

# CRB\* TODAY

COURT REPORTERS  
BOARD NEWSLETTER

GUARDING THE RECORD  
FOR CONSUMER PROTECTION



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

### *Justice In A Changing World*

Conventional wisdom validates change as the only constant in this ever-changing world. We are urged to approve of change, under the assumption that it leads to improvement. But what if change leads to a lowering of standards? What if it means more pollution, more poverty, and more destruction? Should change always be welcomed?

As a seasoned court reporter, I personally have embraced change in my career, moving from freelance firm owner to official court reporter at different times. Technology, too, was an area of change I took advantage of, being one of the earliest real-time reporters in the state. These changes were not always easy and each one brought its own challenges — along with opportunity. And isn't that always our challenge? If opportunity is only going to knock once, we need to be able to recognize it for what it is.

The Court Reporters Board (CRB) continues to deal with the shakeout from the widespread privatization of the state's civil courtrooms. Licensees as well as attorneys and litigants are seeking answers to how the changes are going to impact how business is done in our court system. As with any change, the challenge is in attending to the unintended consequences.

Also under the category of unintended consequence are the delays to the appellate process being caused by the flood of applications to the Transcript Reimbursement Fund by pro per litigants. The TRF pilot project was initiated in order to fully utilize the fund. When the first year's allotment was allocated within months, the Board received clear indication that demand was going to outweigh available resources. Applicable statutes mandate that we keep applications on file until additional funding becomes available. Now

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### *Board Members*

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it is no longer a pilot project, but a going concern. However, funding levels and statutes remain unchanged, so now that we are in the third year of the pro per portion of the TRE, you can imagine the backlog that has been inadvertently created. What no one foresaw was the impact to the appeal process. Many courts are allowing the appeal clock to stop ticking while the applications are in limbo, at first causing months-long delays, soon to be up to a year. Is justice delayed justice denied?

Perhaps we can take comfort in this quote from Phil Harvey: “In times like these it is good to remember that there have always been times like these.” While we may not welcome change for its own sake, clearly there are changes that affect each of us that are beyond our control.

As a constant in this sea of change, the CRB will continue to work diligently to help the consumer endure the many challenges affecting our judicial system. Our mission *hasn’t* changed: To protect the health, safety, and welfare of the public by ensuring the integrity of judicial records through oversight of the court reporting profession through testing, licensing and disciplining licensees and authorizing the minimum curriculum required by court reporting schools.

The integrity of our legal system rests on accurate records. Court reporters, and their Board, play an essential role in protecting that integrity. Change brings an opportunity to remember that.

### **Esteemed Board Member Moves On**

#### *CRB Seeks Applicants for Vacancy*



It is with regret that the Court Reporters Board says good-bye to longtime Board member Greg Finch, whose term has ended. Appointed by then-Governor Schwarzenegger in 2006, Mr. Finch has served on the Board through some tumultuous times in the court reporting industry, from attempts to replace official court reporters with electronic recording to attempts to eliminate the Board itself, from corporate jurisdiction issues to the privatization of many civil courtrooms statewide.

“Greg’s point of view was always a valuable addition to policy discussions,” noted Board Chair Toni O’Neill. “His ability to cut to the chase when sorting through issues will be sorely missed.”

Board Executive Officer Yvonne Fenner added that Mr. Finch was always willing to step in and do what had to be done for the Board, from chairing a task force or the Board itself, to testifying before the Legislature or meeting with representatives from the Governor’s Office. “Greg’s ability to clearly articulate the concerns and issues of the Board was a real asset,” said Ms. Fenner. “I’ve learned a lot from watching him in action, and he will be missed.”

Any member of the public who is not a licensed CSR and is interested in applying for the vacant seat can use the following link to reach the application on the Governor’s Web site: [http://gov.ca.gov/s\\_appointmentsapplication.php](http://gov.ca.gov/s_appointmentsapplication.php).

## New Board Member for the CRB

On February 26, 2013, Davina Hurt was appointed by Speaker of the Assembly John A. Pérez to serve on the Court Reporters Board. Ms. Hurt was licensed to practice law in 2005 and has a general law practice in the San Francisco Bay Area, handling both civil and criminal cases with a focus on property and securities law. She earned her J.D. at Santa Clara University School of Law and has a bachelor's degree from Baylor University in Waco, Texas. She is a member of the State Bar of California, Charles Houston Bar Association, Democratic Volunteer Center, Peninsula Swiss Club (publication editor), Belmont Chamber of Commerce Board of Directors, ABA-Government and Public Sector Lawyers Division, California Minority Counsel Program, and the City of Belmont High Speed Rail and Downtown Belmont Villages Committee.

Prior to growing a successful practice, Ms. Hurt was deeply involved in human rights, community justice, and environmental law. After studying at the University of Strasbourg, she drafted documents for the International Criminal Tribunal for Rwanda and worked for Bay Area Legal Aid in their emerging anti-predatory lending practice. Ms. Hurt served as a judicial extern for the Honorable Judge James Ware of the United States District Court of the Northern District of California and worked for Milberg, Weiss, Bershad, Hynes, and Lerach, LLP, on such notable securities and anti-trust cases as Enron, Bush Administration's Cross Border Trucking, and San Francisco Guns.

Ms. Hurt offered the following when asked what she feels she brings to the CRB: "Following my passion for community justice, I look forward to listening and honorably serving CRB members and the public at large. As an attorney, I truly understand the under-appreciated role licensed court reporters play in ensuring that the judiciary offers a fair and impartial place for the administration of justice. While those of means can overcome institutional shortcomings in our justice system, those without means are disproportionately dependent upon the institutions of justice to work fairly and impartially. To these ends, I will work hard to support, promote, and protect the consumers of court reporting services."

## Bump in Regulation Path

The amendment to the gift-giving regulation, Title 16 of the California Code of Regulations, section 2475(a)(8), has hit a slight bump in its path to the Office of Administrative Law. At the last Board meeting, additional comments were presented to the Board by the Deposition Reporters Association. Rather than wordsmith the changes on the spot, staff were directed to work on amended language to present to the Board at the next meeting.

Accordingly, the Board will consider the amended language on Friday, March 29, 2013, at its meeting at The Westin Los Angeles Airport at 10:30 a.m. Once language is approved by the Board, an additional 15-day public comment period will be held so that interested parties will have a chance to add their input into the process.

For the exact language of the proposed regulation change, please visit our Web site: [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) or contact Paula Bruning at [Paula.Bruning@dca.ca.gov](mailto:Paula.Bruning@dca.ca.gov).

## CSRs Needed for Exam Workshops

If you currently work as a CSR and your license is in good standing, *we need you*. The CSR exam development process involves a series of workshops that requires active CSR participation. Without valuable subject matter expert input, the workshops cannot take place, and without a good supply of test questions in the test bank, the CRB will not be able to continue to offer the written exam three times per year.

For the health and growth of the industry, please consider accessing the CRB calendar at [www.CourtReportersBoard.ca.gov](http://www.CourtReportersBoard.ca.gov) to see if any of the upcoming exam workshop dates might work for you. Each two-day workshop is held from Friday to Saturday in Sacramento. All travel accommodations are arranged by CRB staff. All workshop participants will be provided with a per diem rate of \$150 per day and travel expenses. Those living farther than 50 miles will also be reimbursed for hotel accommodations at the State approved rate.

Please pass this important message on to reporters you know. The future success of the CSR industry lies with you. For more information on participating in an exam workshop, contact Kim Kale at [Kim.Kale@dca.ca.gov](mailto:Kim.Kale@dca.ca.gov).

## Examination Statistics

Written Exams				
November 1, 2012 - February 28, 2013		Total	Pass	Overall %
English	Overall	74	30	40.5%
	First Timers	16	13	81.3%
Professional Practice	Overall	34	19	55.9%
	First Timers	13	10	76.9%
July 1, 2012 - October 31, 2012				
		Total	Pass	Overall %
English	Overall	89	24	27.0%
	First Timers	42	16	38.1%
Professional Practice	Overall	64	40	62.5%
	First Timers	46	30	65.2%

Dictation Exam			
November 2012	Total	Pass	Overall %
Overall	140	58	41.4%
First Timers	48	28	58.3%
June 2012	Total	Pass	Overall %
Overall	144	20	13.9%
First Timers	56	15	26.8%

## School Review Update

The CRB is busy reviewing the Phase I reports submitted by the recognized court reporting schools in California. We appreciate the cooperation we received when requesting the documentation on faculty qualifications, distance instruction, and academic and other classroom requirements.

As previously reported, the second part of the two-phase process will be the on-site school visits, which are planned for 2013; however, budget constraints may impact the timeline.

The reviews provide an opportunity for the CRB team and school administrators to exchange information and discuss current issues. It also allows the CRB team to observe and meet with students at all skill levels preparing for future careers as certified shorthand reporters.

## Student Spotlight

Opportunities sometimes come when you least expect them.

Marina Lyonesse learned about court reporting from her voice trainer in a professional vocal arts studio. Although she loved singing and music, she didn't want to make that her profession. Still, *she wanted something that was as interesting and intriguing to her as music.*

"I was employed by the vocal arts center for various tasks, and my trainer noticed my finger dexterity, speed and facility on the computer keyboard," Marina said. "She suggested court reporting as a profession, and pointed out how compatible it is with the training a singer undergoes."

For example, Marina had learned to see text as International Phonetic Alphabet: symbols representing the sounds she was going to make and the vocal actions she was going to take. "This is not a far cry from what a court reporter is doing to translate words into steno theory — also a form of symbols — and then out to the fingers for action, later translating back into words," she said. In the studio, she had also been studying languages. "Besides French, German, and Italian, that included constant work on English grammar, syntax, punctuation, and vocabulary. This would also be an emphasis in court reporting," she said.

Her stage experience was also a plus. "I am used to, and very comfortable with, being in front of the public, having to concentrate and focus, getting ready on time, and accomplishing whatever has to be done. In the studio I also studied behavioral psychology intensely, both for character and role preparation and also for being able to work with all types of people," she said.

In addition to this training, music students are required to be well-read in literature, history and philosophy. They also develop a deep vocabulary and sensitivity to language, along with hearing and listening, memory and retention

— all things that are required for court reporting. "I looked at the requirements for court reporting and felt this was something I could really be interested in and use all the skills I had already been working on," she said.

In 2006, Marina enrolled in the court reporting program at the College of Marin.

"I loved it and took to it readily," she recalled. "I talked to more advanced students about what it was like, visited courtrooms and watched pros at work, and decided this was just what I'd been looking for and could truly be interested and excited about this field. It was also nice to find so many wonderful and helpful people at all levels of the field. I felt I'd be in good company and in a good environment."

She quickly realized, though, that *a full-time commitment was needed to do it right.* She continued to work at the voice center and as a server in fine restaurants to put aside money to attend a full-time court reporting program. By 2010, she was ready.

"I continue to earn room and board at the voice studio where I have quiet and space to practice, and have grants and scholarships to enable me to be free to practice and think about court reporting as much as necessary," she said.

She's thoroughly enjoyed every class. "Speed building is fun and I love the challenge of each level," she said. "The college provides us with a variety of readers and subject matter, so it is never dull! It's a complete education just being there. The legal and medical terms classes were valuable for themselves, but also for learning Greek and Latin roots, which help with all vocabulary and spelling matters. They were challenging but enjoyable. One of the most valuable classes was the one taught by Sharon Vartanian on how to use the various software programs and Case Catalyst in particular, how to format, how to





## Frequently Asked Questions

**Q** At the conclusion of a recent deposition, opposing counsel requested that the transcript be marked confidential. Noticing counsel did not agree, stating there was no stipulation or order of confidentiality in place. Opposing counsel said he would seek an order, and to please mark the transcript confidential. So my question is does there have to be an agreement between the parties to have a transcript deemed confidential?

**A** A transcript is deemed confidential pursuant to stipulation of counsel or pursuant to court order. When a request is made to designate the transcript confidential, the reporter needs to know the basis for the request. If it's a stipulation, it's best if it's on the record. If it's a court order, ask for a copy as it may contain information on exactly what has been agreed to as far as the final transcript. Absent a stipulation or court order, the court reporter would have no authority to designate a transcript as confidential. In this specific case opposing counsel has put you on notice that he intends to seek a court order. It would be best practice to follow up with him and give him a certain date by which you would need the court order before you're ready to release the transcript.

**Q** In the case where a witness says "approx-**ca-**mately" about 75 percent of the time and pronounces it correctly as "approximately" the balance, should I transcribe it both ways in the transcript? It was not a foreign accent and all other pronunciations were made appropriately.

**A** This is a case where a reporter's best judgment comes into play. If there is absolutely no chance that the witness could have meant another word, you can simply use "approximately" in each instance. However, if you are presuming that's what he meant, then you have crossed the line and are now interpreting the witness' answer, which is prohibited. Another example would be if the line of questioning has consistently been regarding a letter from 2008 and the attorney or the witness misspeaks and refers to it as 2009, even though you have been following and know it should be 2008, you are required to write exactly what was said, including all misspoken words or phrases.

**Q** As a freelance reporter I've been hired to report trials and have job-shared those trials with another reporter. During deliberations, if the jury asks for read back, does the code state that it must be read back by the reporter who took the testimony, or can another CSR read it back or e-mail a rough draft of testimony to be read?

**A** There is no code section that addresses read back, but it is accepted practice by the courts to allow read back by another court reporter from the original reporter's rough draft. It is certainly best practice to leave either a hard copy or a PDF file of your portion of the trial in case there is a call for anything to be read back.

**Q** Can you tell me if a reporter's signed certificate has to be an original signature or if a digital signature or stamp can be used?

**A** In California, a digital signature may be used. Stamp and electronic signatures are discouraged. A digital signature takes the concept of traditional paper-based signing and turns it into an electronic "fingerprint." This "fingerprint," or coded message, is unique to both the document and the signer and binds both of them together. Digital signatures ensure the authenticity of the signer. Any changes made to the document after it has been signed invalidate the signature, thereby protecting against signature forgery and information tampering. An electronic signature is just a picture of your signature and has no security measures in place to protect your work.

**Q** In a deposition setting, is the court reporter required to list all appearances in the transcript? If a person is "sitting in," that person has to be listed as "also present," right?

**A** Historically, everyone present during a deposition is noted as part of the introductory language or on a separate appearance page. It's a time-honored tradition, not addressed by the code, but it certainly is a good practice to follow.

## CSR Spotlight

*Kim Meierotto*

Great life lessons learned vicariously through others: That's one of many benefits freelancer Kim Meierotto continues to get through her 15-year career as a court reporter.

"I have seen firsthand the cost of greed, bitterness and anger, as well as what people are willing to go through for revenge and money," Kim said. "Where else can you gain such wisdom without having to endure the pain yourself?"

Risks of the road are also reinforced. "I've learned to be a more careful driver from all the auto accident depositions I've covered," she added, "as well as how to get my will and trust matters in order so that my family doesn't embroil themselves in litigation. I've also seen that sometimes it really is better to turn the other cheek and just let something go and save yourself a lot of money, heartache and emotional cost. Getting even can be expensive in many ways."

Kim said another benefit of being a court reporter is getting the chance to meet people from all walks of life. "With each deposition, *my life is enriched by whom I've met and what each session has taught me*," she said. "Very few professions provide the privilege of watching and really listening to someone else without having to make any comment yourself. That's why no job is ever the same as the one before it or the one after it." She said she also enjoys the variety and challenge of adapting to new subject matter every day.

A graduate of the court reporting program of West Valley College in Saratoga, Kim had been a stay-at-home mom for several years. She had a bachelor's degree in business that she felt had become outdated. "I basically had no marketable skills at that point," she said. "Two of my friends were court reporters, and as they told me about their jobs and what was necessary to be a good reporter, I knew that career had my name all over it."

It turned out to be a major turning point. "*Court reporting gave me back my life* to a degree," Kim said. "I was halfway through school when my husband of 16 years divorced me and left our family. I had no confidence, few skills, very limited money, and no other options — except court reporting." She persevered through school with the intention of staying until the money ran out or she got her license, whichever came first. In addition, she was raising two young kids by herself, working for a caterer and proofreading for other reporters.

When she earned her license, she said her life completely changed. Court reporting enabled her to support herself and two children, pay off her house, and fund out-of-state college educations for both kids. "*I not only survived, I thrived*," she said.

Kim handles depositions of all kinds, including workers' compensation, medical malpractice, family law matters and complex business litigation, mostly in the San Francisco Bay area. She also travels occasionally with clients to places like Las Vegas and Los Angeles. "As reporters have been taken out of courtrooms, my work has expanded to include hearings and trials as well," Kim said. "I run my own small business with several clients and then work for agencies — local ones as much as possible."

Good client service is the cornerstone of any successful business. "I may not have the answer to their query instantly," Kim said. "But there's a high probability I can find someone in my network that can handle their need. And when they call, it's me who answers, not a message service, and the request is addressed whether it's a last-minute job, a billing question, a

*CSR Spotlight continued from page 7*

rough draft that's needed unexpectedly, or whatever. Technology is great, but gracious, efficient, positive human interaction cannot be beat."

And, while technology has brought positive changes to court reporting, Kim said, it has also boosted client expectations. "As a small-business owner, it's a constant challenge to keep overhead within balance to achieve the most profit but also meet client needs." For example, she initially used an outside source for copying and scanning exhibits, but discovered it was more efficient to purchase a small scanner and color copier to do the job in-house. She also replaced manual invoicing with QuickBooks, making it easy to fax and e-mail bills. Instead of a merchant account for credit cards, she offers PayPal.

Kim said there's more to being successful than just client focus and technical abilities: Getting along with all different kinds of people from lawyers to deponents ranks high as well. *"Each person deserves respect and plays an important role* in the whole process," she said.

Attention to detail, of course, is paramount. "I often see a depo as a game to see how close I can get to perfection, whether it's the actual words, the punctuation, the spelling of proper names, etc. I've always been highly self-motivated, and this is key in the depo world — even before a job is due, it's advantageous to get it done because it will allow you the chance to accept future work. Your pay is highly tied to how hard you work, and this works well if you don't need someone standing over your shoulder spurring you on," Kim said.

"Being a reporter, especially in the deposition world, has been challenging with its unpredictability and high demands, but this career has given me so much, and I am so grateful."

*Student Spotlight continued from page 5*

coordinate the computer and the writer. I came out of that much more machine wise and feeling confident at last!"

Marina plans to finish this semester and has started court and deposition internships.

As for where she'd like to work after graduation, she's leaving that open. "I'd like to remain in the San Francisco Bay area for a while at least. I want experience in both the deposition and/or court aspects of our field," she said. "I want to be familiar with all the possibilities. I'll probably know more after I complete my internships."

Balancing the demands of work and school is always a challenge, but for Marina it's worked out very well. "I

prefer to think of things as challenges to be accomplished, rather than calling them difficulties. I understand things take time to develop, I know how to find solutions to setbacks, and I have the patience to endure bad days, knowing they are temporary and will be followed by a good day. Musicians learn early on that we can't be perfect every day, but just keep working at it. Many of the philosophies I soaked up as a singer keep me from being frustrated as work progresses. Just keep looking for solutions, find the right technique, etc. I call it 'continuing' instead of 'pushing on.' I know the value of drill and practice, so I don't fear plateaus or uphill moments. I respect this work and this field, so *I don't expect everything will come easily.* Otherwise, everyone on my block would be doing it!"



## Industry Update

### *Special Hearing Focuses on Access to Justice Crisis*

An informational hearing titled, “The Access to Justice Crisis Facing California Families” was held before the Assembly Judiciary Committee on February, 12, 2013. The hearing lasted four hours, featuring testimony from State Treasurer Bill Lockyer and Steven Jahr, Administrative Director of the Courts, to a variety of presiding judges, court executive officers, practitioners and court users, all describing the impact that budget cuts have had upon the judicial branch. It was a sobering afternoon of facts laid before the Committee, with heart-breaking stories of real-world effects. While the perspectives were as diverse as the array of speakers, the message presented was clear and uniform: The courts have implemented every cost-cutting and efficiency measure available and need to see an increase in funding from the General Fund. The point has been reached where California has to decide what rights are indeed that, a right, and which are services from a by-gone era.

It is truly a time to reevaluate what justice means. Is there justice available if it involves traveling three hours one way in order to reach the nearest courthouse? What is the impact to attracting businesses to California if they know any civil lawsuit they become involved in may take years to litigate due to the statewide closure of civil courtrooms? As courts are forced to dramatically reduce services to the public, including many self-help programs, are we creating a system where justice is available only to those who can afford it? It seems clear that the court budget cuts and the crisis in legal services funding for those who can't afford to pay attorneys is making justice an illusion for many.

In the face of many lay-offs, court reporters continue to be part of the solution. A portion of CSR license fees is set aside for the Transcript Reimbursement Fund, established in 1981 to help indigent litigants afford transcripts necessary to their litigation.



## Technology Update: Macro with Care!

Taking advantage of all of the features of your computer-aided transcription software is important to maximize your efficiency. One of the most basic features is the ability to write a macro to automatically include text from a text file. This is commonly used to populate fields such as counties or dates. It can also be used for longer passages, such as commonly used phrases or repetitive charges. How can this become a problem to the court reporter?

While this feature can be very useful as it can achieve greater accuracy and save the reporter many unnecessary strokes, care must be taken to ensure that the text inserted does indeed match verbatim what was said. For instance, if your judge routinely reads off a list of advisements to the point where you've developed a macro for the entire passage, what if the judge inadvertently neglects to read one of the advisements? It is critical that the record accurately reflect what was actually said. Thus the better practice would be to break down the larger passage into smaller portions, allowing the reporter to include each portion as it is actually spoken, in order to create a verbatim record.

Don't let anticipation put your license in jeopardy. Make sure you hear the words spoken before you write them, thereby creating an accurate record of the proceedings.

## Legislative Update

This year is the beginning of the new two-year legislative cycle for the California Legislature, and February 22 was the last day for bills to be submitted. There are several bills that the Court Reporters Board of California has identified early on that may affect the industry.

***Environmental and Land-Use Court*** - Senate Bill 123 (Corbett). This bill would require the presiding judge of each Superior Court to establish an environmental and land-use division to process civil proceedings brought pursuant to the California Environmental Quality Act.

***Telephonic Appearance in Civil Actions*** - Senate Bill 315 (Lieu). This bill would make nonsubstantive changes to existing law providing that courts, to the extent feasible, permit parties to appear by telephone at appropriate conferences, hearing and proceedings in civil cases to improve access to the courts and reduce litigation costs.

***Electronic Court Reporting*** - Senate Bill 705 (Block). This bill would allow courts to use existing electronic recording equipment for purposes of judicial notetaking.

***Electronic Court Reporting*** - Assembly Bill 251 (Wagner). This bill would require that the Judicial Council implement electronic court reporting in 20 percent of all Superior Court courtrooms by July 1, 2014, and in at least an additional 20 percent annually thereafter. Felony cases would be excepted.

***Transcription of Electronic Recordings*** - Assembly Bill 365 (Mullin). This bill would require that electronic recordings of court proceedings be transcribed by a certified shorthand reporter.

***Regulation Notice*** - Assembly Bill 376 (Donnelly). This bill would require a state agency enforcing a regulation promulgated on or after January 1, 2014, to notify a business that is required to comply with that regulation of its existence 30 days before its effective date and to cooperate with the Secretary of State to access business records to obtain the business contact information necessary to provide that notice.

***Personal Services Contracting - Court*** - Assembly Bill 566 (Wieckowski). This bill would establish specified standards if a trial court intends to contract for any services that are currently or customarily performed by trial court employees. Among other things it requires the trial court to clearly demonstrate that the contract would result in actual overall cost savings.

***Court Reporter User Fee*** - Assembly Bill 648 (Jones-Sawyer). This bill would require collection of a fee for a court reporter for proceedings less than one-hour in length in court and would provide for the deposit of fees collected in a trust fund to be appropriated back to the courts in which the fees were collected.

***Court Reporters Salary Fund*** - Assembly Bill 655 (Quirk-Silva). This bill would authorize each trial court to establish a Reporters' Salary Fund for the payments of salaries and benefits of official reporters as specified from fees collected pursuant to this provision.

***Fees: Official Court Reporters*** - Assembly Bill 679 (Fox). This bill would require the Judicial Council to adopt rules to ensure that a party arranging for a certified shorthand reporter notifies the other parties of that fact in an attempt to share costs for the reporter, providing better access to justice for all parties.

***Court Transcripts*** - Assembly Bill 788 (Wagner). This bill would limit the reproduction provisions in existing law with regard to computer-readable transcripts.

*Legislative Update continued from page 10*

**Court Training Programs: Gender Identity and Sexual Orientation** - Assembly Bill 868 (Ammiano). This bill would require judicial training programs for judges, referees, commissioners, mediators and others who perform duties in family law matters to include the effects of gender identity and sexual orientation on family law proceedings.

## Department of Consumer Affairs to Upgrade Technology

### *Online Licensing and Other Features on the Way*

In the last edition of *CRB Today*, we reported on the BrEZe project, which involves the development and implementation of a new customer service Web portal and reporting tool for entities of the Department of Consumer Affairs (DCA). The effort will create a standardized online enforcement and licensing system which is expected to be the largest of its kind in the world.

The new system will bring improved access to services, greater ease of use for stakeholders, and improved back-office functionality that will greatly enhance licensing and enforcement efficiency.

With BrEZe, users will be able to do the following online:

- Apply for or renew a license and pay with a major credit card in a secure environment.
- Track the status of an application or licensing request.
- Submit address changes.
- Obtain proof of renewal status and other real-time licensee information.
- File and track the status of complaints.

DCA's boards and bureaus will be transitioned to BrEZe over an 18-month period beginning in early 2013, with the Court Reporters Board slated for early 2014.

For more information, visit [www.dca.ca.gov/about\\_dca/breeze/index.shtml](http://www.dca.ca.gov/about_dca/breeze/index.shtml). Questions on BrEZe can be e-mailed to [BrEZeProject@dca.ca.gov](mailto:BrEZeProject@dca.ca.gov).

## License Processing Alert

### *System Upgrades Could Cause Temporary Delays*

As part of the implementation of the new BrEZE licensing and enforcement system, there will be periods where the license renewal database will be inaccessible while specific boards and bureaus go live with the new system. When renewing your license, please do so at the beginning of the month in order to help avoid any possible processing delays caused by the transition.

## Transcript Reimbursement Fund: Making a Difference

The rental listing service described a nice home in a swanky neighborhood at an unbelievably low rent. What a potential score for interested tenants — except, the house didn't exist.

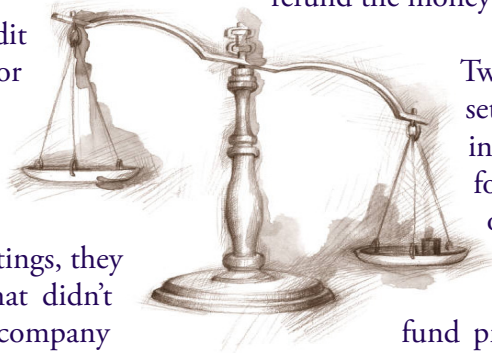
A similar scenario played out for a handful of disappointed potential renters who were lured into signing up for a prepaid rental listing service that took \$185 from each of them and gave little to nothing in return.

The company — Pacific Coast Credit Group — advertised dirt-cheap rents for nice houses that seemed too good to be true, and in fact were. In order to be shown a property, victims would have to pay \$185 to sign up for the service, then, if they were given any listings, they were given addresses to properties that didn't exist or were not as described. The company targeted low-income, mostly Spanish-speaking people.

The Legal Aid Society of San Diego sued the company after victims began trickling in beginning in 2010. One of those scammed was an elderly disabled woman living on Social Security.

"For her, \$185 is the difference between having electricity and not," said Alysson Snow, Senior Attorney for the organization's Consumer Protection Team. Alysson and her team alerted the California Department of Real Estate (DRE), which regulates rental listing services.

The DRE alerted the broker whose license was being fraudulently used to conduct the scam that he was under investigation. Although it's not illegal to charge for rental listings, Pacific Coast Credit Group used fraudulent advertising practices and was not licensed to provide the service. In addition, the agreements with the consumers did not comply with the prepaid rental listing service requirements in the California Business and Professions Code. It also charged too much in fees and failed to refund the money as required by law.



Two of the five cases have already reached settlement agreements. A major factor in achieving a successful resolution for the clients was the availability of the Transcript Reimbursement Fund, administered by the Court Reporters Board of California. The fund provides reimbursement for transcripts provided by California-licensed court reporters when working with qualified indigent clients on civil cases when represented by pro bono legal counsel. The fund is financed by court reporters' annual license renewal fees.

"We do 12 to 14 depositions a year," Alysson said. "We don't charge our clients, and we wouldn't be able to properly litigate without this fund. It's a huge service."

The fund has provided assistance of more than \$8 million to consumers since its inception.

## Court Reporters Board of California - Citations and Fines Issued September 2012 - February 2013

RESPONDENT NAME - CITY	LICENSE NO.	DATE ISSUED	VIOLATION	SATIS- FIED
Mobley, Kasey – San Francisco, CA	13407	12/18/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Misa, Sara – Long Beach, CA	13204	12/10/2012	Business & Professions Code Section 8025 (d): gross negligence or incompetence in practice... (quality of certified transcript)	Yes
Pun, Wendy – San Francisco, CA	12891	11/30/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcripts)	No
Pate, Jessieca – Porter Ranch, CA	11793	11/28/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Vasquez, Cybil – Riverside, CA	12867	11/28/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Keys, Deborah – Rodeo, CA	7697	11/27/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Hughes, Scott – San Leandro, CA	12365	11/5/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcripts)	No
Roux, Jennifer – Santa Rosa, CA	11033	11/5/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No
Cruz, Cynthia – Los Angeles, CA	9095	10/30/2012	Business & Professions Code Section 8025 (d) and (e): Incompetence in practice... unprofessional conduct... availability, delivery, execution and certification of transcripts.... (failed to timely produce transcript)	Yes
Crump, Shavavian – Fresno, CA	11105	10/30/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	No
Vaccarezza, Linda – Sonoma, CA	10201	10/30/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No



*Citations & Fines continued from page 13*

RESPONDENT NAME - CITY	LICENSE NO.	DATE ISSUED	VIOLATION	SATIS- FIED
Schafer, Lisa – Woodland, CA	12723	10/25/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	No
Martinez, Tracy – Colton, CA	9061	10/19/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Brewer, Gayle – Perris, CA	6706	10/19/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Papale, Valerie – Santa Rosa, CA	6899	10/19/2012	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
Vasquez, Cybil – Riverside, CA	12867	10/10/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcripts)	No
Shuler, Dara – Corona, CA	11249	9/28/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Manning, Teresa – Martinez, CA	10365	9/28/2012	Business & Professions Code Section 8025 (d): Unprofessional conduct... (unethical correspondence)	No
Lloyd, Kathryn – Pleasanton, CA	5955	9/24/2012	Business & Professions Code Section 8025 (d) and (e): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to produce transcript)	Yes
Cyphers, Kristin – Torrance, CA	13518	9/12/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	Yes
Harris, Sharon – Lynwood, CA	9918	9/7/2012	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No

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

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

**Court Reporters Board of California - Disciplinary Actions** October 2012 - February 2013

The disciplinary actions listed below cover the period of time from October 2012 to February 2013. To find out whether a licensee has had disciplinary action prior to October 2012, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

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

RESPONDENT NAME - CITY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Luciano, Catherine - San Diego, CA	N/A	Decision and Order; license denied.	01/16/2013	Business & Professions Code Sections 8025 (a) and 480 (a)(1): Conviction of a crime; Section 8025 (c): Fraud or misrepresentation in obtaining shorthand reporter certificate; Section 480 (c): False statement in license application; Section 480 (a)(2): Act involving dishonesty or deceit.
Chapa, Sandi - Hayward, CA	11031	Stipulated Surrender of License	01/11/2013	Failure to comply with probation requirements.
Dearmore, Diane - Santa Rosa, CA	12736	Stipulated Settlement and Disciplinary Order; 2 years probation; pass Professional Practice portion of exam or take ethics course at court reporting school.	11/13/2012	Business & Professions Code Section 8025 (d): Unprofessional conduct.

**Court Reporters Board Of California - Disciplinary Actions Pending** July 2012 - February 2013

Milivojevic, Lucy - Rancho Palos Verdes, CA	11496	Accusation	02/20/2013	Business and Professions Code Section 8025 (d): Incompetence in the practice of <u>shorthand reporting; unprofessional conduct.</u>
Gonzales, Edwina - San Diego, CA	11978	Accusation	01/11/2013	Business & Professions Code Section 8025 (a) and 490: Conviction of a crime; Section 8025 (b): Failure to notify Board of conviction; Section 8025 (c): Fraud or misrepresentation <u>to obtain license renewal.</u>
Heard, Patrick - San Francisco, CA	11055	Accusation and Petition to Revoke Probation	07/31/2012	"Accusation: Business & Professions Code Section 8025 (e): Repeated unexcused failure... to transcribe notes. Petition to Revoke Probation: First Cause - Failure to obey all laws; Second Cause - Failure to comply with Board's probation program."
Peters, Ronald - Rancho Cordova, CA	2780	Accusation	07/24/2012	Business & Professions Code Sections 8025 (d): Unprofessional conduct; fraud, dishonesty, and/or corruption in or directly related to the <u>practice of shorthand reporting.</u>

**Alert – Change to CA CCP 2025.290!***New State Law Limits Deposition Time Length*

Effective January 1, 2013, California has a limit to how long a deposition can last, similar to the longstanding federal rule. California Code of Civil Procedure 2025.290 limits, with several stated exceptions, a deposition to seven hours. Because the limit is to actual testimony time, the exact timing of all breaks may become an issue for cases where the new limit applies.

The Board notes that this law is a requirement for attorneys and that court reporters have no legal responsibility as far as the implementation of the statute. That being said, court reporters can offer a valuable service by simply turning on the time-stamping feature for easy and precise timing of all time spent on the record.

For answers to frequently asked questions regarding the change as it relates to court reporters, please use this link to the Board's Web site: [http://www.courtreportersboard.ca.gov/licensees/seven\\_hour.pdf](http://www.courtreportersboard.ca.gov/licensees/seven_hour.pdf).



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