \$ - |
| 125800 Renewal fees | \$ - | \$ - | \$ - |
| 125900 Delinquent fees | \$ - | \$ - | \$ - |
| 141200 Sales of documents | \$ - | \$ - | \$ - |
| 142500 Miscellaneous services to the public | \$ - | \$ - | \$ - |
| 150300 Income from surplus money investments | \$ 1 | \$ 1 | \$ 1 |
| 160400 Sale of fixed assets | \$ - | \$ - | \$ - |
| 161000 Escheat of unclaimed checks and warrants | \$ - | \$ - | \$ - |
| 161400 Miscellaneous revenues | \$ - | \$ - | \$ - |
| Totals, Revenues | \$ 1 | \$ 1 | \$ 1 |
| Transfers from Other Funds | | | |
| F00771 Court Reporters Fund per B&P Code Section 8030.2 | \$ 300 | \$ 300 | \$ 300 |
| Totals, Revenues and Transfers | \$ 301 | \$ 301 | \$ 301 |
| Totals, Resources | \$ 618 | \$ 723 | \$ 709 |
| EXPENDITURES | | | |
| Disbursements: | | | |
| 0840 State Controller (State Operations) | \$ - | \$ - | \$ - |
| 1110 Program Expenditures (State Operations) | \$ 195 | \$ 315 | \$ 321 |
| 8880 Financial Information System for California (State Operations) | \$ 1 | \$ - | \$ - |
| Total Disbursements | \$ 196 | \$ 315 | \$ 321 |
| FUND BALANCE | | | |
| Reserve for economic uncertainties | \$ 422 | \$ 408 | \$ 388 |
| Months in Reserve | 16.1 | 15.3 | 14.2 |

Dictation Exam

| Exam Cycle | Total # Apps | Overall # Pass | Overall % Pass | First Time Applicants | First Time # Pass | First Time % Pass |
|------------|--------------|----------------|----------------|-----------------------|-------------------|-------------------|
| Jul 2008 | 110 | 50 | 45.45% | 49 | 43 | 87.76% |
| Oct 2008 | 80 | 33 | 41.25% | 35 | 23 | 65.71% |
| Feb 2009 | 87 | 26 | 29.89% | 31 | 21 | 67.74% |
| Jun 2009 | 119 | 34 | 28.57% | 47 | 27 | 57.45% |
| Oct 2009 | 114 | 51 | 44.74% | 50 | 34 | 68.00% |
| Feb 2010 | 109 | 35 | 32.11% | 42 | 24 | 57.14% |
| Jun 2010 | 121 | 30 | 24.79% | 47 | 19 | 40.43% |
| Oct 2010 | 102 | 27 | 26.47% | 28 | 11 | 39.29% |
| Mar 2011 | 120 | 22 | 18.33% | 37 | 17 | 45.95% |
| Jun 2011 | 132 | 50 | 37.88% | 37 | 23 | 62.16% |
| Oct 2011 | 106 | 31 | 29.25% | 40 | 19 | 47.50% |
| Feb 2012 | 100 | 27 | 27.00% | 29 | 17 | 58.62% |
| Jun 2012 | 144 | 20 | 13.89% | 56 | 15 | 26.79% |
| Nov 2012 | 140 | 58 | 41.43% | 48 | 28 | 58.33% |
| Mar 2013 | 146 | 51 | 34.90% | 57 | 33 | 57.90% |
| Jul 2013 | 134 | 42 | 31.30% | 50 | 28 | 56.00% |
| Nov 2013 | 128 | 44 | 34.40% | 48 | 29 | 60.40% |
| Mar 2014 | 122 | 24 | 19.70% | 33 | 15 | 45.50% |
| Jul 2014 | 142 | 35 | 21.80% | 50 | 26 | 44.00% |

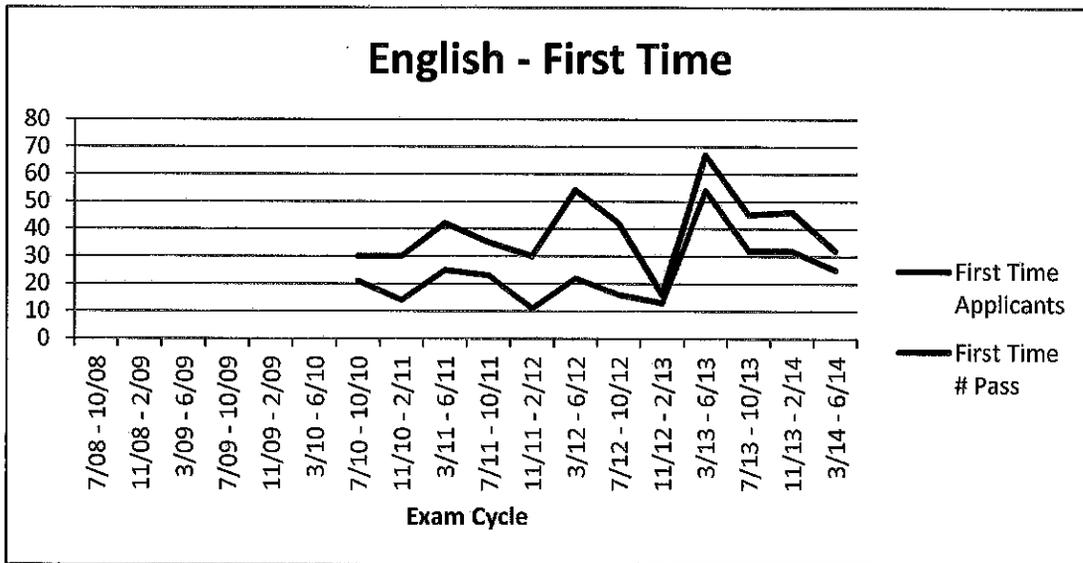
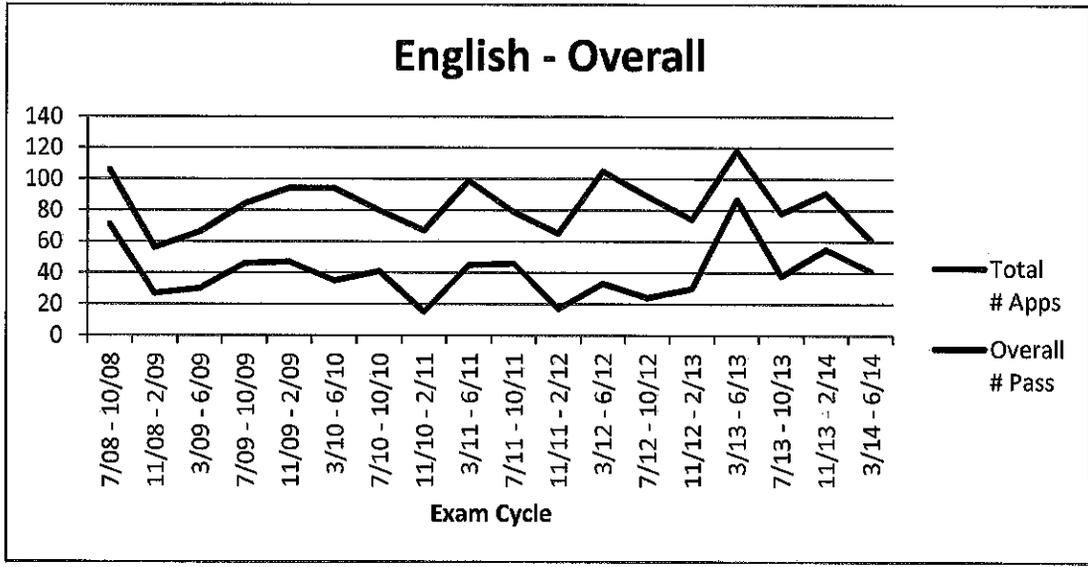
Dictation Exam



English Exam

| Exam Cycle | Total # Apps | Overall # Pass | Overall % Pass | First Time Applicants | First Time # Pass | First Time % Pass |
|---------------------|-----------------|-------------------|-------------------|--------------------------|----------------------|----------------------|
| Jul 2008 - Oct 2008 | 106 | 71 | 65.7% | | | |
| Nov 2008 - Feb 2009 | 56 | 27 | 48.2% | | | |
| Mar 2009 - Jun 2009 | 66 | 30 | 45.5% | | | |
| Jul 2009 - Oct 2009 | 84 | 46 | 54.8% | | | |
| Nov 2009 - Feb 2010 | 94 | 47 | 50.0% | | | |
| Mar 2010 - Jun 2010 | 94 | 35 | 37.2% | | | |
| Jul 2010 - Oct 2010 | 80 | 41 | 51.3% | 30 | 21 | 70.0% |
| Nov 2010 - Feb 2011 | 67 | 15 | 22.4% | 30 | 14 | 46.7% |
| Mar 2011 - Jun 2011 | 99 | 45 | 45.5% | 42 | 25 | 59.5% |
| Jul 2011 - Oct 2011 | 79 | 46 | 58.2% | 35 | 23 | 65.7% |
| Nov 2011 - Feb 2012 | 65 | 17 | 26.2% | 30 | 11 | 36.7% |
| Mar 2012 - Jun 2012 | 105 | 33 | 31.4% | 54 | 22 | 40.7% |
| Jul 2012 - Oct 2012 | 89 | 24 | 27.0% | 42 | 16 | 38.1% |
| Nov 2012 - Feb 2013 | 74 | 30 | 40.5% | 16 | 13 | 81.3% |
| Mar 2013 - Jun 2013 | 118 | 87 | 73.7% | 67 | 54 | 80.6% |
| Jul 2013 - Oct 2013 | 78 | 38 | 48.7% | 45 | 32 | 71.1% |
| Nov 2013 - Feb 2014 | 91 | 55 | 60.4% | 46 | 32 | 69.6% |
| Mar 2014 - Jun 2014 | 61 | 41 | 67.2% | 32 | 25 | 78.1% |

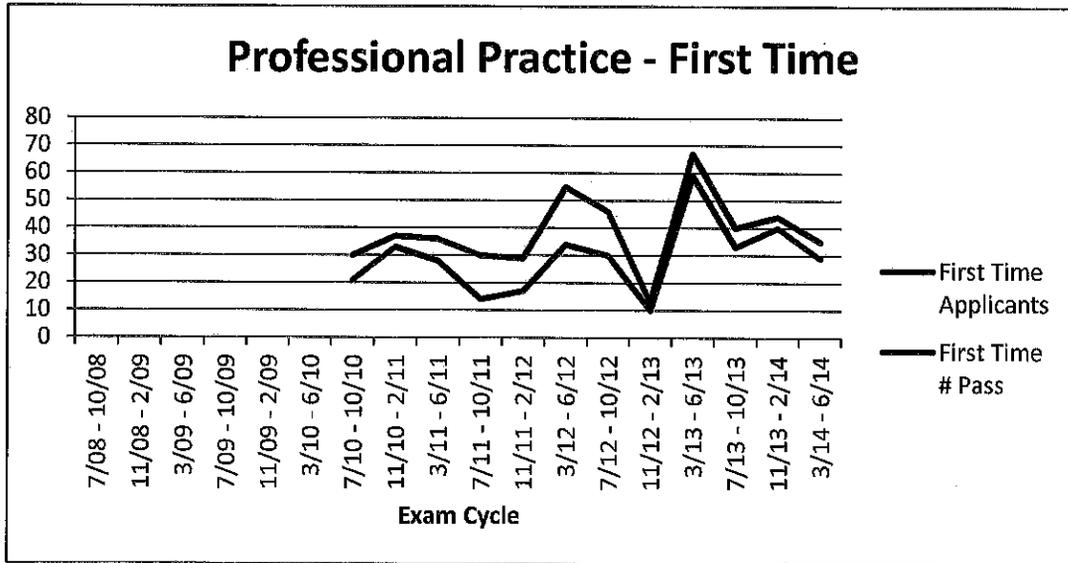
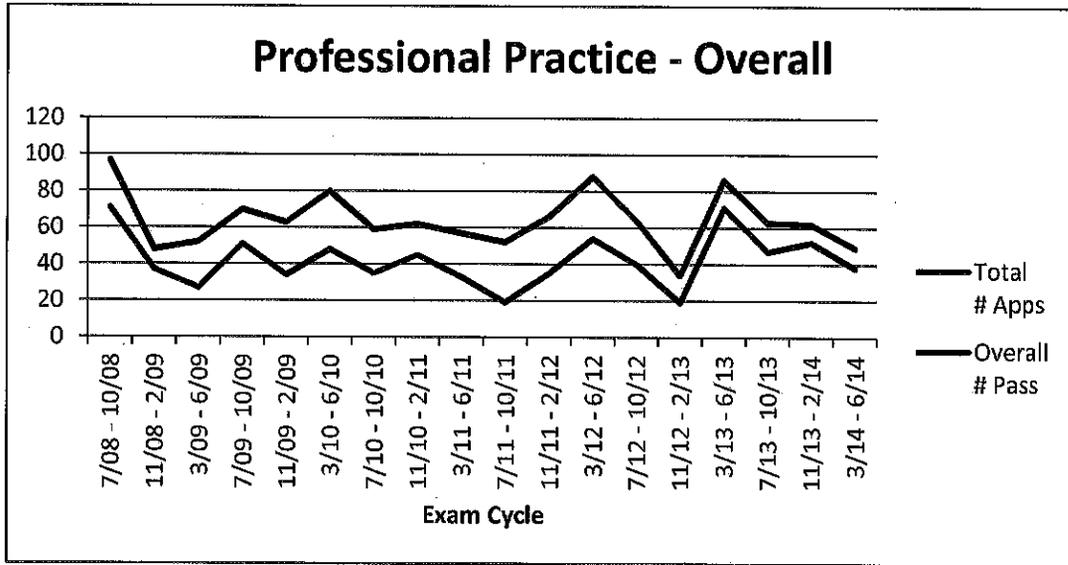
English Exam



Professional Practice Exam

| Exam Cycle | Total # Apps | Overall # Pass | Overall % Pass | First Time Applicants | First Time # Pass | First Time % Pass |
|---------------------|-----------------|-------------------|-------------------|--------------------------|----------------------|----------------------|
| Jul 2008 - Oct 2008 | 97 | 71 | 73.2% | | | |
| Nov 2008 - Feb 2009 | 48 | 37 | 77.1% | | | |
| Mar 2009 - Jun 2009 | 52 | 27 | 51.9% | | | |
| Jul 2009 - Oct 2009 | 70 | 51 | 72.9% | | | |
| Nov 2009 - Feb 2010 | 63 | 34 | 54.0% | | | |
| Mar 2010 - Jun 2010 | 80 | 48 | 60.0% | | | |
| Jul 2010 - Oct 2010 | 59 | 35 | 59.3% | 30 | 21 | 70.0% |
| Nov 2010 - Feb 2011 | 62 | 45 | 72.6% | 37 | 33 | 89.2% |
| Mar 2011 - Jun 2011 | 57 | 33 | 57.9% | 36 | 28 | 77.8% |
| Jul 2011 - Oct 2011 | 52 | 19 | 36.5% | 30 | 14 | 46.7% |
| Nov 2011 - Feb 2012 | 66 | 35 | 53.0% | 29 | 17 | 58.6% |
| Mar 2012 - Jun 2012 | 88 | 54 | 61.4% | 55 | 34 | 61.8% |
| Jul 2012 - Oct 2012 | 64 | 40 | 62.5% | 46 | 30 | 65.2% |
| Nov 2012 - Feb 2013 | 34 | 19 | 55.9% | 13 | 10 | 76.9% |
| Mar 2013 - Jun 2013 | 86 | 71 | 82.6% | 67 | 59 | 88.1% |
| Jul 2013 - Oct 2013 | 63 | 47 | 74.6% | 40 | 33 | 82.5% |
| Nov 2013 - Feb 2014 | 62 | 52 | 83.9% | 44 | 40 | 90.9% |
| Mar 2014 - Jun 2014 | 49 | 38 | 77.6% | 35 | 29 | 82.9% |

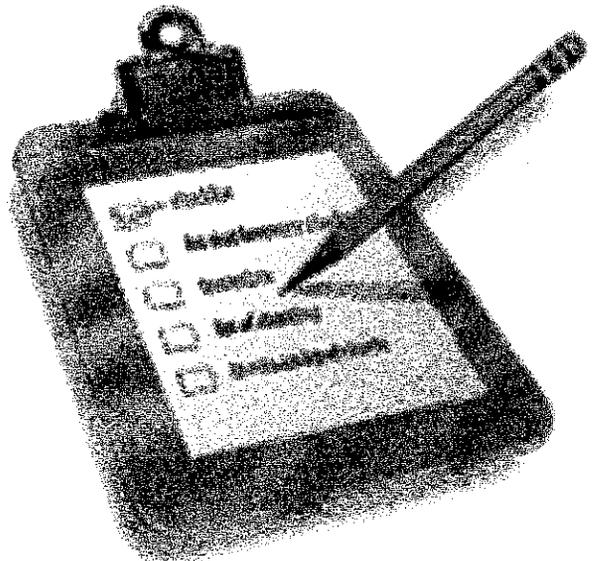
Professional Practice Exam



Board Member Required Training & Forms

California law requires all DCA Board Members to complete:

- **Board Member Orientation Training** (Full Day – Classroom)
Complete within one year of assuming office (including reappointment to second term).
- **Ethics Training** (Approximately 2 Hours– Online)
Complete within first six months of appointment and repeat every two years throughout term.
- **Sexual Harassment Prevention Training** (Approximately 2 Hours – Webinar)
Complete during “compliance years,” which for DCA are the odd numbered years (i.e., 2015).
- **Defensive Driver Online Training** (Approximately 2.5 Hours – Online)
Complete once every four years. Required for all state employees and appointed members who drive a vehicle on official state business.
- **Form 700 – Statement of Economic Interest & Conflict of Interest Filing (Form)**
 - File Assuming Office Statement within 30 days of appointment;
 - File Annual Statement by April 1 every year; and
 - File Leaving Office Statement within 30 days of leaving the Board.



COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM III – Enforcement Report

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Agenda Description: Update of Enforcement Activity.

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Brief Summary:

Enforcement Reports – Monthly reports indicating complaint, investigation and enforcement action statistics.

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Support Document:

Attachment 1 – Final FY 2013/14 Enforcement Report
Attachment 2 – First Quarter FY 2014/15 Enforcement Report

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Fiscal Impact: None

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Report Originator: Connie Conkle, 11/17/2014

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Recommended Board Action: Informational.

Consumer Protection Enforcement Initiative Fiscal Year 2013-2014 Enforcement Report Final

Complaint Intake

| Complaints | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|---|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Received | 14 | 4 | 10 | 9 | 3 | 5 | 10 | 9 | 11 | 4 | 8 | 14 | 101 |
| Closed without Assignment for Investigation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Assigned for Investigation | 14 | 4 | 10 | 9 | 3 | 5 | 10 | 9 | 11 | 4 | 8 | 14 | 101 |
| Average Days to Close or Assign for Investigation | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Pending | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0* |

| Convictions/Arrests/Reports | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|-----------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Received | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 5 |
| Closed | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 5 |
| Average Days to Close | 0 | 157 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 127 | 166 | 0 | 150 |
| Pending | 1 | 0 | 1 | 1 | 1 | 2 | 2 | 2 | 3 | 2 | 1 | 1 | 2* |

Investigation

| Desk Investigation | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|---|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Initial Assignment for Desk Investigation | 14 | 4 | 10 | 9 | 3 | 5 | 10 | 9 | 11 | 4 | 8 | 14 | 101 |
| Closed | 10 | 13 | 5 | 10 | 4 | 5 | 12 | 5 | 8 | 14 | 6 | 9 | 101 |
| Average Days to Close | 35 | 47 | 61 | 97 | 53 | 80 | 103 | 41 | 43 | 94 | 45 | 61 | 63 |
| Pending | 25 | 16 | 21 | 20 | 19 | 19 | 17 | 21 | 24 | 14 | 16 | 21 | 19* |

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

| All Investigation | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|-----------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Closed | 10 | 13 | 5 | 10 | 4 | 5 | 12 | 5 | 8 | 14 | 6 | 9 | 101 |
| Average Days to Close | 35 | 47 | 61 | 97 | 53 | 80 | 103 | 41 | 43 | 94 | 45 | 61 | 63 |
| Pending | 25 | 16 | 21 | 20 | 19 | 19 | 17 | 21 | 24 | 14 | 16 | 21 | 19* |

*Average number of cases pending per month

Enforcement Actions

| AG Cases | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--------------------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| AG Cases Initiated | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 1 | 0 | 10 |
| AG Cases Pending | 13 | 12 | 17 | 17 | 16 | 12 | 12 | 10 | 11 | 9 | 11 | 9 | 12* |
| SOIs/Accusations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
| SOIs Filed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| SOIs Withdrawn | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOIs Dismissed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOIs Declined | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Average Days to Complete SOIs | 0 | 0 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 38 |
| Accusations Filed | 1 | 0 | 3 | 1 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| Accusations Withdrawn | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Accusations Dismissed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accusations Declined | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Average Days to Complete Accusations | 225 | 0 | 159 | 52 | 251 | 118 | 0 | 0 | 0 | 0 | 0 | 0 | 161 |

| Decisions/Stipulations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|----------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Proposed/Default Decisions | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 2 | 1 | 1 | 0 | 7 |
| Stipulations | 1 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 6 |

| Disciplinary Orders | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations) | 0 | 1 | 0 | 0 | 0 | 4 | 0 | 2 | 0 | 2 | 1 | 3 | 13 |
| Average Days to Complete | 0 | 1028 | 0 | 0 | 0 | 678 | 0 | 192 | 0 | 433 | 500 | 333 | 527 |
| Interim Suspension Orders | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Citations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Final Citations | 3 | 2 | 1 | 1 | 0 | 0 | 2 | 3 | 1 | 1 | 2 | 0 | 16 |
| Average Days to Complete | 26 | 48 | 27 | 12 | 0 | 0 | 65 | 60 | 19 | 67 | 16 | 0 | 38 |

*Average number of cases pending per month

Consumer Protection Enforcement Initiative Fiscal Year 2014-2015 Enforcement Report First Quarter

Complaint Intake

| Complaints | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|---|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Received | 7 | 10 | 10 | | | | | | | | | | 27 |
| Closed without Assignment for Investigation | 0 | 0 | 0 | | | | | | | | | | 0 |
| Assigned for Investigation | 7 | 10 | 10 | | | | | | | | | | 27 |
| Average Days to Close or Assign for Investigation | 1 | 1 | 1 | | | | | | | | | | 1 |
| Pending | 0 | 0 | 0 | | | | | | | | | | 0* |

| Complaints/Arrests Reports | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|----------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Received | 0 | 0 | 2 | | | | | | | | | | 2 |
| Closed | 0 | 0 | 0 | | | | | | | | | | 0 |
| Average Days to Close | 0 | 0 | 0 | | | | | | | | | | 0 |
| Pending | 1 | 1 | 3 | | | | | | | | | | 2* |

Investigation

| Desk Investigation | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|---|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Initial Assignment for Desk Investigation | 7 | 10 | 10 | | | | | | | | | | 27 |
| Closed | 3 | 18 | 11 | | | | | | | | | | 32 |
| Average Days to Close | 25 | 78 | 81 | | | | | | | | | | 61 |
| Pending | 25 | 17 | 16 | | | | | | | | | | 19* |

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

| All Investigation | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|-----------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Closed | 3 | 18 | 11 | | | | | | | | | | 32 |
| Average Days to Close | 25 | 78 | 81 | | | | | | | | | | 61 |
| Pending | 25 | 17 | 16 | | | | | | | | | | 19* |

* Average number of cases pending per month

Enforcement Actions

| AG Cases | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--------------------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| AG Cases Initiated | 0 | 0 | 0 | | | | | | | | | | 0 |
| AG Cases Pending | 9 | 9 | 9 | | | | | | | | | | 9* |
| SOIs/Accusations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
| SOIs Filed | 1 | 0 | 0 | | | | | | | | | | 1 |
| SOIs Withdrawn | 0 | 0 | 0 | | | | | | | | | | 0 |
| SOIs Dismissed | 0 | 0 | 0 | | | | | | | | | | 0 |
| SOIs Declined | 0 | 0 | 0 | | | | | | | | | | 0 |
| Average Days to Complete SOIs | 147 | 0 | 0 | | | | | | | | | | 147 |
| Accusations Filed | 1 | 0 | 0 | | | | | | | | | | 1 |
| Accusations Withdrawn | 0 | 0 | 0 | | | | | | | | | | 0 |
| Accusations Dismissed | 0 | 0 | 0 | | | | | | | | | | 0 |
| Accusations Declined | 0 | 0 | 0 | | | | | | | | | | 0 |
| Average Days to Complete Accusations | 511 | 0 | 0 | | | | | | | | | | 511 |

| Decisions/Stipulations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|----------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Proposed/Default Decisions | 0 | 0 | 0 | | | | | | | | | | 0 |
| Stipulations | 0 | 0 | 0 | | | | | | | | | | 0 |

| Disciplinary Orders | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations) | 0 | 0 | 0 | | | | | | | | | | 0 |
| Average Days to Complete | 0 | 0 | 0 | | | | | | | | | | 0 |
| Interim Suspension Orders | 0 | 0 | 0 | | | | | | | | | | 0 |

| Citations | July | August | Sept. | Oct. | Nov. | Dec. | January | Feb. | March | April | May | June | Total |
|--------------------------|------|--------|-------|------|------|------|---------|------|-------|-------|-----|------|-------|
| Final Citations | 0 | 2 | 3 | | | | | | | | | | 5 |
| Average Days to Complete | 0 | 108 | 182 | | | | | | | | | | 145 |

*Average number of cases pending per month

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM IV – Strategic Plan Update

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Agenda Description: Status updates on the Board’s Strategic Plan objectives

- A. Task Forces
1. Exhibit Handling
2. Interpreted Depositions

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Brief Summary:

At the November 19, 2013 Board meeting, Rosalie Kramm was appointed chairperson of the Exhibit Handling Task Force and the Interpreted Depositions Task Force. Both task forces met via videoconference on August 25, 2014. Best practices were discussed with subject matter experts from Northern and Southern California, and the proposed Best Practices documents are submitted for Board review and approval.

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Support Documents:

- Attachment 1 – Best Practices for Exhibit Handling for Depositions
- Attachment 2 – Best Practices for Interpreted Depositions
- Attachment 3 – Action Plan Time Line

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 11/17/2014

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Recommended Board Action: Staff recommends the Board adopt the Best Practice documents submitted by the respective task forces.



COURT REPORTERS BOARD OF CALIFORNIA

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Attachment 1
Agenda Item IV

DRAFT

BEST PRACTICES FOR EXHIBIT HANDLING FOR DEPOSITIONS

Physically Marking the Exhibit

- The object is to make it easy for someone later on looking through the exhibits to find the identifying label.
- Procedure – Confirm the use of this procedure with counsel before proceeding begins.
 - The exhibit is provided to the court reporter from counsel.
 - The court reporter marks the exhibit.
 - Court reporter announces the number of the exhibit (“Exhibit 1 is marked for identification” or “This is being marked as Exhibit 1”) and asks counsel, “May I present it to the witness?” or “Would you like it before the witness?”
- Labels
 - The use of exhibit labels is recommended over ink exhibit stamps.
 - Plain white labels are preferred over colored labels for best photocopying results.
 - Information on the label should include:
 - Exhibit number (numbers preferred over letters, but defer if there is attorney preference, numbers for plaintiffs/letters for defendants)
 - Witness last name
 - Court reporter’s license number
 - Date of proceeding
 - Label placement:
 - Labels should be placed in the lower right-hand corner of the exhibit, one inch from the bottom of the page and one inch from the right side of the page, taking care that nothing on the page is obstructed by the label.
 - With oversized documents, keep consistency in mind when choosing the location for the label.
 - If there is no blank space available on an exhibit for placement of a label, place the label on the back of the exhibit in the center, one inch from the top edge.
 - For objects other than paper, offer to place the label where it can be easily seen, but confirm with counsel before affixing the label. For objects where affixing a label is impossible, affix the label to a string tag and tie it on the object. Small items may be placed in an envelope, and affix the exhibit label to the envelope.
 - A photograph may be marked on the back or affixed to a blank 8-1/2x11 sheet of paper with labels attached on the paper to the side or the bottom of each photograph.

Tracking

- It is the responsibility of the court reporter to track exhibits and exhibit numbers.

Custody

- Original exhibits are to remain in the custody and control of the court reporter unless there is a stipulation otherwise by counsel because the original exhibits (or what was marked at the deposition) must be attached to the original transcript.

- If an exhibit is to be retained by counsel or the witness providing it (often related to unusual or bulky items), a stipulation should be placed on the record.
- If counsel requests the court reporter retain custody of an unusual or bulky item, the court reporter should ask for direction on the record who has permission to view it, if other parties must be notified of such a viewing, how long the item is to be retained, and what the final disposition of the item is to be.

Use of Previously Marked Exhibits

- If counsel shows the witness an exhibit that was previously marked at another deposition, the court reporter should clarify if the exhibit is being offered for the physical record of the present deposition or simply used for reference by the witness.

Electronic Exhibits

- Mark by reference only. No physical label or physical exhibit is attached unless counsel requests the attachment of a disk containing the electronic file.

Objection to Exhibit

- The court reporter is not the finder of fact and may not make a determination as to admissibility of an exhibit. If there is an objection to an exhibit being offered, the court reporter takes the exhibit and labels it. Before it is bound into the transcript, however, it is placed in an envelope and clearly labeled that it was objected to at the time it was presented. The attorneys can get direction from the Court whether the document is an exhibit.

Confidential Exhibits

- Any exhibit offered during the confidential portion of a deposition is considered confidential. Such exhibits are bound only with the confidential portion of the deposition transcript and not identified apart from number on the exhibit index of the open transcript.

Parentheticals

- Per California Code of Regulations Title 16, Division 24, Article 8, section 2473, parentheticals and exhibit markings of two lines or more shall contain no less than 35 characters per line.
- The language of the parenthetical should be kept as simple as possible. Example: (Exhibit 1 was marked for identification.)

Substitution of Documents

- If counsel wishes to substitute an exhibit for any reason, i.e., a clean copy of the exhibit or a duplicate was discovered and a new document is going in, whatever the situation is should be clearly stated in a stipulation, after which time the court reporter may do so.

Index

- The exhibit index should simply be entitled Exhibit Index or Deposition Exhibit Index unless other exhibits were specifically marked, i.e., plaintiff's or defendant's exhibits.
- The index should identify each exhibit number with a brief description of the exhibit including the type of document, date, Bates range, and the page at which it was marked.
- If the exhibit is retained by counsel or the witness, that information should be noted on the index.

- A separate index should be created for previously marked exhibits, including the exhibit number. No description is required. The page number at which it was first referenced may be included.
- In the case of confidential exhibits or any type of sealed exhibits, the full description of the document should be omitted from the open portion of the transcript. The full description should be included only in the confidential portion of the transcript. Confidential exhibits are included only with the confidential portion of the transcript. It is important to never e-mail exhibits containing confidential information, i.e., HIPAA information. A secure server or FTP repository should be set up to share exhibits containing confidential information.

Scenarios

- If an attorney becomes angry and leaves the deposition while the remaining attorney continues with a record, exhibits offered to the court reporter after another attorney leaves the room are to be accepted and attached to the deposition transcript.
- If the attorneys stipulate to no transcription of the stenographic notes of a deposition, any exhibits marked must be retained by the court reporter along with the stenographic notes so that in the event of a future order, the transcript will be complete with exhibits. Such exhibits may be scanned for storage if the attorneys so stipulate.
- If a case settles before the transcript is produced, the exhibits may be scanned and retained by the court reporter and the original returned to the noticing party.
- If a court reporting firm is utilized, the court reporter should send the original exhibits to the firm as quickly as possible via a reliable source which offers a tracing or tracking service. Delivery confirmation is recommended. Scanned exhibits are acceptable in cases of expedited orders, but original transcripts must contain original exhibits (or what was marked at the deposition).
- If a request is received to add an exhibit subsequent to the conclusion of the deposition, the court reporter may do so only with written stipulation of all parties.
- If a doctor refuses to release his file which has been marked as an exhibit to the custody of the court reporter, state clearly on the record that a copy service will be sent and who will be responsible for those arrangements. It should be noted in the exhibit index that the exhibit provided to the court reporter will be a copy of the file.
- In the case of an exhibit which was to be provided to the court reporter after the conclusion of the deposition but was never provided, the court reporter should contact the parties letting them know that the exhibit has not been received and that the transcript will be held until a date certain, after which time the transcript will be delivered. If the transcript goes out without such an exhibit, that information should be clearly identified on the exhibit index, i.e., (Exhibit marked but not provided). The identification parenthetical in the body of the transcript should read (Exhibit identified for the record but not provided).



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**Attachment 2
Agenda Item IV**

DRAFT

BEST PRACTICES FOR INTERPRETED DEPOSITIONS

The court reporter begins by swearing in the interpreter.

- Suggested language: Do you solemnly state or affirm that the interpretation you are about to provide from English to (insert foreign language) and from (insert foreign language) to English shall be true and correct to the best of your ability?
- Suggested parenthetical: (The interpreter was sworn to interpret from English to (insert foreign language) and from (insert foreign language) to English to the best of his/her ability.)

The court reporter then swears in the witness as usual.

- Suggested parenthetical: (The witness was sworn in through the interpreter and testified as follows:)

Appearance Page – the following information regarding the interpreter should be included:

- Name
- Agency (if applicable)
- Phone number
- Certification number – Note: Government Code section 68561 requires that an interpreter present at a court proceeding be court certified. Depositions are court proceedings. Verification of interpreter certification is the burden of the hiring party.

Courtesy Provision of Realtime – it is often very helpful to the interpreter to have access to a realtime screen during the deposition.

Scenarios

- When an interpreter or questioning attorney begins to use the third person (i.e., "Ask him how old he is" or "He says he is 54"), this is set up as colloquy in the transcript. The court reporter should ask to go off the record in order to explain to counsel or the interpreter that for a clean record, everyone must speak in first person. Hint: In order to avoid such errors, as much as possible proceed with the depo as if the interpreter were not there.
 - Example:
 - Q. And what is your address?
 - A. 1234 West Main Street.
 - MR. SMITH: Ask him how old he is.
 - THE WITNESS: I'm 54.
 - Q. BY MR. SMITH: How old did you say you are?
 - THE INTERPRETER: He says he's 54.
 - Q. BY MR. SMITH: Do you have any children?
 - THE INTERPRETER: He said he has three.

- When an interpreter asks for clarification or additional information such as a spelling, it is set up as colloquy in the transcript.

- Example:

- Q. What is your current address?

- THE INTERPRETER: Excuse me, Counsel, what was the question?

- MR. SMITH: I asked him for his current address.

- THE WITNESS: 1234 West Main Street.

or

- Q. What is your current address?

- THE INTERPRETER: Excuse me, Counsel, what was the question?

- Q. BY MR. SMITH: What is your current address?

- A. 1234 West Main Street.

- When a witness uses both English and the foreign language, the court reporter must make the record clear as to which language is used. A parenthetical may be placed at the beginning of testimony such as (All answers through interpreter unless otherwise noted.), followed by a parenthetical noting when the witness answers in English.
 - Example:
 - Q. How many children do you have?
 - A. (In English) Three.
- When the court reporter knows the foreign language being spoken and knows that the interpretation is incorrect, the court reporter is not to interrupt to correct the interpretation. It is the onus of the parties present to provide a check interpreter. The court reporter's function is to capture the record, not create it.
- When there is no interpreter but one is needed or the interpreter is unintelligible, the court reporter must interrupt and advise the parties that there is no record being created. The court reporter can offer to call for another reporter. The court reporter may also place a realtime screen in front of the interpreter or the attorney so everyone can see what the court reporter is hearing.
- When there is clearly an issue with the interpretation, i.e., after a lengthy exchange between the interpreter and the witness after which the interpreter simply answers, "yes" or the interpreter and witness are speaking without interpretation, the court reporter is to report what is said in English. It is the responsibility of the attorney to clarify the record. No parenthetical is needed unless the record is confusing without it.
- If the questioning attorney understands the foreign language and asks the next question before the answer is interpreted, the court reporter should interrupt to ask for an interpreted answer.
- If a foreign word or short phrase is used, it is appropriate for the court reporter to ask for spellings through the interpreter on a break or at the end of the deposition. If a lengthy phrase is used, the court reporter should insert a parenthetical: (Witness speaks in foreign language).

| Action Items | Target Date | Status |
|--|--------------------|----------------------------|
| Appoint a technology task force, with consideration for travel restrictions, or through teleconferencing. | Apr-2012 | Initiated 4/27/12 Brd Mtg |
| Submit Budget Change Proposal. | | Ongoing |
| Create Board Task Force to explore continuing competency and find pathways for delivering information to the administration. | Apr-2012 | Initiated 4/27/12 Brd Mtg |
| Research economic impact and job trends for newsletter article. | | Completed |
| Establish a method to capture phone complaints in a call log. | Jun-2013 | |
| Research pledges from other professional licensing groups. | Jun-2013 | Completed |
| Develop content for the Best Practices Pointers. | Sep-2013 | Task Force appointed 11-13 |
| Contact the Outreach Unit Manager (John Brooks) to research which services they provide. | Oct-2013 | |
| Deliver Best Practices Pointers to the Publications & Design team. | Oct-2013 | |
| Discuss Facebook and Twitter options with OPA. | Oct-2013 | |
| Post Best Practices Pointers the Web-site and send inserts with renewal notices. | Nov-2013 | |
| Categorize complaint types through excel sheets, until BreEZe is released. | Dec-2013 | Completed |
| Establish an electronic records task force and identify legality of electronic signatures. | Jun-2013 | 11/2013 meeting |
| Work with OPA to create web-based vignettes to be posted to the Board's Web site | Jul-2013 | March 2014 |
| Review and update current disciplinary standards. | Aug-2013 | Completed |
| Receive Board approval on new disciplinary standards. | Oct-2013 | Completed |
| Educate consumers on the updated standards through the association meetings, newsletters, web site vignettes, etc. | Dec-2013 | Ongoing |
| Educate licensees regarding changes which will occur to the guidelines, newsletter, web vignettes, industry associations, etc. | Dec-2013 | Ongoing |

**Court Reporters Board of California
2012-2014 Action Plan Timeline**

| Action Items (cont.) | Target Date | Status |
|---|--------------------|------------------------------|
| Develop a task force to establish partnerships and create materials for best practices. | | Complete |
| Develop staff task force to work with industry associations in regards to continuing education. | Jun-2014 | |
| Develop standards for the integrity of an electronic record, including privacy issues. | Jun-2014 | Task Force appointed 11/2013 |
| Work with SOLID to discuss developing webinars for attorneys and litigants. | Jun-2014 | |
| Develop an online test regarding CRB statutes and regulations. | Dec-2014 | |
| Examine the feasibility of National Court Reporters Association (NCRA) credits for webinars. | Dec-2014 | |
| Submit rulemaking calendar. | | Complete |
| Continue conducting information sessions in conjunction with industry events when travel restrictions allow. | | Ongoing |
| Develop a strategy as needed for supporting oversight regulation of court reporting firms as approved by the Board in 2008. | | Ongoing |
| Develop reports as needed. | | Ongoing |
| Go through rulemaking process to change enforcement regulations as needed. | | Ongoing |
| Monitor claims for trends for Transcript Reimbursement Fund. | | Ongoing |
| Network with schools when travel restrictions allow. | | Ongoing |
| Review and monitor the action item list at every board meeting. | | Ongoing |
| Continue to meet with BreEZe team personnel in preparation for release in Fall 2013. | | Ongoing |
| Append FAQ information from the newsletter onto end of the web FAQ's. | | Semi-Annually |

AGENDA ITEM V – Report on Legislation

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Agenda Description:

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

SB 176 (Galgiani) – Administrative procedures. (Assembly Appropriations)

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would, in order to increase public participation and improve the quality of regulations, require state agencies, boards, and commissions to publish a notice prior to any meeting date or report, provided the meeting or report is seeking public input, as described.

SB 315 (Lieu) – (Completely amended; non-related issue)

****SB 1159 (Lara) – Professions and Vocations: License Applicants: Federal Tax Identification Number (Chaptered)**

This legislation allows licensees to use a federal taxpayer identification number in lieu of a social security number when applying for licensure. In addition, this legislation prohibits any program within the Department of Consumer Affairs from processing an application that omits these numbers.

****AB 186 (Maienschein) – Professions and vocations: military spouses: temporary licenses. (Senate Business, Professions and Economic Development) (Chaptered)**

Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license pursuant to the above-described provision. The bill would require the provisional license to expire after 18 months.

AB 365 (Mullin) – (Completely amended; non-related issue)

AB 655 – (Completely amended; non-related issue)

****AB 788 (Wagner) – Court transcripts. (Senate Judiciary)**

Existing law requires that transcripts prepared by a reporter using computer assistance and delivered on a medium other than paper be compensated at the same rate set for paper transcripts, except as specified. Existing law establishes certain fees for second copies of transcripts, as specified, including transcripts in computer-readable format. This bill would limit the reproduction provisions described above to computer-readable transcripts. This bill contains other existing laws.

****AB 1702 (Maienschein) – Delay or Denial of Licensure Due to Incarceration. (Chaptered)**

This legislation provides that an applicant shall not be subject to a delay in processing his or her application or a denial of the license due to the applicant completing some or all of the licensure requirements while incarcerated.

****AB 1711 (Cooley) – Economic Impact Assessment (Chaptered)**

This legislation requires the inclusion of an economic impact assessment in a rulemaking's initial statement of reasons and directs the Department of Finance to prepare instructions for agencies to use in preparing the assessment

****AB 2006 (Wagner) – Depositions: video recordings. (Assembly Judiciary)**

Existing law prescribes the procedure for taking oral depositions inside the state, including the procedure for recording a deposition by means of audio or video technology. At the trial or any hearing in an action, existing law authorizes the use of a deposition against a party for specified purposes. This bill would define "use of a deposition" to mean the use of a transcript or a video recording of the deposition testimony.

****AB 2396 (Bonta) – Denial of Licensure for Prior Convictions (Chaptered)**

This legislation provides that a person may not be denied licensure solely based upon a conviction that has been dismissed through specified Penal Code procedures.

AB 2487 (Wagner) – (Completely amended; non-related issue)

****AB 2720 (Ting) Requires State Agencies to Record Votes in Meeting Minutes (Chaptered)**

This legislation requires a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

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Support Documents:

Attachment 1 – Letter of opposition to AB 2006

Attachment 2 – Letter of opposition to AB 2487

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Report Originator: Yvonne Fenner, 11/17/2014

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COURT REPORTERS BOARD OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833
Phone (916) 263-3660 / Toll Free: 1-877-327-5272
Fax (916) 263-3664 / www.courtreportersboard.ca.gov



Attachment 1
Agenda Item V

April 17, 2014

Honorable Bob Wieckowski (Chair)
P.O. Box 942849, Room 4016
Sacramento, CA 94249-0025

Re: Opposition of Assembly Bill 2006

Dear Assemblyman Wieckowski:

The Court Reporters Board (CRB) of California opposes Assembly Bill 2006. It is the opinion of the Board that implementation of the changes proposed in AB 2006 would be detrimental to the California consumer. Substituting a video recording for a certified transcript gives the consumer no recourse if the question of the accuracy of the video recording is brought into question. Currently if there is an allegation of tampering of the certified transcript, the CRB has complaint processes in place in order to assist the consumer. The video recording field is completely unregulated and subject to no oversight whatsoever. When all appeal rights rest upon an accurate transcript prepared by a neutral third party, the proposed bill does not serve the consumer.

On behalf of the consumers of California, we respectfully request a no vote on Assembly Bill 2006.

Sincerely,

A handwritten signature in cursive script that reads 'Toni O'Neill'.

Toni O'Neill, Chairperson
Court Reporters Board

CC: Assembly Judiciary Committee Members
Department of Consumer Affairs Legislative Unit



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**Attachment 2
Agenda Item V**

April 3, 2014

Honorable Tom Ammiano (Chair)
Public Safety Committee
P.O. Box 942849, Room 3146
Sacramento, CA 94249-0017

Re: Opposition of Assembly Bill 2487

Dear Assemblyman Ammiano:

The Court Reporters Board of California opposes Assembly Bill 2487. It is the opinion of the Board that implementation of the changes proposed in AB 2487 would be detrimental to the flow of the judicial process and ultimately end up costing more because many transcripts would wind up being ordered on a more costly expedited basis when it is eventually discovered that no one has yet ordered the preparation of the transcript. Additionally the Board believes the rights of all defendants should be protected with the production of a timely transcript, not just those accused of homicide. The bill seems to add a sorting element, which does not sit well with our consumer protection mandate.

On behalf of the consumers of California, we respectfully request a no vote on Assembly Bill 2487.

Sincerely,

A handwritten signature in cursive script that reads 'Toni O'Neill'.

Toni O'Neill, Chairperson
Court Reporters Board

CC: Assembly Judiciary Committee Members
Department of Consumer Affairs Legislative Unit

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM VI – DRA Rulemaking Petition Related to Scope of Practice, Title 16 of the California Code of Regulations, section 2403(b)(3)

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Agenda Description: Possible Action

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Brief Summary: Section 11340.6 of the Government Code provides that any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation.

Petitioner Deposition Reporters Association (DRA) requests that the Board amend Title 16 of the California Code of Regulations (CCR), section 2403(b)(3). The full petition is included as Attachment 1.

The request from DRA is to amend section 2403(b)(3) to read:

(b)(3) Immediately notifying all parties attending the deposition of requests made by other parties for either an original or copies, the provision of rough drafts, partial transcripts, or expedited transcripts and offering or providing to all parties any deposition product or service, including but not limited to any transcription or any product derived from that transcription.

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Attachment: DRA Petition

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Report Originator: Yvonne Fenner, 11/17/2014

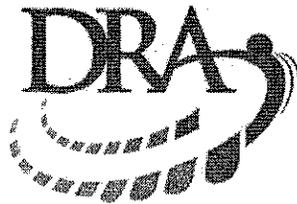
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Recommended Board Action: DRA raises several points in its proposed amendment.

1. The addition of the word “immediately” to the notification language. Staff questions the benefit of adding “immediately” to the notification language when there is no underlying statutory authority to set out a time line, nor is there a clear practicable definition for “immediately.” Staff sees this as an impossible standard to enforce.
2. Substitution of “rough drafts, partial transcripts, expedited transcripts and offering or providing to all parties any deposition product or service” for “copies.” This proposed change raises two issues for staff.
 - a. DRA objects strongly to notification of copy orders for the reasons listed in the petition. Staff notes that the requirement for notification of copy orders is pulled from the statutory language in California Code of Civil Procedure (CCP) 2025.570(b).
 - b. The addition of the specific items which would trigger a notification requirement is not comprehensive and serves no clarification purpose because the notification requirement for the proposed products/services is already contained within the Professional Standards of Practice, California Code of Regulations (CCR), Title 16, Division 24, Article 8, section 2475(b)(5).

Staff concludes that the proposed amendments create confusion rather than add clarification. CCR 2403 is a compilation of existing reporter responsibilities already set by statute throughout the CCP. Since various parties/participants (litigants, attorneys, official and freelance reporters, videographers, clerks, judges, et cetera) have responsibilities that are intermingled in the CCP, the Court Reporters Board has set out the scope of practice into one regulation, 2403. The creation of CCR 2403 ensures that licensees are fully aware of their individual duties and responsibilities and similarly to ensure that unlicensed entities are fully aware when they are engaging in activities and/or rendering services which are considered provision of shorthand reporting and thus require licensure.

Staff recommends that the petition be denied. If the Board finds that there is a problem that rises to the level of needing regulatory clarification, staff recommends finding an alternate place for such a regulation, i.e., the Standards of Practice, rather than the Scope of Practice.



**DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA, INC.**

October 15, 2014

Ms. Paula Bruning
Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

**Re: PETITION FOR RULEMAKING REGARDING REGULATIONS RELATED TO SCOPE
OF PRACTICE**

Dear Ms. Bruning:

In accordance with section 11340.6 of the California Government Code, the Deposition Reporters Association of California ("DRA") respectfully petitions the Board to amend Title 16 Division 24 of the California Code of Regulations, section 2403 ("section 2403"). To the extent that the filing of this petition on this date would require the Board to act on the petition before its next regularly scheduled meeting in December, as an accommodation to the Board, DRA waives the requirement of a response before that time.

DRA Supports Explaining A CSR's Scope In Regulations

It is useful to reflect a CSR's scope of practice in regulation, as the Board has done, so long as the regulations accurately reflect the duties and obligations of CSRs.

It is not intuitive that transcripts of what individuals say in depositions or prior court hearings would be admissible in court. Typically, writings reflecting out-of-court statements made by witnesses would be insufficiently reliable to be admitted as evidence and would be deemed to be inadmissible hearsay.

But, depositions (for example) are not out-of-court statements because depositions are not out-of-court proceedings. What makes what is said in a deposition a statement in a judicial proceeding is that they are reported not by an interested party or even a lay neutral one but by licensed court reporters who are "ministerial officers of the court," meaning officers charged with non-discretionary, *inherently judicial* duties. *Serrano v. Stefan Merli Plastering Co.* (2011) 52 Cal.4th 1018, 1021.

This is why the many court rules and statutes governing the licensure of CSRs exist -- to ensure the inherent reliability of what would otherwise be inadmissible hearsay.

Thus, California Code of Civil Procedure ("CCP") section 273 provides that official court transcripts done by official reporters are those that qualify as *prima facie* evidence not just of what occurred at a proceeding but evidence "of the testimony and proceedings" itself.

273(a) The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of that testimony and proceedings.

Said another way, transcripts that *are not* prepared in a fashion consistent with CCP section 273 (not prepared by official reporters or official reporters pro tempore) *are not* prima facie evidence of the “testimony and proceedings.” *See also*, CCP section 2025.620 (use of depositions at trial).

And, this is why the regulation of shorthand reporting is critical to the functioning of California’s judicial system. Depositions and other licensee-generated transcripts are a way for the court to weigh testimony without having to consume hearing time in an actual courtroom.

Moreover, the Legislature has embraced a definition of “regulation,” and thus a role for the Board, that seeks to invoke the Board’s expertise in addressing the gaps or ambiguities in state statutes. Addressing these gaps and ambiguities through the lens of the Board’s expertise is in point of fact the reason for issuing regulations, which is why courts defer to a regulator’s interpretations of statutes: (“A rule requiring the Secretary to construe his own regulations narrowly would make little sense, since he is free to write the regulations as broadly as he wishes, subject only to the limits imposed by the statute.” *Auer v. Robbins* (1997) 519 U.S. 452, 457–58, 462 (citations omitted)¹

For this reason, the Legislature defines “regulation” as

[E]very rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to **implement, interpret, or make specific** the law enforced or administered by it, or to govern its procedure.

Government Code section 11342.600 (emphasis supplied). *See also*, *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 571.

Currently, the Business & Professions Code (with emphasis added) broadly defines the scope of practice of a shorthand reporter as follows:

¹ “Here . . . the underlying regulation does little more than restate the terms of the statute itself . . . The Government does not suggest that its interpretation turns on any difference between the statutory and regulatory language. . . . The regulation uses the terms ‘legitimate medical purpose’ and ‘the course of professional practice,’ but this just repeats two statutory phrases and attempts to summarize the others. It gives little or no instruction on a central issue in this case: Who decides whether a particular activity is in ‘the course of professional practice’ or done for a ‘legitimate medical purpose’? Since the regulation gives no indication how to decide this issue, the Attorney General’s effort to decide it now cannot be considered an interpretation of the regulation. Simply put, the existence of a parroting regulation does not change the fact that the question here is not the meaning of the regulation but the meaning of the statute. An agency does not acquire special authority to interpret its own words when, instead of using its expertise and experience to formulate a regulation, it has elected merely to paraphrase the statutory language[.]” *Gonzales v. Oregon* (2006) 546 U.S. 243, 257, 268–69, 274 (citations omitted)

8017. The practice of shorthand reporting is defined as the making, by means of written symbols or abbreviations in shorthand or machine shorthand writing, of a verbatim record of any oral court proceeding, deposition, court ordered hearing or arbitration, or proceeding before any grand jury, referee, or court commissioner and the accurate transcription thereof. Nothing in this section shall require the use of a certified shorthand reporter when not otherwise required by law.

Thus, where the Legislature has not otherwise directed a contrary policy, the Board should strive to use the regulations to fill in gaps in current law, especially if technical or technological changes in the practice are not reflected in statute.

Against this summary backdrop, DRA would like to turn to the substance of this petition that seeks to correct errors in one part of the regulations that (i) do not reflect current law; (ii) do not reflect current practice; (iii) impose real and needless burdens on reporters while; (iv) offering no benefit to consumers.

REQUEST

DRA respectfully requests that section 2403(b)(3) of the Scope of Practice regulations be amended as follows:

(b)(3) Immediately notifying all parties attending the deposition of requests made by other parties for either ~~an original or copies,~~ the provision of rough drafts, partial transcripts, or expedited transcripts and offering or providing to all parties any deposition product or service, including but not limited to, any transcription or any product derived from that transcription.

Staff previously rejected this change in the prior regulatory proceeding as being without legal authority because the Scope of Practice regulations are supposed to “identi[fy] duties, not additional services.” The staff also commented that this requirement is in the Professional Standards of Practice and so does not need to be reflected within these regulations laying out a reporter’s scope of practice.

However, after a lengthy discussion, at the public hearing on the regulations, the Board seemed to invite this change, rejecting it only because to do so would have required the regulatory process to be re-booted.

For four reasons the change is urgently needed.

First, contrary to staff’s prior position that DRA’s request that the regulation delineate rough drafts and the like is about providing services, the regulation and DRA’s requested amendment address “[n]otifying” the parties about requests for transcripts, *not about actually providing* those transcripts, and the statute relied upon by DRA for its suggestion is likewise about *notice of services being provided, not* the provision of the services themselves.

Second, the listed kinds of transcripts proposed here should be included in the regulation. Their omission severely reduces the guiding and explanatory usefulness of the regulation and wrongly implies that the legal requirement of notice extends only to complete transcripts.

CCP section 2025.510(d) currently and broadly requires notification by reporters when “*any portion*” of a transcript has been requested by and will be provided to one party before another. That statute (with emphasis supplied) provides:

(d) If the deposition officer receives a request from a party for an original or a copy of the deposition transcript, **or any portion thereof, and the full or partial transcript will be available to that party prior to the time the original or copy would be available to any other party**, the deposition officer shall **immediately notify all other parties** attending the deposition of the request, and shall, upon request by any party other than the party making the original request, **make that copy of the full or partial deposition transcript available to all parties at the same time**.

The reference to a “partial” transcript is in the statute itself. Its omission from this regulation is unwarranted and, respectfully, poor regulatory practice.

A rough draft and an expedited transcript are forms of transcripts that, like partial transcripts, are “available... prior to the time the original or copy would be available” and can be made available to one party before another, giving one side an advantage over another, and, for that reason, notice to the parties when this is ordered reflects a reporter’s current mandatory statutory “duty”; it is not part of a catalogue of additional services.

Indeed, if a reporter failed to provide notice of a rough draft (for example) being ordered, the Board would likely entertain a complaint against the reporter. For this reason, by omitting references to the notice requirement related to these products and services, the scope of practice regulations in this instance are inconsistent with binding statute and likely even the Board’s own view of current law of what might subject a reporter to discipline.

Notifying all attending parties of the request for such transcription and making the same type of production and delivery available to all parties is a key requirement in the reporter’s provision of equal and impartial services to all parties. If the definition of “accurate transcription” is to include production and delivery, as it clearly must, then included within the scope of practice must be the requirement that all transcripts – roughs, partials and expedites – are “made available at the same time to all parties or their attorneys,” per CCP section 2025.340(d), and so notice of requests for these special-delivery transcripts must be called for to ensure a complete definition of transcription.

In sum, the draft regulations in these aspects fail to reflect arguably the most important facet of a reporter’s license; namely impartiality in what the reporter provides to litigants, meaning at least not giving one side in litigation an advantage over another. This is indisputably one of the most important features of a reporter’s scope – akin to a lawyer’s duty of zealous advocacy for a client – and the regulations are currently deficient in this regard by failing to reflect those

products and services for which notice to all parties is under current law required, especially when partial transcripts are explicitly mentioned in the statute.

Third, this notice requirement properly resides within regulations explaining a reporter's scope of practice. **State law specifically commands that a shorthand reporter provide this notice. What the law requires of a licensee is *ipso facto* within the scope of the licensee's practice.** Therefore, the scope of practice regulations should not omit this mandatory duty, as if it was not within a licensee's scope.

Fourth, the reference to "copies" simply *must be stricken*, as DRA proposes, because it is contrary both to law and common sense.

For excellent reason, the CCP contains no requirement for the deposition officer to notify a party when another party orders a copy by a standard delivery time. The code already ensures impartiality by requiring that copies be *made available* at the same time as the O&1. Based on CCP 2025.510(c), any party or deponent, at their expense, *is already entitled to obtain a copy when they want, and that availability begins at the same time for all, preserving impartiality without the reporter having to notify the other parties when one side decides, for its own idiosyncratic litigation reasons, that it actually wants a copy.*

Again, the reason the Code imposes a notice requirement on a reporter is because there is a timing advantage for one party in obtaining a deposition-derived product or service faster than the other parties. Here, *because the Code already ensures that copies are made available to all equally at the same time*, and lawyers are presumed to know the law (and in reality do at least in this instance), the only reason one side would suffer a timing disadvantage over another is if they elect for their own reasons not to obtain a copy as soon as it is available.

Bluntly put – that is not the reporter's problem and it should not be the reporter's obligation to remind lawyers via a Board-imposed notice requirement that appears nowhere in statute of what current law already clearly allows the parties and their counsel to do.

Additionally, there could easily be some undesirable results from requiring reporters to notify a party of the copy orders of all other parties. In giving notice of who ordered a copy, the reporter is also giving notice of who *didn't* order a copy, and in so doing the reporter could very likely be disclosing a strategic or economic decision by the non-ordering party. It happens with some frequency that a party will order a copy at a deposition while in the presence of his opponent parties and then will later contact the reporter to cancel that copy order. An attorney may attorneys will even stay after the deposition ends and wait until the other parties have left in order to cancel his copy order. This is often done when that party intends to settle the case soon but doesn't wish to give any hint of that intention to other counsel. Under this language, however, the reporter is now put in the unfortunate and perhaps inappropriate position of being required to notify all other counsel of this copy order being cancelled and, thereby, likely revealing the intention of this one party to the others.

It was never the intention of the CCP that parties all be notified of whether their opponents were ordering copies. That is why the Legislature has not provided for such notice. This reflects

common practice for, in most cases, orders for copies are placed at the deposition in the presence of all parties in attendance. And, of course, as pointed out above, the CCP already instructs that the noticing party is responsible for the preparation of the original, unless all parties agree otherwise. Thus, for the reporter to now notify all parties of that which has already been stated at the deposition is completely unnecessary and, frankly (and respectfully), absurd. The scope of practice regulations provide that reporters have to notify the attending parties *of facts already known to them*, which makes no sense. And, if there is later a change in the copy orders – as pointed out above—and a new copy order is made or one is cancelled, the reporter must notify everyone and call attention to what may be some strategic decision by a party, a position no reporter should be put in.

In the end, these requirements are not anything that would be beneficial to the consumers of reporting services, which is, after all, the CRB's central concern.

Fifth, another way the regulation at worst contradicts statute or at best is confusing is that there is no need for the reporter to notify any party in attendance about a request “for an original,” because CCP section 2025.510(a) already requires that the original transcript be prepared unless the parties agree otherwise. And if they agree otherwise, by definition they are notified of what they have agreed to. (“(a) Unless the parties agree otherwise, the testimony at any deposition recorded by stenographic means **shall be transcribed**”—emphasis added).

Hence, the Board's proposed language requiring a reporter to notify all parties of *original transcript orders* by other parties is contrary to existing Code. The Legislature believes that impartiality is amply preserved without the reporter having to interject herself into the tactical decision-making of what could be a huge, multi-party case by alerting all the parties when one orders a product that the others could likewise legally order at any time.

For this reason, it respectfully makes no sense in regulation to require the reporter to notify anyone – *let alone lawyers!* -- of that which the law already requires by default; namely, that the deposition “shall be transcribed.” Nor does it make sense for a reporter to notify parties of their own agreements.

Added to the above, not including the balance of the language in CCP 2025.510(d) related to notice being required “*if*” a transcript will be available early to one party is a serious misconstruction of the intent of this CCP section. As discussed above, there is no requirement in current law that the reporter notify all parties of what the other parties are ordering *unless* the order is for one of these special-delivery versions of the transcript (rough, partial or expedite). So a special request must be made for this notice to be required of the reporter. And “the request” that the reporter is required to give notice about is *not* the request for the original or a copy *but only for one of these special-delivery versions of the original or a copy*.

None of this is accurately reflected in regulations that purport to define the scope of a reporter's license.

If what staff believes is objectionably overbroad about DRA's proposed amendment is the final reference to any deposition product or service, including but not limited to, any transcription or any product derived from that transcription, then that phrase can be modified as follows:

(b)(3) **Immediately** notifying all parties attending the deposition of requests made by other parties for ~~copies, rough drafts, partial transcripts, or expedited transcripts and offering or providing to all parties any deposition product or service, including but not limited to, any transcription or any product derived from that transcription~~ where such a product or service would be governed by California Code of Civil Procedure section 2025.510(d).

Conclusion

DRA thanks the Board and its excellent staff for the opportunity to address these important issues and respectfully requests that its petition be granted.

Sincerely,

Ed Howard

Howard Advocacy, Inc.
on behalf of DRA

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM VII – Election of Officers

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Agenda Description: Election of Chair and Vice-Chair.
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Brief Summary:

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

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Support Documents:

Attachment 1 – Board policy on election of officers.

Attachment 2 – Chair and Board member duties.

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Report Originator: Paula Bruning, 11/17/2014
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Recommended Board Action: Hold elections.

ANNUAL MEETINGS

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

Adopted: August 1987

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Chairperson of the Board

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

Specific Duties and Responsibilities:

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

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Board Members

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

Specific Duties and Responsibilities:

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

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM VIII – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates.

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Support Documents:

Attachment – 2014 and 2015 Board Calendars

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Current scheduled activities:

Examination Workshops:

- January 9 – 10, 2015 – Sacramento
- January 16 – 17, 2015 – Sacramento
- February 27 – 28, 2015 – Sacramento
- March 13 – 14, 2015 – Sacramento

CSR Dictation Exam:

- March 20, 2015 – Los Angeles
- July 3, 2015 – Los Angeles
- November 20, 2015 – Sacramento

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Recommended Board Action: Information exchange.

**A YEAR-AT-A-GLANCE CALENDAR 2014
COURT REPORTERS BOARD OF CALIFORNIA**

JANUARY 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

FEBRUARY 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----------------|----|
| | | | | | | |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 Workshop | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | |

MARCH 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|---------------|----|
| | | | | | | |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 BD/Exam | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

APRIL 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----------------|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 Workshop | 26 |
| 27 | 28 | 29 | 30 | | | |

MAY 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

JUNE 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | | | | |

JULY 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----------------|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 Workshop | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 Workshop | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 Exam LA | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

AUGUST 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

SEPTEMBER 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

OCTOBER 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

NOVEMBER 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|----------------|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 Exam SAC | 28 | 29 |
| 30 | | | | | | |

DECEMBER 2014

| S | M | T | W | Th | F | S |
|----|----|----|----|-------------|-------------|----|
| | 1 | 2 | 3 | 4 BD SAC | 5 BD SAC | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| ACTIVITY | |
|---|---------------------------------------|
|  | BD - Board Meeting or Activity |
|  | Exam - Dictation Exam |
|  | Workshop - Exam Workshop |
|  | TF - Task Force Meeting |
|  | Shaded Dates - Board Office Is Closed |

| CITY | |
|------------------------|------------------|
| LA-LOS ANGELES | BAC-SACRAMENTO |
| SD-SAN DIEGO | SF-SAN FRANCISCO |
| GENERAL LOCATION | |
| NC-NORTHERN CALIFORNIA | |
| SC-SOUTHERN CALIFORNIA | |

**A YEAR-AT-A-GLANCE CALENDAR 2015
COURT REPORTERS BOARD OF CALIFORNIA**

JANUARY 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

FEBRUARY 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |

MARCH 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

APRIL 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

MAY 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

JUNE 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

JULY 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

AUGUST 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

SEPTEMBER 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

OCTOBER 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

NOVEMBER 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | | | | |

DECEMBER 2015

| S | M | T | W | Th | F | S |
|----|----|----|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| ACTIVITY | |
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| GENERAL LOCATION | |
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| SC-SOUTHERN CALIFORNIA | |

AGENDA ITEM IX – Public Comment

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Public members are encouraged to provide their name and organization (if any).
The Board cannot discuss any item not listed on this agenda, but can consider
items presented for future board agendas.

COURT REPORTERS BOARD MEETING – DECEMBER 5, 2014

AGENDA ITEM X – Closed Session

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Agenda Description:

Personnel Matters, Disciplinary Matters and Pending Litigation (As Needed)
[Pursuant to Government Code, sections 11126(a), and 11126(e)(2)(C)]

- Moose v. US Legal, Case No. 1-14-CV-258886 (Possible Action)

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 11/17/2014