



DEPARTMENT OF CONSUMER AFFAIRS

**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](http://www.courtreportersboard.ca.gov)

**MEETING OF THE COURT REPORTERS BOARD**

**Friday, August 20, 2021  
9:00 a.m. to conclusion**

**PUBLIC TELECONFERENCE MEETING**

**NOTE:** Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, a physical meeting location is not being provided.

**Important Notices to the Public: The Court Reporters Board will hold a public meeting via a teleconference platform.**

**INSTRUCTIONS FOR PARTICIPATION:** Please see the instructions attached hereto to observe and participate in the meeting using WebEx.

Members of the public may, but are not obligated to, provide their names or personal information when observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

For all those who wish to participate or observe the meeting, please log on to this website: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mfa15aae1db609e132e6731a59595e30c>

Event number: 146 638 3901  
Event password: CRB82021 (27282021 from phones)

Audio conference: US Toll +1-415-655-0001  
Access code: 146 638 3901

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at:  
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Please note the Board will ask members of the public to limit their comments to three minutes, unless, at the discretion of the Board, circumstances require a shorter period; the Board will advise when the two-minute time limit is approaching.



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### **MEETING OF THE COURT REPORTERS BOARD**

**Friday, August 20, 2021****9:00 a.m. to conclusion**

### **AGENDA**

**Board Members: Robin Sunkees, Chair; Toni O'Neill, Vice Chair, Davina Hurt,  
Denise Tugade**

#### **CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF A QUORUM, AND OPENING REMARKS (Robin Sunkees, Board Chair)**

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA ..... 5  
The Board may not discuss or take any action on any item raised during this public comment section except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a)).
2. REVIEW AND APPROVAL OF NOVEMBER 20, 2020 MEETING MINUTES ..... 6  
2.1 November 20,  
2020.2 April 16,
3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE ..... 36
4. REPORT OF THE EXECUTIVE OFFICER ..... 39
  - 4.1 CRB Budget Report
  - 4.2 Transcript Reimbursement Fund
  - 4.3 Enforcement Activities
  - 4.4 Court Reporting Schools; Charles A. Jones Career and Education Center, Court Reporting (Argonaut) Closure
  - 4.5 Exam Update
  - 4.6 Business Modernization
  - 4.7 CRB Today Newsletter
5. LICENSE/CERTIFICATE RECIPROCITY ..... 51
  - 5.1 Discussion and possible action to allow reciprocity with the state of Texas.
  - 5.2 Discussion and possible action to allow reciprocity with National Court Reporters Association's Registered Professional Reporter (RPR) certification.
  - 5.3 Discussion and possible action to grant CSR certification to holders of the RMR or CRR certifications on either a full or provisional basis.

6.	<u>LEGISLATION</u> .....	94
	Discussion and possible action to Watch/Support/Oppose legislative bills	
6.1	AB 29 (Cooper) State bodies: meetings	
6.2	AB 107 (Salas) Licensure: veterans and military spouses	
6.3	AB 225 (Gray, Gallagher, and Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses	
6.4	AB 305 (Maienschein) Veteran services: notice	
6.5	AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions	
6.6	AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing	
6.7	AB 1386 (Cunningham) License fees: military partners and spouses	
6.8	SB 241 (Umberg) Civil Actions.	
6.9	SB 731 (Durazo and Bradford) Criminal records: relief	
6.10	SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations	
	 The Board may discuss other items of legislation not listed here in sufficient detail to determine whether such items should be on a future Board meeting agenda and/or whether to hold a special meeting of the Board to discuss such items pursuant to Government Code section 11125.4.	
7.	<u>REGULATIONS</u> .....	111
7.1	AB 2138 Implementation: Status report for sections 2470 & 2471	
7.2	Title Use - Discussion regarding potential adoption of regulations in Article 1, California Code of Regulations	
7.3	Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations. (Gov. Code, § 11340.6.) – Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend or Adopt Title 16, California Code of Regulations Section 2473	
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	Discussion and possible action	
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12.	<u>CLOSED SESSION</u> .....	122
	Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation.	

## **ADJOURNMENT**

Action may be taken on any item on the agenda. All times are approximate and subject to change. The meeting may be cancelled or shortened without notice. Any item may be taken out of order to accommodate speaker(s) and/or to maintain quorum. For further information or verification of the meeting, the public can contact the Court Reporters Board (CRB) via phone at (877) 327-5272, via e-mail at [paula.bruning@dca.ca.gov](mailto:paula.bruning@dca.ca.gov), by writing to: Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento CA 95833, or via internet by accessing the Board's website at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov) and navigating to the Board's Calendar under "Quick Hits."

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the CRB are open to the public. The CRB intends to webcast this meeting subject to availability of technical resources.

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, e-mailing [paula.bruning@dca.ca.gov](mailto: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.

The public can participate in the discussion of any item on this agenda. To better assist the Board in accurately transcribing the minutes of the meeting, members of the public who make a comment may be asked to disclose their name and association. **However, disclosure of that information is not required by law and is purely voluntary.** Non-disclosure of that information will not affect the public's ability to make comment(s) to the Board during the meeting. Please respect time limits; which may be requested by the Chair on an as needed basis to accommodate all interested speakers and the full agenda. The public may comment on any issues not listed on this agenda. However, please be aware that the Board CANNOT discuss or comment on any item not listed on this agenda.

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 1 – Public Comment for Items Not on the Agenda**

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Public members are encouraged to provide their name and organization (if any).

The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 2 – Review and Approval of Meeting Minutes**

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Agenda Description:

- 2.1 Review and approval of November 20, 2020, minutes
- 2.2 Review and approval of April 16, 2021, minutes

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Brief Summary:

Minutes from Board meetings

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Support Documents:

- Attachment 1, Item 2.1 – Draft minutes for November 20, 2020
- Attachment 2, Item 2.2 – Draft minutes for April 16, 2021

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board approve minutes.



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Attachment 1  
Agenda Item 2.1

**COURT REPORTERS BOARD OF  
CALIFORNIA MINUTES OF OPEN SESSION  
NOVEMBER 20, 2020**

**DRAFT**

CALL TO ORDER

Ms. Davina Hurt, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Executive Order N-29-20.

ROLL CALL

Board Members Present:

Davina Hurt, Public Member, Chair  
Toni O'Neill, Licensee Member, Vice Chair  
Carrie Nocella, Public Member  
Robin Sunkees, Licensee Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer  
Anthony Pane, Assistant Chief Counsel  
Danielle Rogers, Regulations Counsel  
Ryan Perez, Board and Bureau Services  
Connie Conkle, Enforcement Analyst  
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

1. APPROVAL OF MAY 21, 2020 MEETING MINUTES

Ms. O'Neill requested that "RPR's" be changed to "CSR's" on the second line of paragraph 8 on page 19 of the minutes.

*Ms. O'Neill moved to approve the minutes as amended. Ms. Nocella seconded the motion.*  
Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

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

**MOTION CARRIED**

## 2. RESOLUTION FOR BOARD MEMBER NOCELLA

Ms. Hurt stated that Ms. Nocella has been a key board member with extensive knowledge on the legislative process. She also recognized her positive, ready-to-go demeanor. She read aloud the resolution prepared for Ms. Nocella found on page 29 of the Board agenda packet.

Ms. Fenner expressed her appreciation to Ms. Nocella for the time she gave to the Board. She thanked Ms. Nocella for her input in consumer protection and engagement during Board discussions and stated that her viewpoint would be sorely missed.

Ms. Sunkees wished she had been able to work with Ms. Nocella longer and wished her the best.

Ms. O'Neil shared that Ms. Nocella's input always added clarity to the topic of discussion and helped the Board home in on the issues. She thanked Ms. Nocella for her service on behalf of the consumers of California.

Mike Hensley, CSR, President of the California Court Reporters Association (CCRA), thanked Ms. Nocella for her service and wished her the best in future endeavors.

Ms. Nocella expressed her regret that she was not able to commit to a second term with the Board due to an already loaded schedule. She thanked the Board and staff for their outstanding service and shared that she learned so much in her role as a member. She stated that she has the utmost respect for the court reporting industry and will miss everyone.

*Ms. O'Neill moved to adopt the resolution honoring Carrie Nocella. Ms. Sunkees seconded the motion.* Ms. Hurt called for additional public comment. No comments were offered.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## 3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Ms. Hurt introduced Ryan Perez from the Department of Consumer Affairs (DCA) Office of Board and Bureau Services.

Mr. Perez recognized the years of distinguished service provided by Ms. Nocella on behalf of California consumers. He wished her the best.

Mr. Perez stated that efficient and effective investigations are a top priority for DCA. The executive leadership team, therefore, decided to hire an individual very familiar with the



investigative process to work with the Division of Investigation (DOI) to identify ways to increase efficiency, decrease investigative time frames, and improve the overall quality of the investigations. The individual will review investigations, statistics, and recommendations from DCA's Organizational Improvement Office which will allow greater assistance to DOI. The overall goal is to decrease the time frame of investigations while still maintaining the level of quality that the boards and bureaus have come to expect from DOI. DCA will provide updates to the Board as changes are made and as improvements are accomplished.

Mr. Perez shared that despite changes in business practices as a result of COVID-19, DCA's work does continue. He stated that after a temporary closure in March due to state and local stay-at-home orders, DCA offices remain open with preventative measures to safeguard the health and safety of employees and visitors. DCA continues to partner with the Governor's Office and Business, Consumer Services and Housing Agency on statewide awareness and public health measures.

The economic impacts of the COVID-19 pandemic and unprecedented wildfire activities are expected to last for several years. The State needs to take immediate action to reduce costs and maximize efficiencies to support Californians. Back in April, DCA and all boards and bureaus worked to limit expenditures and to hire only those necessary to support core functions and emergency response activities. Additionally, this week DCA learned the department will be required to take a 5 percent permanent budget reduction no later than the 2021/22 fiscal year. DCA will be working with board staff immediately to identify a plan for a permanent 5 percent reduction that will best fit the board's operational needs. He thanked the Board and staff for their continued service despite these challenges.

Lastly, Mr. Perez reported that Board and Bureau Relations put on three brown bag trainings this fall to support board and bureau leaders by providing an opportunity to learn and discuss best practices on topics such as appointments, managing staff remotely, and providing ADA compliant meeting materials to board members and the public. In partnership with DCA's SOLID Training and Planning Solutions, board member orientation trainings have been held quarterly in remote sessions, and new training for board presidents is in the planning stage. He indicated that the Board may reach out to any member of the Board and Bureau Relations team should they have any questions or needs.

#### 4. REPORT OF THE EXECUTIVE OFFICER

Ms. Fenner welcomed the Board's newest staff member, Sheila DeGrace, who will be serving as the Board's half-time receptionist.

##### 4.1 CRB Budget Report

Ms. Fenner referred the Board to its final expenditure report for the 2019/20 fiscal year found in a new format on page 32 of the Board agenda packet. She thanked staff for helping to keep expenditures down, noting that there is a small savings of \$77,000 at the close of the fiscal year.

Ms. Hurt requested an explanation of the Temporary Positions line item. Ms. Fenner explained that the Board did not receive approval from the Department of Finance to

create a permanent civil servant position to assist with the Transcript Reimbursement Fund (TRF), therefore, the position is in the Board's blanket as temporary help.

Ms. Hurt asked for information about the Special Items of Expense line item. Marie Reyes, budget analyst, explained that there was an accounting adjustment made and that the \$62,000 should not have been included. The Special Items of Expense should only be \$551 for digital printing services.

Ms. Fenner referred to the overall fund condition on page 33 of the Board agenda packet. The report reflects the fund condition without any transfers to the TRF. The Board was able to reopen the TRF on November 2, 2020. She indicated that the projections on page 34 indicate what the fund condition would look like if there was a \$100,000 transfer to the TRF, and page 35 reflects a \$200,000 transfer for comparison.

Ms. Fenner thanked Ms. Reyes for her hard work in helping transition the Board from the legacy accounting system into the new FI\$Cal system. She stated that Ms. Reyes dedicated a large amount of time developing spreadsheets for the Board, allowing the Board to make its best decisions with its financial position in mind. She has always been readily available to answer questions and provide reports. Ms. Fenner wished her well in her upcoming retirement and stated that she would miss getting to work with this very competent professional.

#### 4.2 Transcript Reimbursement Fund

Ms. Bruning shared that Board staff worked closely with staff at DCA's Office of PublicAffairs (OPA) to revise the application forms and guidelines in hopes of making them more streamlined and clearer to avoid deficiencies and rejections due to incomplete applications. She credited Matt Woodcheke at OPA for his instrumental contributions to the project and facilitation of development of the forms alongside the DCA Public Design and Editing team. She indicated that staff also worked with the DCA Office of Information Services to create a dedicated menu tab on the Board's website to provide updated information.

Ms. Bruning reported that since the reopening of the program, 28 applications had been received for the pro bono portion of the program, and seven applications were received for the pro per portion.

#### 4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 36 of the Board agenda packet. She indicated that there was nothing significant about the statistics or types of complaints received.

#### 4.4 Exam Update

Ms. Fenner reported that the administration of the skills exam was moved to an online platform. At its May 21, 2020 meeting, the Board directed staff to administer the July 2020 exam online. Fortunately, the contract with the online vendor, Realtime Coach (RTC), was already in place. However, there were many other tasks to complete.

Ms. Fenner applauded Board and DCA staff for their efforts in pulling everything together with minimal time. Ms. Kale learned the entire RTC system and rewrote all the candidate instructions. Ms. Bruning worked with the DCA Office of Public Affairs who found a way to safely record a bank of tests with four speakers who would not be wearing masks. The volunteer readers traveled from near and far to assist the Board with recording. She thanked everyone for their dedication and commitment to excellence.

Ms. Fenner indicated that the historical examination statistics were provided in the Board agenda packet starting on page 38. She stated that the July online exam results were very close to the results of the March onsite exam, with the first-time pass rate being slightly higher for the July test. She congratulated the Board for successfully continuing its licensing efforts without interruption during a global pandemic.

Ms. Fenner described some issues that came up during the new endeavor. One oversight was not including the speakers' names on the written glossary in the warm-up material. Although the speakers identified themselves, no spellings were given for the names. Additionally, there were issues with proctors; therefore, Board staff made improvements to the instructions that the proctors receive. Varying internet issues occurred. Staff also realized that the practice test should be full-length instead of two minutes to ensure the large video could be played on the candidate's equipment. Staff evaluated issues on a case-by-case basis and made decisions taking into consideration all the information particular to each candidate's situation. Ms. Fenner stressed the importance of doing the practice tests that are provided and following the written instructions.

Some candidates were unhappy with the removal of the appeal process. Previously, one test was used for all candidates during the administration of the onsite test, and candidates had access to listen to the test and compare it to a copy of their graded test. The online skills test now mirrors the online written tests in that there is a bank of questions, or in the case of the skills test, a bank of video tests. They are randomly assigned to the candidate. If the candidate is not successful, they are locked out of the test permanently and would be offered another test at a future testing cycle. This way of administration does not allow for the Board to return the test transcripts back to candidates. To help ensure that no candidate is unfairly failed, the grading procedure is more rigorous. The test is initially graded by computer. Because there are so many acceptable ways of setting up colloquy with the four-voice test, a human grader then re-checks the results. If the candidate is within 20 points of passing, it is re-checked by a second human grader. If the candidate is within 10 points of passing, a third human grader re-checks it. Because there is no appeal process available with the online administration, only a pass/fail grade was issued in the results letter, another change which was difficult to accept for the candidates.

The new testing cycle began on November 16, 2020, and is scheduled to continue through December 7, 2020. There are 87 candidates who have applied for the exam, with 15 first-timers. Of the first-timers, six qualified through schools recognized by the Board.

Ms. Hurt thanked staff for working through the many details of transitioning to online testing. She acknowledged that change is difficult but asserted that the Board is pivoting to meet the challenge.

Heather Bautista thanked the Board and Ms. Kale for the dedication to continuing the exam during the pandemic to ensure California consumers would continue to be served by licensed court reporters.

#### 4.5 CRB Today Newsletter, Fall 2020

Ms. Fenner reported that the Fall 2020 edition of the Board's newsletter would be published on the Board's website on November 23, 2020. She stated that Ms. Bruning worked diligently to shepherd the newsletter to completion while preparing for the Board meeting, reopening the TRF, and assisting in training the Board's new receptionist.

Ms. Hurt thanked staff for a job well done.

#### 4.6 Business Modernization

Ms. Fenner reported that the Board is now able to accept online credit card payments for license renewals. There are a handful of exceptions listed in the latest newsletter edition as well as online. This was another huge endeavor on the part of staff.

### 5. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Ms. Bautista requested the Board move its public comment section to the end of the meeting.

### 6. DIGITAL RECORDERS

Ms. Fenner stated that the Board received a request to place the topic of digital recorders on its meeting agenda. She noted that the Board does not license digital recorders and does not have jurisdiction over their practice. She shared that the practice of shorthand reporting is defined in Business and Professions Code (BPC) section 8017 as 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. By this definition, digital recorders are not practicing shorthand reporting without a license. Additionally, attorneys have the statutory ability to stipulate in writing to an alternate form of recording a deposition.

Ms. Fenner stated that the Board performs the mandate given to it by the legislature within the confines of the statutes enacted with regard to shorthand reporting, and the Board may not exceed its authority. With any complaint received, staff must first establish jurisdiction and determine what statute may have been violated before it may take action.

She shared that Board staff's position is that this is a consumer awareness issue and best addressed via education of attorneys and litigants to the advantages of hiring a licensed court reporter.

Ms. Hurt conveyed that the Board decided to consider this item in a public forum to clarify what the Board legally can and cannot do within the confines of its legislative mandate. She invited comments from the group that brought the issue forward.

Kimberly D'Urso, CSR, on behalf of Charlotte Mathias, CSR, and Protect Your Record Project (PYRP), asserted that the Board's reference in its agenda summary to Code of Civil Procedure (CCP) 2016.030 does apply to the activity brought to the Board. The attorneys believe they have a CSR because they requested a court reporter, and that is what the notary is calling themselves. Therefore, the attorneys have not entered into a written agreement to use a notary to digitally record their deposition.

She stated that an unauthorized California court reporting firm recently suggested to a group at a legal secretaries association meeting that they update their notices to request a notary public be present instead of a CSR. She contended that this does not meet the standards of a written stipulation and that opposing counsel may not be aware that the testimony is being digitally recorded instead of reported by a licensed court reporter until they request readback. She added that the digitally recorded transcripts also do not identify the notary and just indicate "court reporter."

She inquired whether the Board reached out to the State Bar to educate attorneys as suggested in the recommended board action on the agenda summary. She questioned why the Board publication "5 Reasons Why You Should Choose a Licensed Court Reporter" would reference "licensed court reporter" as if there is such a thing as an unlicensed court reporter. She indicated that DCA claims to be a regulator who works with California professions to guard licensees against unfair competition and to protect consumers from unlicensed practitioners. She added that the Board website indicates the Board will investigate fraud and other crimes but then states it does not have jurisdiction over electronic recording and video operators. It claims it will refer these types of claims to the appropriate agency if possible and notify the complainant. She requested the Board do so immediately to protect California consumers.

Kelly Shainline, CSR, on behalf of PYRP, stated that at the Board's May 21, 2020, meeting, many members of the court reporting community voiced concerns regarding rampant use of digital recording, mostly seen from out-of-state unauthorized foreign corporations. Since that time there has been an escalation of the unethical behavior including fraud upon the court wherein an unauthorized audio recording from a court proceeding was transcribed by an out-of-state transcriber and the attorney unknowingly filed the uncertified transcript with the court as if it was the certified transcript from the official reporter.

She contended that silence from the Board is causing harm and seen as a green light to unauthorized corporations to do whatever they please. She requested the Board either work with the Legislature or fix the regulations to establish jurisdiction over the bad players to protect the consumers and maintain the integrity of the record.

Ms. Shainline stated that the board discussed electronic recording at its February 1990 planning session where it determined it should examine its use; however, there does not appear to be an outcome of the variety of options they were exploring. She requested the Board revisit this issue and protect consumers who utilize court reporting services or determine who does have jurisdiction over the practice.

Kim Kuziora, CSR, stated that she received confirmation via email from the California Secretary of State that if a notary public performs depositions, they may not record and transcribe it unless they are a California licensed CSR. The notary may take the deposition by long hand or typing.

She stated that she filed multiple complaints with the Secretary of State's office related to notaries calling themselves court reporters and digitally recording depositions. One such complaint included a deposition notice that indicated the deposition will be before a certified court reporter, but a notary public was sent to digitally record the deposition. There was nowritten stipulation to allow for the digital recorder, and one of the attorneys did not agree to stipulate on the record. She shared that the attorney related to her that he was horrified that this was allowed to happen and felt backed into a corner to go forward due to discovery deadlines. This transcript was certified by the notary and transcriptionist. Per CCP 2025.340(m), this transcript would not be admissible evidence because it is not a stenographic transcript. As pointed out in the March 2020 attorney email submitted, this transcript would be useless in an insurance fraud situation where a district attorney would need to use a transcript for criminal prosecution.

Ms. Kuziora declared that attorneys have a reasonable expectation that when a deposition notice requests to have a certified court reporter and someone calls themselves a court reporter, that that person is a licensed CSR. She stated that the notary public section manager at the Secretary of State's office told her the Board should be handling these complaints and instructed her to also forward her complaint to the District Attorney's Office. The District Attorney's Office responded that her complaint raised issues of possible deceptive or unlawful business practices by a notary public and that these types of investigations are usually handled by the Board. She requested the Board receive complaints regarding digital records and adhere to its duties under BPC 129(b) by forwarding complaints outside its jurisdiction to the appropriate agency.

Mr. Hensley, on behalf of CCRA and those pursuing a stenographic career, stated that CCRA stands in support of the comments made by PYRP and similar opinions from others.

He stated that California court reporting has been considered the gold standard of competency in the profession for many years. Other states and the national association have acted to counteract the infiltration of digital recording practices in the profession. For California to remain a viable front runner and shining example of the high standard of the profession, he encouraged the Board to thoughtfully consider the comments that have been presented and take serious decisive action to promote the viability of stenographic reporting as it relates to certified shorthand reporters otherwise known in common parlance as court reporters.

Ms. Hurt reiterated the recommended Board action to educate attorneys via the State Bar regarding the importance of requesting a Certified Shorthand Reporter. She stated that an expansion of the Board's jurisdiction from the Legislature would be in order.

*Ms. Sunkees moved to direct staff to reach out to the State Bar to educate attorneys on the importance of requesting a shorthand reporter. Ms. Nocella seconded the motion.*

Ms. Hurt called for public comment.

Ms. D'Urso thanked the Board for indicating they would reach out to the State Bar and requested that the Board publish similar educational statement on its website regarding the importance of hiring a CSR. Ms. Hurt responded that the publication is on the Board's website.

Mr. Hensley requested the Board review the documentation provided in relation to this agenda item. Specifically, in BPC 8018 there is an outline of oversight of those who attempt to perform the practice of using words or symbols or intending to indicate that he or she is certified under this chapter.

Ms. O'Neill recalled when licensing became required for deposition reporters in the 1980s. At that time, attorneys began asking to see the court reporter's license at the beginning of every deposition. She recommended attorneys be reminded that they can ask to see the license to ensure they have a CSR present.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

***The Board took a break at 10:19 a.m. and returned to open session at 10:35 a.m. A quorum was reestablished by roll call.***

## **7. LICENSE/CERTIFICATION RECIPROCITY**

### **7.1 Discussion and possible action to allow reciprocity with the state of Texas**

Ms. Sunkees reported that the Texas License Reciprocity Task Force, co-chaired with Board Member O'Neill, met on June 26, 2020. She thanked members of the California task force, Stephanie Leslie and Heather J. Bautista, as well as attendees from the Texas task force including members from their Judicial Branch Certification Commission, the Texas Court Reporters Association (TCRA), and the Texas Deposition Reporters Association.

She stated that the task force was created as a result of the proposal from Texas to create license reciprocity between the two states. Texas considered the licensing tests to be substantially equal and believed reciprocity would ease the growing reporter shortage.

During the meeting, the Board learned that Texas currently has roughly 2200 licensees and 300 firms registered. They reached out to 31 states that have some sort of certification, but California was their first attempt at a reciprocity agreement. Texas accepts provisional licensing, meaning you can work in Texas until you pass test, and an apprentice category for a new reporter who would need to keep trying to take test while working under an experienced reporter.

Though the RPR uses the same testing standards, 180 literary, 200 jury charge and 225 Q&A at 97% (sic) accuracy, Texas does not use the RPR, partly because the national test is allowed to be passed in legs rather than in one sitting and also because the RPR test is given by an association. Texas law requires certification by jurisdiction. The Texas exam is developed by the TCRA's Testing Advisory Committee.

She reported that the Board has entered into an interagency agreement with the Office of Professional Examination Services (OPES) to help determine if the Texas license exam is comparable to the California exam. The Board has also requested that OPES look at NCRA's RPR exam for the same purpose. When all information is received, the results will be discussed by the task force and a recommendation will be made to the Board.

Mr. Hensley, President of CCRA, asked for clarification on a question asked at the Board's May 21, 2020, meeting by Ms. Bautista regarding how to determine which state's minimum transcript format standards should be followed for remote proceedings. He asked if Ms. O'Neill's question was answered on how the different state boards would handle enforcement issues.

Ms. Bautista stated that she is also licensed in Texas and was granted endorsement for her machine portion because of her experience and certification. However, she was required to take the written knowledge test for Texas. She is in favor of reciprocity but believes the written knowledge test should be required for the Californiaspecific codes.

Ms. Hurt thanked Ms. Sunkees and Ms. O'Neill for working through the issue. She believes it to be very important to have the OPES test analysis to obtain the data necessary to make a decision. She indicated that the task force co-chairs would take the comments and questions back to the task force for consideration.

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

No discussion was taken on this item since it was reported above that OPES has been asked to research the NCRA exam.

### 8. LEGISLATION

- 8.1 AB 1469 (Low) – Ms. Fenner stated that the bill did not make it out of Senate Appropriations Committee due to the shortened legislative year and the priority that was given to COVID-related legislation. The Board is very appreciative of the continued efforts by Assemblymember Low to move firm registration forward on behalf of the California consumers. Ms. Hurt echoed appreciation to

Ms. D'Urso read the staff comments from the August 11, 2020, Senate Appropriations bill analysis. She stated that the bill was put in suspense because the cost of the bill would likely surpass the Suspense File threshold.



- 8.2 SB 1146 (Umberg) – Ms. Fenner reported that the bill became law in September. She emphasized that the only thing that changed with this law is the requirement of the court reporter to be in the physical presence of a party witness. Before COVID, if the deponent was in California, the reporter had to be licensed by the CRB in order to report that deposition. The same still applies if the deponent is in California regardless if the case is venued in Georgia or the attorneys are from Texas. If it is a federal case, then Federal rules apply as CRB does not have jurisdiction over federal cases. If the deponent is located in another state, the reporter may need to inquire with that state to determine if they have similar requirements for licensure to practice in that state.

She stated that misinformation on social media prompted more phone calls to the Board office on this issue than any other issue. She thanked staff for their endless patience with the variations of questions.

Mr. Hensley requested the Board clarify the question of where a court reporter need to be physically while performing remote proceedings. He requested a written response to avoid inconsistencies and reduce the myriad of phone calls received by the Board and association offices. Ms. Fenner responded that the location of the court reporter was irrelevant, but the Board looks to the location of the deponent.

- 8.3 Proposal from CalDRA to amend Business & Professions Code section 8018 re: use of the terms ‘court reporter’ and ‘deposition reporter’

Mary Pierce, on behalf of the California Deposition Reporters Association (CalDRA), related the request to the issue of digital recorders that are calling themselves “court reporter” and “deposition reporter” out in the field. She stated that this leads to a misunderstanding on the part of the attorneys about whether they are licensed and governed by the Board. CalDRA believes that the titles “court reporter” and “deposition reporter” should be added to the same code that restricts the use of “certified shorthand reporter” or “CSR” to add clarity to who is licensed and who is not. She thanked staff for their recommendation to the Board to pursue the proposal.

Ms. D’Urso, on behalf of PYRP, stated that the title of “court reporter” should be protecting and belonging fully to CSRs who have been identified for decades in the legal field as court reporters. She stated that a poll conducted by PYRP revealed that attorneys expect a CSR to report their depositions when a court reporter is ordered, not a notary public posing as one. She shared that one attorney stated that it is imperative that a professional CSR be responsible for the transcripts and their accuracy. She indicated that the deposition notice contains language defining that the CSR will report the proceeding by stenographic means.

She stated that PYRP believes the Board has not protected consumers by not taking action against notaries who fraudulently use the title “court reporter.” She added that the Board changed its name from Board of Certified Shorthand Reporters to Court Reporters Board and uses the title “court reporter” repeatedly in the majority of its publications. She believed the contradictory language and ambiguities to be harmful and requested the Board protect the hard-earned title that stenographic CSRs have professionally trained to use.

Ms. Bautista requested the Board also add “deposition officer” to the list of protected titles. She stated that the Board governs how licensed certified professionals are to conduct themselves while performing duties under the California CCP. She asserted that CSRs readily pay their yearly license fee in order to perform an integral part of the justice system in the state. She found it insulting for the Board to turn a blind eye to the rampant and blatant fraud being perpetrated on consumers by corporations and persons in violation of BCP 8018.

She indicated that she spent seven years training to become a court reporter. Certified reporters depend on skill, their human brain, impartiality, and the ability to determine what is and is not understood. They do not simply press record, monitor microphones, and depend on electronic recordings to capture the record. She asked the Board to seek legislation that offers title protection for its licensees.

Ms. Kuziora stated that attorneys have a reasonable expectation that when a deposition notice of the deposition will be taken before a certified shorthand reporter or a certified court reporter, that a license certified shorthand reporter will be stenographically reporting the deposition transcript and that the transcript will be admissible in a court of law. She stated that untrained persons who show up and represent themselves as court reporters are a fraud and cannot be tolerated in a judicial or administrative proceeding.

She shared that bill analysis for AB 1520 and AB 1469 both state that court reporters are highly trained professionals who stenographically preserve the words spoken at a variety of settings. Additionally, the Board’s sunset review bill states, “licensed court reporters are charged with producing an accurate and timely transcript of legal proceedings. Charged with oversight of the court reporting industry, the Board assures protection of the California consumer and their essential legal rights.” This would lead consumers to believe that anyone who calls themselves a court reporter is a licensed certified shorthand reporter that is under the jurisdiction of the Board. She urged the Board to support the proposal.

Janet Harris, President of the American Association of Electronic Reporters and Transcribers, opposed the proposal. She stated that there are multiple technologies for preserving testimony and producing verbatim transcripts, including digital, machine shorthand, voice writing, and video, each with a recognized national organization certifying a person’s proficiency to preserve and produce a complete and accurate record. She asserted that the Court Reporters Board was formed to regulate only certified shorthand reporters and that changing its name does not broaden its scope. She stated that “court reporter” and “deposition reporter” are terms of art and not specific to a particular technology. She alleged that the proposal is anti-competitive and impacts mostly individuals and small businesses at a time when the state and country are facing huge shortages of court reporters. She stated that the vast majority of consumers of court reporting services are well-informed attorneys and judges who are not before the Board requesting further oversight. She stated the proposal creates a new problem for current users of digital recording technology in California who have relied on these services for decades to ensure the efficient administration of justice including many state agencies, municipal courts, and the superior courts. She urged the Board to reject the proposal.

Mr. Hensley, on behalf on CCRA, shared interest in participating in the furtherance of this endeavor both through discussion and processes.

Ms. Bautista stated that she reviewed the exam statistics and found that the average pass rate for the last two years for the dictation exam is 16.8 percent. It is a difficult test and difficult license to attain. Not all who want to claim the title and respect of being a court reporter should be able to. She shared that she continues to hone her skills so that attorneys can expect an accurate record of proceedings prepared by a person with an ethical and professional obligation to do so.

Ms. D'Urso, on behalf of PYRP, stated that remote reporting has revealed that stenographic reporters have been able to cover calendars through the perceived shortage. She expressed that stenographic reporters have trained to use the term court reporter, and those who want a title should get their own.

Ms. Hurt emphasized the dedication and time that the Board members spend working and reviewing materials to make decisions at the meetings. She shared that there are two licensed reporters and two attorneys on the Board who are thoughtful and knowledgeable and take the mandate to protect California consumers very seriously.

*Ms. Sunkees moved to appoint a subcommittee to work with CalDRA and interested stakeholders in find an author for this legislation. Ms. Nocella seconded the motion.* Ms. Hurt called for public comment.

Ms. Bautista requested that she be invited to participate in the discussions with the subcommittee.

Ms. Harris encouraged the Board to educate themselves regarding the education and certifications required for technologies outside of steno machine writing.

Ms. D'Urso, on behalf of PYRP, requested to be included in the conversations with the subcommittee.

Ms. Hurt indicated that she would like to understand the topic more, but the current discussion is in regard to protecting the terms "court reporter" and "deposition reporter," and it does not preclude work that is done by other means. She believed it to be appropriate to work to protect the titles.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

### ***MOTION CARRIED***

Ms. Hurt appointed Ms. Sunkees as chair of the Title Protection Subcommittee.

## 9. REGULATIONS

### 9.1 AB 2138 Implementation: Status report for section 2470 & 2471

Ms. Rogers shared that Business, Consumer Services and Housing Agency approved the language on November 16, 2020, and she would, therefore, be filing the regulatory package with the Office of Administrative Law soon.

### 9.2 Disciplinary Guidelines: Proposed amendments to section 2472

Ms. Rogers stated that the proposed amendments were approved by the Board at its May 21, 2020 meeting. Staff is preparing the regulatory package.

### 9.3 License Examination

#### 9.3.1 Inspection of Examination Papers; Notification: section 2422

Ms. Fenner recommended the Board adopt the proposed language.

*Ms. Sunkees moved to approve the proposed regulatory language to amend 16 CA ADC § 2422. Additionally, she moved to direct staff to proceed with the pre-approval process for the regulations with authority to make nonsubstantive changes. If no substantive changes, staff is then directed to submit the regulations package to the Office of Administrative Law. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Nocella, Ms. Sunkees, and Ms. Hurt

Opposed: None

Absent: Ms. O'Neill

Abstain: None

Recusal: None

#### ***MOTION CARRIED***

#### 9.3.2 Examination Application: section 2418

Ms. Fenner indicated that section 2418 would be brought back to the Board at a later meeting.

## 10. BOARD POLICY MANUAL

### 10.1 Repeal policies already contained in regulations or otherwise duplicative

Ms. Fenner indicated that along with updating the regulations to conform to online testing, the Board Policy Manual also needs to be updated.

The first policy relates to appointing an Appeals Committee. Since there is no longer an appeals process, staff recommends the Board repeal the portion of the policy regarding the Appeals Committee.

Mr. Hensley, on behalf of CCRA student and educator membership, stated that there is a concern regarding the removal of an appeals process as part of the online examination. He stated that in order for California to maintain the high standard of accuracy required to pass the exam, then an appeals process must be included. He asserted that nature of the exam grading is subjective, and candidates have been able to successfully appeal their exam grade leading to licensure. He suggested the Board consider revising the appeal process to align with the online platform instead of entirely removing the appeal process.

Ms. Hurt acknowledged the concern but believed removal of the appeal process to be appropriate to protect the test bank. Ms. Fenner stated that the computer can check for accuracy of the words, but recognizing there can be different styles of punctuation, the Board has added three layers of human grading. The first person rechecks what the computer graded, looking for formatting and style. If the test is within 20 points of passing, the test is reviewed by a second human grader to recheck it. If the test is within 10 points of passing, it is given to a third human grader. If there is any question as to whether something is essential, it always goes in the favor of the candidate. She shared that after the multi-step process, no one from the last test was within 20 points of passing and, therefore, would not have been eligible for an appeal under the old process.

*Ms. Sunkees moved to repeal appointment of an Appeals Committee from the current Board Policy. Ms. Nocella seconded the motion. Ms. Hurt called for public comment.*

Ms. D'Urso, on behalf of PYRP, supported and thanked Mr. Hensley for his comments.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

### ***MOTION CARRIED***

Ms. Fenner referred to the second policy for consideration regarding the results of the skills test. In December of 1987, the Board adopted the policy of not giving the candidates their actual test scores. The staff recommendation is to similarly move to advising candidates of pass or fail on the skills portion.

*Ms. Sunkees moved to send the skills exam results as pass or fail. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.*

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

***MOTION CARRIED***

Ms. Fenner stated that the third policy that needed review is regarding printing rough drafts for the skills test. The current policy allows candidates to print one rough draft from which to proof their final transcripts. A request has been received to allow the candidates to print their notes and as many drafts as they feel they need. Recognizing that it is easier to proofread on paper rather than on a screen, the Board previously adopted the recommendation to allow the candidates to print one rough draft. The staff recommendation is to leave the policy as is and limit it to one printing for security reasons.

No public comments were offered. No action was taken.

**10.2 Amend policies for online skills portion of license exam:**

**10.2.1 Time to upload steno notes**

**10.2.2 Time for a second try**

Ms. Fenner reported on these two items together. She stated that despite being allowed unlimited access to RTC to practice, a number of candidates were unable to successfully upload their steno notes in the two-minute time allotted to them. Although by policy they were allowed a second two-minute time period to upload, this created confusion with some of the proctors. To eliminate this problem, staff is proposing that the Board change the policy regarding the uploading of notes to be one four-minute period.

*Ms. O'Neill moved to modify the time allowed for uploading of stenographic notes to one four-minute period. Ms. Sunkees seconded the motion.* Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

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

***MOTION CARRIED***

**10.2.3 Acceptable pass rate**

Ms. Fenner indicated that the Board received a written request from a member of the public to lower the current passing grade of 97.5% accuracy on the skills portion of the exam. The reasoning offered is the State Bar has lowered its

passing grade and the CRB should follow suit. If the Board makes a change to the passing grade, it would require a regulatory change.

Ms. Hurt asked how long the pass grade has existed. Ms. Fenner was not sure if it had ever changed but was able to confirm that the passing grade was the same when she took it in 1996.

Ms. Sunkees did not see a convincing reason to lower the passing grade of the skills exam. She gleaned from the discussions of the day that there was a consensus to maintain standards, not lower them.

Ms. Hurt added that there was a huge equity argument being associated with the changes to the State Bar. She stated that the State Bar had quite a bit of statistical data, but there was nothing comparable that for the Board's dictation exam. She said the State Bar made a statement advocating for the change because the passing rate was not reflecting whether one could be a good attorney. She believed the skills of court reporting are more straightforward and objective.

Ms. O'Neill expressed that she did not support proposals to lower the passing grade in the 1980s, and she does not support it now.

Ms. Nocella agreed with the previous comments. She said without significant data she did not believe this was something the Board should act on. She shared that she did not support the change for the State Bar and does not believe the Board should change the threshold for the dictation pass grade.

No public comments were offered. No action was taken.

## 11. STRATEGIC PLAN

### 11.1 'Five Reasons to Hire a Licensed Court Reporter' – Publication

Ms. Fenner reported that the Board approved language for a publication to educate attorneys and litigants on the importance of hiring a licensed court reporter. The final design is on the Board's website and is provided in the Board agenda packet on page 62 for informational purposes.

### 11.2 Best Practices Task Force

Ms. O'Neill reported that the Best Practice Pointers Task Force, co-chaired with Board Member Sunkees, met on June 19, 2020, and took on the topic of remote reporting. She thanked task force members Irene Abbey, Lauren Biggins, Jennifer Esquivel, and Priscilla Gwaltney for their attendance and input based on years of experience.

She presented the draft version of Best Practice Pointer No. 11, Videoconference/ Remote Reporting located on pages 63 and 64 of the Board agenda packet. She emphasized that best practices are not underground regulations but are created and made available for anyone to use as a guidance. The Board will not use these guidelines as a basis for discipline or enforcement.

Ms. Hurt thanked the task force for its efforts. She requested Board and public comment on the draft publication.

Ms. Sunkees recommended insertion of the word “only” after the word “transcription” in the first bullet point under item B.

Mr. Hensley, on behalf of CCRA, proposed removal of bullet point seven of item A. He stated that a reporter does not need to be the host of a session in order to identify all participants. Aside from using various platform capabilities, this can be done by verbally inquiring prior to proceedings on the record as to who all are present for the proceedings, as described in Item B bullet point three. Also, inclusion of this advice would be in direct contradiction to NCRA’s Advisory Opinion 44, wherein it is advised that the court reporter should not act also as the videographer.

He further requested removal of bullet point six of item C. He stated that California Rule of Court 3.670(o) states that all proceedings involving telephone appearances must be reported to the same extent and in the same manner as if participants had appeared in person. He added that bullet five under item C advises that no “modified” or “partial” certification page is allowed, therefore, bullet six should not allow for a “best of my ability” clause to be used.

Ms. Fenner expressed that she believed the intent of the language under bullet point seven of Item A was not for the court reporter to act as the videographer in any way but to make the court reporter in charge of the control of the recording as they would be for backup audio media.

The Board directed the task force to consider the proposed amendments and bring it back to the Board for review.

### 11.3 Update to the Board on Action Plan

Ms. Fenner referred the Board to the Action Plan timeline on page 65 of the Board agenda packet. She welcomed changes to the priorities from the Board.

Ms. Hurt suggested moving up the launch of a strategic awareness campaign to educate consumers about the court reporting roles and Board responsibilities and services. Ms. Sunkees and Ms. O’Neill agreed that it would be timely to move it forward.

Mr. Hensley, on behalf of CCRA, requested the Board maintain its target of December 2020 to investigate real-time captioning standards and assess industry practices.

Ms. Fenner reminded the Board that the dates listed on the Action Plan Timeline are target dates, not deadlines. She added that the Board has had to shift priorities that took staff time, such as moving the exam online, that may cause other projects to be moved back.



12. ELECTION OF OFFICERS

Ms. Hurt called for election of officers. She stated it had been an honor to serve as chair and welcomed the chance to support a new chair.

Ms. Nocella thanked Ms. Hurt for an outstanding job as chair.

*Ms. O'Neill nominated Ms. Sunkees as chair. Ms. Hurt seconded the motion.* Ms. Hurt called for public comment.

Mr. Hensley, on behalf of CCRA, thanked Ms. Hurt for her steadfast and diligent efforts in overseeing the Board during her tenure. He also endorsed the nomination of Ms. Sunkees as chair.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

**MOTION CARRIED**

*Ms. Hurt nominated Ms. O'Neill as vice-chair. Ms. Sunkees seconded the motion.* Ms. Hurt called for public comment.

Mr. Hensley, on behalf of CCRA, supported the nomination of Ms. O'Neill as vice-chair.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

**MOTION CARRIED**

13. FUTURE MEETING DATES

Ms. Hurt indicated that staff would reach out to the Board members for their availability when a meeting is necessary. She suggested that the Board consider having more frequent meetings due to the availability of the online platform.

***The Board took a break at 12:42 p.m. The Board convened into closed session from 1:08 p.m. to 1:18 p.m.***

14. CLOSED SESSION

Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board met in closed session to discuss or act on disciplinary matters and/or pending litigation.

***The Board returned to open session at 1:18 p.m.***

Ms. Hurt indicated that there was nothing to report from closed session. She thanked the Board members and staff for a great meeting.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 1:19 p.m.

\_\_\_\_\_  
DAVINA HURT, Board Chair

\_\_\_\_\_  
DATE

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

\_\_\_\_\_  
DATE



DEPARTMENT OF CONSUMER AFFAIRS

**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 2  
Agenda Item 2.2**COURT REPORTERS BOARD OF  
CALIFORNIA MINUTES OF OPEN SESSION  
APRIL 16, 2021****DRAFT****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Executive Order N-29-20.

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

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

**Staff Members Present:**

Yvonne K. Fenner, Executive Officer  
Rebecca Bon, Staff Counsel  
Danielle Rogers, Regulations Counsel  
Paula Bruning, Executive Analyst  
Mary Kathryn Cruz Jones, DCA Executive Office

Board staff established the presence of a quorum.

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

Charlotte Mathias, CSR, requested the Board put its public comment section at the end of its meeting. She also requested that the Board allow its participants to see all who are in attendance.

**2. REVIEW AND APPROVAL OF NOVEMBER 20, 2020 MEETING MINUTES**

*Ms. Hurt moved to approve the minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment.*

Mike Hensley, CSR and California Court Reporters Association (CCRA) President, requested that a correction be made to the second sentence on page 10 of the minutes. He stated that the RPR requires a 95% rate of accuracy, not 97%.

*Ms. Hurt amended her motion to approve the minutes with the correction noted above. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment.*

Mr. Hensley suggested the Board use a CSR to capture a verbatim record of future meetings. Mary Piece, CSR, thanked Mr. Hensley for his requested amendment. She indicated that the 95% accuracy rate is a standard, not a statistic.

Kim Kuziora, CSR, stated that she was misquoted in line 8 of the second paragraph on page 8 of the minutes. She reported that she said, "This transcript was certified by the notary and transcriptionist. Per CCP 2025.340(m), this transcript would not be admissible evidence because it is not a stenographic transcript. As pointed out in the March 2020 attorney email that I submitted, this transcript would be useless in an insurance fraud situation where a district attorney would need to use a transcript for criminal prosecution."

#### *Motion Withdrawn*

Ms. Fenner stated that the minutes are not intended to be a verbatim record. She would want substantial errors corrected because the information in minutes would potentially be referred to by future Board members for historical background on decisions.

The Board directed staff to bring the minutes to the next meeting with amendments.

### 3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Mary Kathryn Cruz Jones, Department of Consumer Affairs (Department/DCA) Board and Bureau Relations, provided a Department update.

#### COVID-19

She thanked Ms. Fenner and staff for maintaining excellent customer service during the challenging times brought on by COVID-19. DCA remained open with preventative measures to safeguard the health and safety of employees and visitors. Boards and bureaus started looking toward the future to decide which changes can be made permanent for efficiency and employee well-being, such as telework. She referred the members and public to DCA's COVID-19 webpage for updates, resources, and vaccine information.

#### Board Meetings

She stated that the ability for the Board to meet remotely is tied to the Governor's Executive Orders and the state of emergency. When these are lifted, the board will be required to follow all aspects of the Open Meeting Act, including publicly noticed and accessible locations. DCA does not yet know when this will happen or if any changes in the law will occur before that date; however, they will assist the boards and bureaus to plan in-person meetings. She shared that DCA created a virtual background with the DCA logo for board member and staff use. She added that the board logo can be added to the graphic.

#### DCA Executive Team

Ms. Jones shared that two new members joined the DCA Executive Office team: Monica Vargas was appointed to the role of deputy director of the Communications Division, and Sara Murillo was appointed as the deputy director of the Office of Administrative Services.

### Board Membership

Ms. Jones indicated that appointments and filling vacancies are top priorities at Board and Bureau Relations. The goal of DCA and the appointing authorities is to have a fully seated, diverse, and effective board. Those interested in serving can find information on Board Member Resources page of the DCA website.

### Training

Ms. Jones stated that 2021 is a mandatory Sexual Harassment Prevention training year for all DCA board members and staff. She added that board members must attend Board Member Orientation Training with one year of appointment and reappointment. The new and improved training will be held via WebEx on June 23, 2021.

### New Initiatives for 2021

Director Kirchmeyer developed a group of board and bureaus executives to maintain regular communication, provide feedback and information to DCA, and assist with special projects that impact all board and bureaus. The group has met several times and is making progress on projects such as standardizing board reporting requirements.

The Enlightened Licensing Project workgroup is also underway, helping individual boards and bureaus streamline and make their licensing processes more effective and efficient by utilizing best practices, information technology, and cost-saving measures. The workgroup has begun to dive into licensing processes at one board with processes that have been implemented in real time.

## 4. REPORT OF THE EXECUTIVE OFFICER

### 4.1 CRB Budget Report

Ms. Fenner referred to the Board's most current expenditure projections on page 29 of the Board agenda packet. She highlighted that the overall personnel expenses were lower compared to the historical numbers. This was a result of two recent vacancies: the half-time TRF Coordinator, who separated in December 2020, and the receptionist, who separated in February 2021. She thanked staff for picking up the extra duties.

She also stated that there was a decrease in operating expenses, largely due to the shift of offering the skills examination to an online platform. Also, there was travel cost savings by holding Board meetings and a number of exam constructions workshops remotely. She stated that the surplus is normally under 5 percent; therefore, the 11 percent surplus is considered robust for this Board.

Ms. Fenner then referred to the overall fund condition on page 30 of the Board agenda packet, which reflected a projected transfer of \$200,00 to the Transcript Reimbursement Fund (TRF).

### 4.2 Transcript Reimbursement Fund

Ms. Bruning reported that the TRF reopened and began accepting applications on November 2, 2020. Thus far, 123 invoices had been approved totaling more than \$86,000 for the pro bono portion of the program. Nearly \$6,000 in invoices had been

approved for the pro per portion of the program, with another \$6,000 in provisional approvals having been issued.

Ms. Sunkees inquired why the transfer projection for the TRF was \$200,000 instead of the allotted \$300,000. Ms. Fenner explained that although fees increased, the Board's licensee base is decreasing as a result of retiring reporters and fewer new reporters joining the ranks. Additionally, the Board's cost of doing business has increased. Therefore, staff was trying to be modest in the projection, but could potentially bump it up to \$300,000 if needed.

#### 4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 32 of the Board agenda packet. She indicated that the most common complaints received are for timeliness or accuracy of the transcript. She stated that there have been benefits of fewer distractions and interruptions for the enforcement desk as a result of teleworking.

Ms. Kuziora inquired if the enforcement statistics reflected all complaints related to licensees. Ms. Fenner responded that the statistics reflect all complaints.

#### 4.4 Exam Update

Ms. Fenner indicated that the pass rates for the three parts of the license exam were found starting on page 34 of the Board agenda packet. She stated that the skills portion of the test is continuing to be administered online through Realtime Coach. There were 63 candidates during the last testing cycle.

Ms. Hurt shared concern that the number of candidates had consistently been decreasing. She supported the cost-saving benefits of continuing to offer the test online versus in person.

Ms. Sunkees thanked staff for moving quickly to transition the exam to the online platform to continue its licensing efforts.

#### 4.5 Business Modernization

Ms. Bruning shared online renewal trends. She stated that there were delays in the printing and mailing of the March and April 2021 renewal notifications; therefore, the online renewal option was very useful.

Ms. Hurt thanked staff for their efforts in making online renewals possible.

Ms. Fenner reported that Ms. O'Neill's Board position has been extended for 120 days.

## 5. LICENSE/CERTIFICATION RECIPROCITY

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

Ms. Sunkees reported that the License Reciprocity Task Force, chaired by herself and Ms. O'Neill, met via videoconference on June 26, 2020. During the meeting, information was received from the Texas Judicial Branch Certification Commission regarding the structure of their licensing examination, which mimics the format of the National Court Reporter Association's RPR exam. With that information, the Board entered into an interagency agreement with DCA's Office of Professional Examination Services (OPES) to analyze the Texas exam. The report from OPES was included in the Board agenda packet starting on page 42.

The agreement with OPES also included a request for analysis of the RPR. That review is ongoing and will include a linkage study involving subject matter experts from the industry.

Ms. Sunkees stated that the Task Force met again on March 29, 2021, to discuss the information received to date, including whether the RPR was a sufficient test to prove entry-level skills. The members voiced a variety of concerns, and no consensus was achieved at that time. The Task Force will meet again in the coming months as new information becomes available.

Ms. Mathias spoke in opposition to the Board considering the RPR as equivalent to the Board's skills examination.

Mr. Hensley, on behalf of CCRA, stated his opposition to the Board using the RPR as a substitute to the Board's skill examination. He suggested the Board consider the RMR and CRR examinations instead.

Ms. Pierce spoke in opposition to using the RPR as an equivalent to the Board's CSR examination.

Ms. Fenner stated that the standards are set, and the test is developed to determine that the candidate has entry-level skills sufficient to report safely for consumers. Because of this, it is not beneficial to compare numbers and formats from one test to another.

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

Ms. Sunkees reiterated that the Board is awaiting the OPES validation report.

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

Ms. Sunkees deferred this item until the License Reciprocity Task Force completes its recommendation to the Board.

***The Board took a break at 10:15 a.m. and returned to open session at 10:30 a.m.***

## 6. LEGISLATION

Ms. Fenner referred to the information starting on page 44 of the Board agenda packet. She stated that the bills listed as agenda items 6.1 through 6.5 did not warrant a need for the Board to take a position. She offered to discuss them in more detail if any member determined there was a necessity.

6.1 AB 29 (Cooper) – No discussion.

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

6.3 AB339 (Lee and Christina Garcia) – No discussion.

6.4 AB 646 (Low) – No discussion.

6.5 AB 1169 (Eduardo Garcia) – No discussion.

6.6 SB 241 (Umberg) – Ms. Fenner reported that the bill now holds the firm registration language from the prior year. It was heard before the Senate Business, Professions & Economic Development Committee on April 5, 2021, wherein Ms. Hurt, chair of the Firm Registration Subcommittee, provided remarks in support during the hearing. The bill passed out of committee and would next be heard by the Senate Judiciary Committee on April 20, 2021. Ms. Fenner thanked Senator Umberg's office for recognizing the Board's current position with regards to jurisdiction over foreign corporations and for pursuing a simple, fiscally responsible solution.

Kelly Shainline, CSR and co-founder of the Protect Your Record Project (PYRP), spoke in opposition of SB 241.

Mr. Hensley, on behalf of CCRA, spoke in opposition of SB 241 unless amended.

Ms. Mathias spoke in opposition of SB 241.

Ms. Pierce, president of the Deposition Reporters Association of California (CalDRA), spoke in support of SB 241. She added that they are monitoring the remote reporting language and are not taking a position on it at this time.

Kimberly D'Urso, on behalf of PRYP, spoke in opposition to SB 241.

*Ms. O'Neill moved to support the firm registration language of SB 241. Ms. Hurt seconded the motion.* Ms. Sunkees called for public comment.

Ms. D'Urso requested the Board work on court reporter title protection legislation. She reiterated her opposition to SB 241.

Carolyn Dasher, CSR, spoke in opposition to the remote reporting language of SB 241.

Ms. Mathias spoke in opposition to the remote reporting language of SB 241.



Mr. Hensley reiterated his opposition to SB 241.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

## 7. REGULATIONS

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

Ms. Rogers shared that the regulatory package has been filed with the Office of Administrative Law and is due to be completed by May 13, 2021.

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

Ms. Fenner reported that at its last meeting, the Board directed staff to reach out to stakeholders to try to find an author for legislation to limit the use of the terms “court reporter” and “deposition reporter” to CSRs. It was later suggested that the better route to achieve that goal was through the regulatory process. Staff is working with Ms. Rogers and Ms. Bon to explore this option more fully and would provide an update at the next Board meeting.

### 7.3 Minimum Transcript Format Standards (MTFS): Public hearing regarding proposed amendment of regulations. (Gov. Code, § 11340.6.)

Ms. Fenner stated that the Board received a new request for a regulation change from a consumer. The request is to require all transcripts be provided in a searchable format. Providing an electronic transcript is currently optional. Although there is a Rule of Court requiring searchable transcripts, it does not take effect until January 2023. Staff recommends the Board appoint a chair for a task force to develop language to amend the MTFS.

Ms. Mathias asked if the requirement was going to be extended to deposition transcripts. Ms. Sunkees responded that the MTFS would apply to all transcripts, and the details on how to implement that would need to be addressed by the task force.

Ms. O'Neill volunteered to chair the task force and was so appointed. Those interested in volunteering as members of the task force were directed to contact Ms. Fenner or Ms. Bruning.

## 8. STRATEGIC PLAN

### 8.1 'Five Reasons to Hire a Licensed Court Reporter' – Publication

Ms. Fenner reported that the publication was shared with the California Lawyer Association with a notation that a best practice for attorneys would be to request the CSR number of their reporter before the proceedings. Staff intends to further distribute the publication to other state and local layer associations in California as staff vacancies are back filled. Ms. Hurt offered an expression of appreciation for creation and distribution of the document. She encouraged others to distribute the electronic document.

### 8.2 Best Practices Task Force – Best Practice Pointers Number 11 for Remote Reporting.

Ms. Sunkees stated that the comments received at the last Board meeting were taken back to the Task Force. She presented the revised proposed draft document starting on page 57 of the Board agenda packet.

Mr. Hensley, on behalf of CCRA, thanked the Task Force participants for their efforts. He spoke in support of the document.

*Ms. Hurt moved to approve Best Practice Pointer 11. Ms. O'Neill seconded the motion.* Ms. Sunkees called for public comment.

Ms. Mathias requested the Board consider creating a new best practice pointer to clarify if a California CSR is allowed to swear in a witness in another state where there are court reporting and/or notary laws.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal:

### 8.3 Update to the Board on Action Plan

Ms. Fenner referred the Board to the Action Plan timeline on page 59 of the Board agenda packet. She shared that staff has been working to launch its social media accounts but had faced hurdles in finding acceptable images to use on its posts and pages. She welcomed changes to the priorities from the Board.

Ms. Hurt inquired as to the status of the captioning standards item. Ms. Fenner responded that the Board does not currently have jurisdiction over captioners and, therefore, had not received any complaints related to captioning. She explained that licensing captioners would require a legislative sunrise process, which requires proof of consumer harm. She added that staff vacancies have also not allowed the addition of new projects.

9. FUTURE MEETING DATES

Ms. Fenner stated that many years earlier, the Board would meet every other month; however, economic downturns resulted in budget-tightening measures and forced a reduction of meeting to twice each year. The remote meeting platform has provided cost-savings and increased the public's ability to attend the Board meetings. She recommended the Board consider increasing its number of meetings to three times each year while remote meetings are still an option. She proposed meeting in July and November 2021 and in March 2022. The actual dates would be developed by an offline Board member poll.

Ms. Hurt supported the recommendation and agreed that the online platform had increased accessibility to the public. Ms. O'Neill concurred.

10. CLOSED SESSION

Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board met in closed session to discuss or act on disciplinary matters and/or pending litigation.

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

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 11:38 a.m.

\_\_\_\_\_  
ROBIN SUNKEES, Board Chair

\_\_\_\_\_  
DATE

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

\_\_\_\_\_  
DATE

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 3 – Department of Consumer Affairs Update**

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Agenda Description: Report from the DCA Executive Office

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Support Documents:

Attachment – Department Update

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Fiscal Impact: None

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Recommended Board Action: Informational.

## **Department Update**

### **Court Reporters Board**

#### **August 20, 2021 Meeting**

*Content current as of 8/9/2021*

Board Chair Sunkees and Members, thank you for requesting this Department update. Congratulations to Chair Sunkees on your recent reappointment. Thank you to all members for your continued service to California's consumers.

### **COVID-19 Safety Measures**

California is leading the nation in vaccinations. However, the state is seeing increasing numbers individuals contracting COVID-19 and being admitted to the hospital and ICU. To protect workers and the public, the state has begun requiring state workers to either demonstrate proof of full vaccination or be tested at least once per week. Health care workers are required to be fully vaccinated or receive their second dose by September 30. Requirements for state workers are being implemented quickly at DCA and we appreciate the assistance of Board staff. We will be in touch with any additional information we receive on this effort.

### **Re-Opening Guidance**

We know things are moving quickly and there is a lot of information, both official and unofficial. Statewide guidance for the use of face coverings from the California Department of Public Health remains in place, unless a local health jurisdiction issues a stricter public health ordinance tailored for the situation in their communities. Several counties have issued orders requiring face masks to be worn by both vaccinated and unvaccinated individuals while indoors. Individuals should monitor their county's COVID-19 website for local guidance and mandates. I encourage all members and the public to visit DCA's COVID-19 webpage for updates and resources on the state's re-opening plan, public health guidance, vaccinator resources, vaccine distribution and more.

### **Remote Meetings Continue**

DCA is receiving many questions about when and how Boards will meet again in person, and whether they can also continue to meet remotely. The ability of the Board to meet remotely is tied to the Governor's Executive Orders and the State of Emergency. The Executive Order allowing remote meetings is set to expire September 30, after which time the Board will be required to follow all aspects of the Open Meetings Act, including publicly noticed and accessible locations,

unless a change in law happens. I think we all recognize the value of the cost savings and increased public participation associated with remote meeting options. In the meantime, DCA will do all it can to assist Boards and Bureaus to transition safely to in-person meetings and keep you informed of any changes to meeting requirements. Boards and Bureaus are looking ahead to what changes can be made permanent for efficiency and employee well-being, such as telework and eliminating paper processes.

### **Required Board Member Trainings and LMS**

As a reminder, 2021 is a mandatory Sexual Harassment Prevention Training year. This means all employees **and** Board Members are required to complete the training during this year. Please also be advised that you will now access this training through the Learning Management System (LMS), which is DCA's training portal. We have created profiles for each of you in the LMS and informed your Executive Officer of the steps you will need to take to login and access the training. Board and Bureau Relations is also happy to assist you with any questions or concerns you may have about using LMS. Ultimately, the LMS will house your training records and may also be used to sign up for other mandatory trainings, including the Board Member Orientation Training. As a reminder, newly appointed and reappointed Board Members are required to attend Board Member Orientation Training within a year of appointment or reappointment. The next training will be held via WebEx October 13, so members have plenty of time to save the date. To register, please visit the DCA Board Member Resource Center located at [dca.ca.gov](https://dca.ca.gov).

### **Close**

As always, Board and Bureau Relations is here to help, and if there is anything we can do to assist, please reach out to [Carrie.Holmes@dca.ca.gov](mailto:Carrie.Holmes@dca.ca.gov).

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 4 – Report of the Executive Officer**

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Agenda Description: Report on:

- 4.1 CRB Budget Report
- 4.2 Transcript Reimbursement Fund
- 4.3 Enforcement Activities
- 4.4 Court Reporting Schools; Charles A. Jones Career and Education Center,  
Court Reporting (Argonaut) Closure
- 4.5 Exam Update
- 4.6 Business Modernization
- 4.7 CRB Today Newsletter

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Support Documents:

- Attachment 1, Item 4.1 – FM11 Expenditure Projections
- Attachment 2, Item 4.1 – CRB Fund Condition FM11
- Attachment 3, Item 4.2 – TRF Fund Condition FM11
- Attachment 4, Item 4.3 – Enforcement Statistics
- Attachment 5, Item 4.5 – Exam Statistics
- Online Reference, Item 4.7 – CRB Today Newsletter, Summer 2021

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Fiscal Impact: None

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Recommended Board Action: None

Department of Consumer Affairs

**Expenditure Projection Report**

Court Reporters Board of California  
Reporting Structure(s): 11113110 Support

Fiscal Month: 11

Fiscal Year: 2020 - 2021

Run Date: 06/22/2021

**PERSONAL SERVICES**

Fiscal Code	Line Item	Budget	Current Month	YTD + Encumbrance	Projections to Year End	Balance
<b>5100</b>	<b>PERMANENT POSITIONS</b>	<b>\$333,000</b>	<b>\$26,269</b>	<b>\$293,206</b>	<b>\$319,476</b>	<b>\$13,524</b>
5100000000	Earnings - Perm Civil Svc Empl	\$249,000	\$18,333	\$206,175	\$224,508	\$24,492
5105000000	Earnings-Exempt/Statutory Empl	\$84,000	\$7,936	\$87,031	\$94,969	-\$10,969
<b>5100</b>	<b>TEMPORARY POSITIONS</b>	<b>\$11,000</b>	<b>\$0</b>	<b>\$14,996</b>	<b>\$14,996</b>	<b>-\$3,996</b>
<b>5105-5108</b>	<b>PER DIEM, OVERTIME, &amp; LUMP SUM</b>	<b>\$14,000</b>	<b>\$400</b>	<b>\$6,748</b>	<b>\$6,903</b>	<b>\$7,097</b>
<b>5150</b>	<b>STAFF BENEFITS</b>	<b>\$192,000</b>	<b>\$16,564</b>	<b>\$204,178</b>	<b>\$228,900</b>	<b>-\$36,900</b>
<b>PERSONAL SERVICES</b>		<b>\$550,000</b>	<b>\$43,233</b>	<b>\$519,127</b>	<b>\$570,274</b>	<b>-\$20,274</b>

Fiscal Code	Line Item	Budget	Current Month	YTD + Encumbrance	Projections to Year End	Balance
<b>5301</b>	<b>GENERAL EXPENSE</b>	<b>\$9,000</b>	<b>\$580</b>	<b>\$3,966</b>	<b>\$4,131</b>	<b>\$4,869</b>
<b>5302</b>	<b>PRINTING</b>	<b>\$1,000</b>	<b>\$0</b>	<b>\$5,384</b>	<b>\$5,384</b>	<b>-\$4,384</b>
<b>5304</b>	<b>COMMUNICATIONS</b>	<b>\$6,000</b>	<b>\$269</b>	<b>\$3,825</b>	<b>\$4,494</b>	<b>\$1,506</b>
<b>5306</b>	<b>POSTAGE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$516</b>	<b>\$2,000</b>	<b>-\$2,000</b>
<b>5308</b>	<b>INSURANCE</b>	<b>\$0</b>	<b>-\$1,484</b>	<b>\$9</b>	<b>\$2,000</b>	<b>-\$2,000</b>
<b>53202-204</b>	<b>IN STATE TRAVEL</b>	<b>\$23,000</b>	<b>\$0</b>	<b>\$1,233</b>	<b>\$1,233</b>	<b>\$21,767</b>
<b>5322</b>	<b>TRAINING</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$12,820</b>	<b>\$12,820</b>	<b>-\$10,820</b>
<b>5324</b>	<b>FACILITIES</b>	<b>\$49,000</b>	<b>\$5,492</b>	<b>\$43,348</b>	<b>\$51,750</b>	<b>-\$2,750</b>
<b>53402-53403</b>	<b>C/P SERVICES (INTERNAL)</b>	<b>\$278,000</b>	<b>\$5,676</b>	<b>\$33,752</b>	<b>\$42,056</b>	<b>\$235,944</b>
5340310000	Legal - Attorney General	\$178,000	\$4,656	\$37,890	\$41,333	\$136,667
5340320000	Office of Adminis Hearings	\$16,000	\$80	\$330	\$330	\$15,671
<b>53404-53405</b>	<b>C/P SERVICES (EXTERNAL)</b>	<b>\$92,000</b>	<b>\$8,706</b>	<b>\$49,024</b>	<b>\$57,737</b>	<b>\$34,263</b>
<b>5342</b>	<b>DEPARTMENT PRORATA</b>	<b>\$146,000</b>	<b>\$0</b>	<b>\$139,333</b>	<b>\$146,000</b>	<b>\$0</b>
<b>5342</b>	<b>DEPARTMENTAL SERVICES</b>	<b>\$0</b>	<b>\$0</b>	<b>\$57,844</b>	<b>\$78,000</b>	<b>-\$78,000</b>
<b>5344</b>	<b>CONSOLIDATED DATA CENTERS</b>	<b>\$3,000</b>	<b>\$2</b>	<b>\$34</b>	<b>\$2,844</b>	<b>\$156</b>
<b>5346</b>	<b>INFORMATION TECHNOLOGY</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$763</b>	<b>\$1,000</b>	<b>\$1,000</b>
<b>5362-5368</b>	<b>EQUIPMENT</b>	<b>\$9,000</b>	<b>\$0</b>	<b>\$941</b>	<b>\$6,941</b>	<b>\$2,059</b>
<b>54</b>	<b>SPECIAL ITEMS OF EXPENSE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>		<b>\$620,000</b>	<b>\$19,241</b>	<b>\$352,792</b>	<b>\$418,390</b>	<b>\$201,610</b>
<b>OVERALL TOTALS</b>		<b>\$1,170,000</b>	<b>\$62,474</b>	<b>\$871,919</b>	<b>\$988,664</b>	<b>\$181,336</b>

15.50%



**Court Reporters Board of California**  
**(Dollars in Thousands) Fund Condition based on FM11**

	<b>Actual 2019-20</b>	<b>CY 2020-21</b>	<b>BY 2021-22</b>	<b>BY+1 2022-23</b>
<b>BEGINNING BALANCE</b>	\$ 366	\$ 611	\$ 787	\$ 774
Prior Year Adjustment	-\$ 17	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 349	\$ 611	\$ 787	\$ 774
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
Revenues				
4129200 - Other regulatory fees	\$ 13	\$ 9	\$ 12	\$ 12
4129400 - Other regulatory licenses and permits	\$ 27	\$ 20	\$ 22	\$ 22
4127400 - Renewal fees	\$ 1,371	\$ 1,382	\$ 1,350	\$ 1,350
4121200 - Delinquent fees	\$ 22	\$ 20	\$ 23	\$ 23
4171400 - Canceled Warrants Revenue		\$ 1		
4163000 - Income from surplus money investments	\$ 14	\$ 5	\$ 15	\$ 12
Totals, Revenues	\$ 1,447	\$ 1,437	\$ 1,422	\$ 1,419
General Fund Transfers and Other Adjustments	\$ -	-\$ 200	-\$ 100	-\$ 100
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 1,447	\$ 1,237	\$ 1,322	\$ 1,319
<b>TOTAL RESOURCES</b>	\$ 1,796	\$ 1,848	\$ 2,109	\$ 2,093
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>				
Expenditures:				
1111 Program Expenditures (State Operations)	\$ 1,098	\$ 981	\$ 1,210	\$ 1,246
GSI 4.55 Percent Increase	\$ -	\$ -	\$ 29	\$ 29
9892 Supplemental Pension Payments (State Operations)	\$ 25	\$ 25	\$ 25	\$ 25
9900 Statewide Pro Rata	\$ 62	\$ 55	\$ 71	\$ 62
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,185	\$ 1,061	\$ 1,335	\$ 1,362
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 611	\$ 787	\$ 774	\$ 731
Months in Reserve	6.9	7.1	6.8	6.4

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
CY revenue and expenditures are projections.  
Assumes minimum \$100K transfer annually to TRF.

**Transcript Reimbursement Fund**  
**(Dollars in Thousands) Fund Condition based on FM11**

**BEGINNING BALANCE**

Prior Year Adjustment

Adjusted Beginning Balance

**REVENUES, TRANSFERS AND OTHER ADJUSTMENTS**

Revenues

4163000 - Income from surplus money investments

Totals, Revenues

General Fund Transfers and Other Adjustments

**TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS**

**TOTAL RESOURCES**

**EXPENDITURES AND EXPENDITURE ADJUSTMENTS**

Expenditures:

1111 Program Expenditures (State Operations)

9900 Statewide Pro Rata

**TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS**

**FUND BALANCE**

Reserve for economic uncertainties

Months in Reserve

<b>Actual 2019-20</b>	<b>CY 2020-21</b>	<b>BY 2021-22</b>	<b>BY+1 2022-23</b>
\$ 1	\$ 35	\$ 60	\$ 60
\$ 36	\$ -	\$ -	\$ -
\$ 37	\$ 35	\$ 60	\$ 60
\$ 1	\$ -	\$ -	\$ -
\$ -	\$ 200	\$ 100	\$ 100
\$ 1	\$ 200	\$ 100	\$ 100
\$ 38	\$ 235	\$ 160	\$ 160
<b>Actual 2019-20</b>	<b>CY 2020-21</b>	<b>BY 2021-22</b>	<b>BY+1 2022-23</b>
\$ -2	\$ 175	\$ 100	\$ 100
\$ 5	\$ -	\$ -	\$ -
\$ 3	\$ 175	\$ 100	\$ 100
\$ 35	\$ 60	\$ 60	\$ 60
2.4	7.2	7.2	7.2

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections.

Assumes minimum \$100K transfer annually from CRB.

# Consumer Protection Enforcement Initiative

## Fiscal Year 2020-2021 Enforcement Report

### July 1, 2020 - June 30, 2021 *FINAL*

#### Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	7	9	12	14	13	5	6	8	10	8	5	8	105
Closed without Assignment for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Assigned for Investigation	7	9	12	14	13	5	6	8	10	8	5	8	105
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	0	0	0	0	0	0	0	0	0	0	0	0
Closed	0	0	0	0	0	1	0	0	0	0	0	0	1
Average Days to Close	0	0	0	0	0	843	0	0	0	0	0	0	843
Pending	1	1	1	1	1	0	0	0	0	0	0	0	1 *

#### Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation **	7	9	12	14	13	5	6	8	10	8	5	8	105
Closed ***	9	5	11	31	51	16	16	7	13	7	8	9	183
Average Days to Close [Straightline] ***	152	8	94	252	900	94	176	95	78	29	47	34	345
Pending ***	85	89	90	73	34	23	13	14	11	12	9	8	38 *

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 **	9	5	11	31	51	17	16	7	13	7	8	9	184
Average Days to Close [Straightline] **	152	8	94	252	900	138	176	95	78	29	47	34	347
Pending **	86	90	91	74	35	23	13	14	11	12	9	8	38 *

\* Average number of cases pending per month

\*\* Intake complaints and convictions

\*\*\* Intake complaints only

### Enforcement Actions

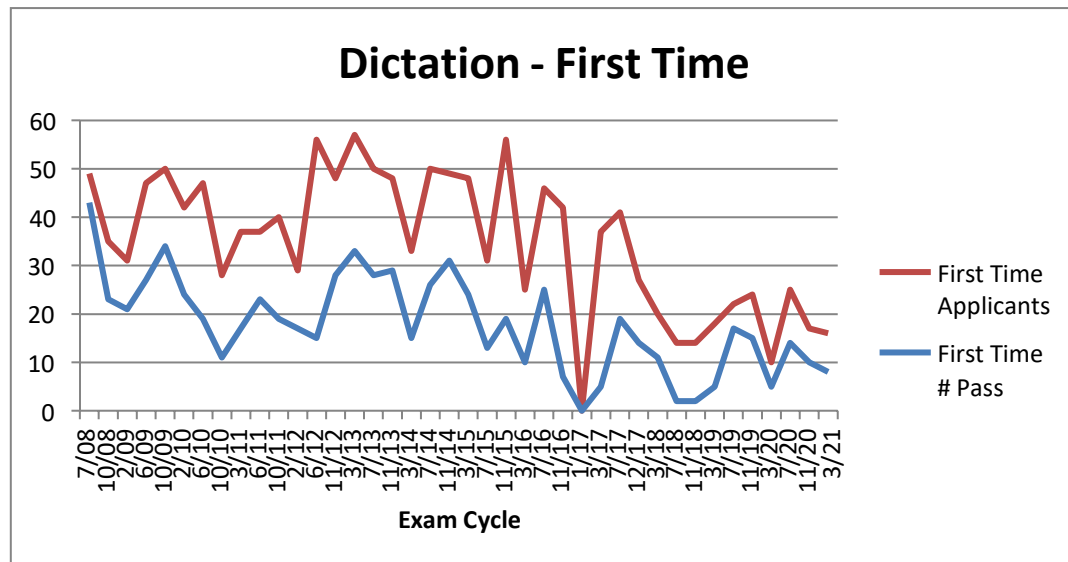
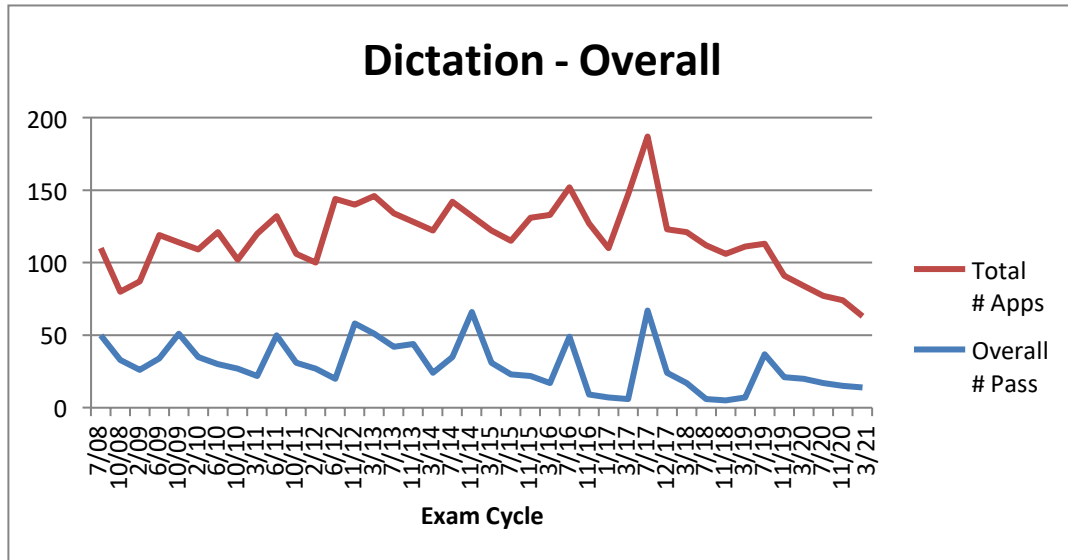
AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	1	0	3	0	1	0	0	1	0	0	0	6
AG Cases Pending	3	3	3	6	6	5	5	4	5	4	4	1	4 *
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0	0	0	0	1	0	0	1
SOIs Withdrawn	0	0	0	0	0	0	0	0	0	0	0	1	1
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	0	0	0	0	0	0	0	47	0	0	47
Accusations Filed	0	0	0	0	1	0	0	1	1	0	0	1	4
Accusations Withdrawn	0	1	0	0	0	1	0	1	0	0	0	0	3
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	0	0	0	0	84	0	0	114	128	0	0	174	125
Petition to Revoke Probation (PRP)	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete PRP	0	0	0	0	0	0	0	0	0	0	0	0	0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	0	0	0	0	0	1	0	1	0	2
Stipulations	0	0	0	0	1	0	0	0	0	0	1	0	2
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	3	0	0	0	0	1	0	0	0	1	0	2	7
Average Days to Complete [Straightline]	330	0	0	0	0	570	0	0	0	238	0	301	342
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	2	0	1	0	0	1	3	0	2	1	1	0	11
Average Days to Complete [Straightline]	24	0	234	0	0	36	149	0	291	27	59	0	130

\* Average number of cases pending per month

## Dictation Exam

<b>Exam Cycle</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
Jul 2008	110	50	45.5%	49	43	87.8%
Oct 2008	80	33	41.3%	35	23	65.7%
Feb 2009	87	26	29.9%	31	21	67.7%
Jun 2009	119	34	28.6%	47	27	57.4%
Oct 2009	114	51	44.7%	50	34	68.0%
Feb 2010	109	35	32.1%	42	24	57.1%
Jun 2010	121	30	24.8%	47	19	40.4%
Oct 2010	102	27	26.5%	28	11	39.3%
Mar 2011	120	22	18.3%	37	17	45.9%
Jun 2011	132	50	37.9%	37	23	62.2%
Oct 2011	106	31	29.2%	40	19	47.5%
Feb 2012	100	27	27.0%	29	17	58.6%
Jun 2012	144	20	13.9%	56	15	26.8%
Nov 2012	140	58	41.4%	48	28	58.3%
Mar 2013	146	51	34.9%	57	33	57.9%
Jul 2013	134	42	31.3%	50	28	56.0%
Nov 2013	128	44	34.4%	48	29	60.4%
Mar 2014	122	24	19.7%	33	15	45.5%
Jul 2014	142	35	24.6%	50	26	52.0%
Nov 2014	132	66	50.0%	49	31	63.3%
March 2015	122	31	25.4%	48	24	50.0%
July 2015	115	23	20.0%	31	13	41.9%
Nov 2015	131	22	16.8%	56	19	33.9%
March 2016	133	17	12.8%	25	10	40.0%
July 2016	152	49	32.2%	46	25	54.3%
Nov 2016	127	9	7.1%	42	7	16.7%
Jan 2017 (Nov 2016 retest)	110	7	6.4%	n/a	n/a	n/a
Mar 2017	147	6	4.1%	37	5	13.5%
Jul 2017	187	67	35.8%	41	19	46.3%
Dec 2017	123	24	19.5%	27	14	51.9%
Mar 2018	121	17	14.0%	20	11	55.0%
Jul 2018	112	6	5.4%	14	2	14.3%
Nov 2018	106	5	4.7%	14	2	14.3%
Mar 2019	111	7	6.3%	18	5	27.8%
Jul 2019	113	37	32.7%	22	17	77.3%
Nov 2019	91	21	23.1%	24	15	62.5%
Mar 2020	84	20	23.8%	10	5	50.0%
Jul 2020	77	17	22.1%	25	14	56.0%
Nov 2020	74	15	20.3%	17	10	58.8%
Mar 2021	63	14	22.2%	16	8	50.0%

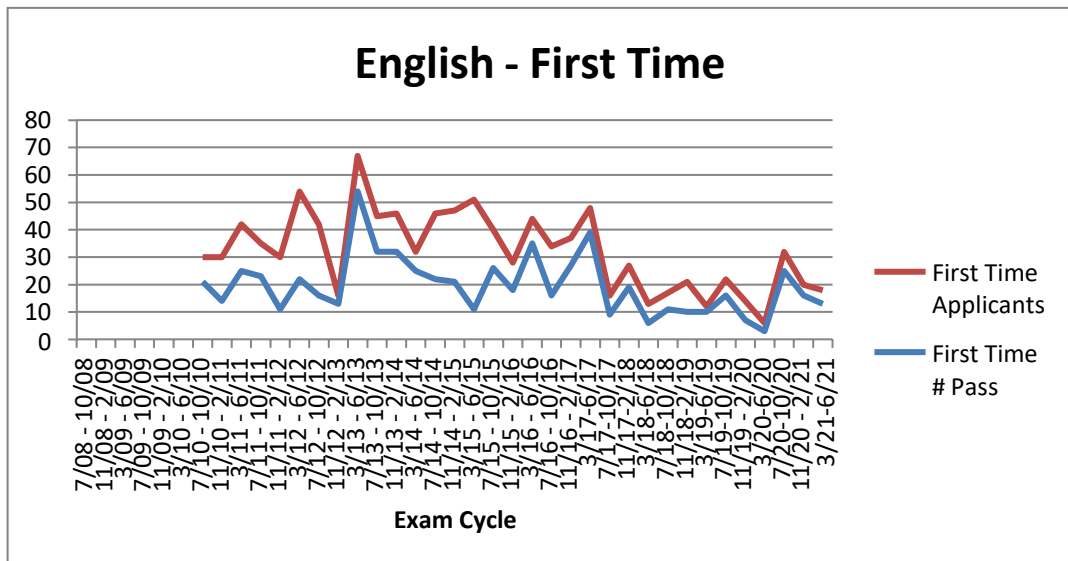
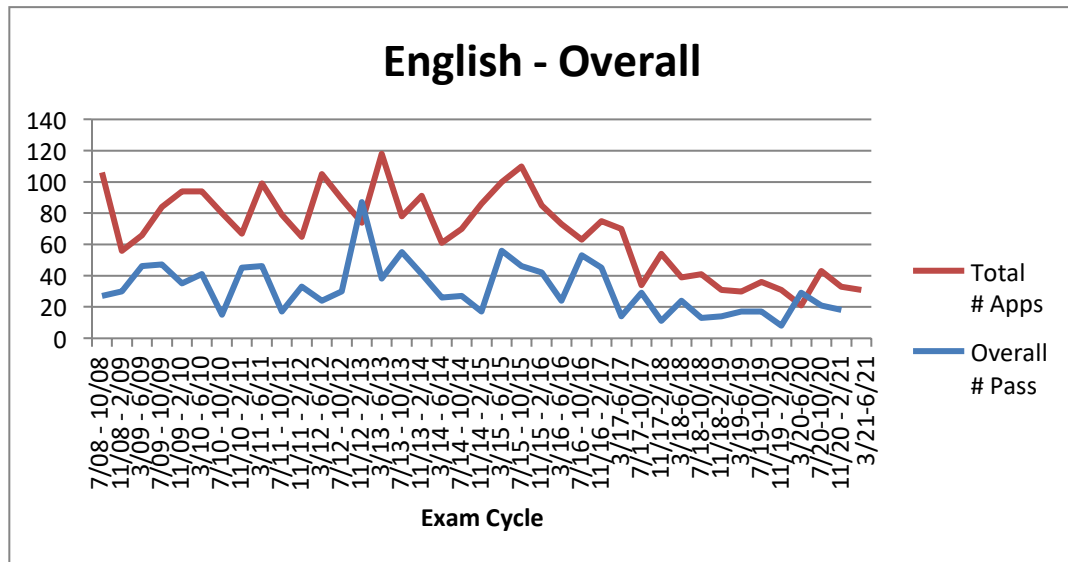
## Dictation Exam



## 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%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - June 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%
Mar 2018 - Jun 2018	39	11	28.2%	13	6	46.2%
Jul 2018 - Oct 2018	41	24	58.5%	17	11	64.7%
Nov 2018 - Feb 2019	31	13	41.9%	21	10	47.6%
Mar 2019 - Jun 2019	30	14	46.7%	12	10	83.3%
Jul 2019 - Oct 2019	36	17	47.2%	22	16	72.7%
Nov 2019 - Feb 2020	31	17	54.8%	14	7	50.0%
Mar 2020 - Jun 2020	21	8	38.1%	6	3	50.0%
Jul 2020 - Oct 2020	43	29	67.4%	32	25	78.1%
Nov 2020 - Feb 2021	33	21	63.6%	20	16	80.0%
Mar 2021 - Jun 2021	31	18	58.1%	18	13	72.2%

## English Exam

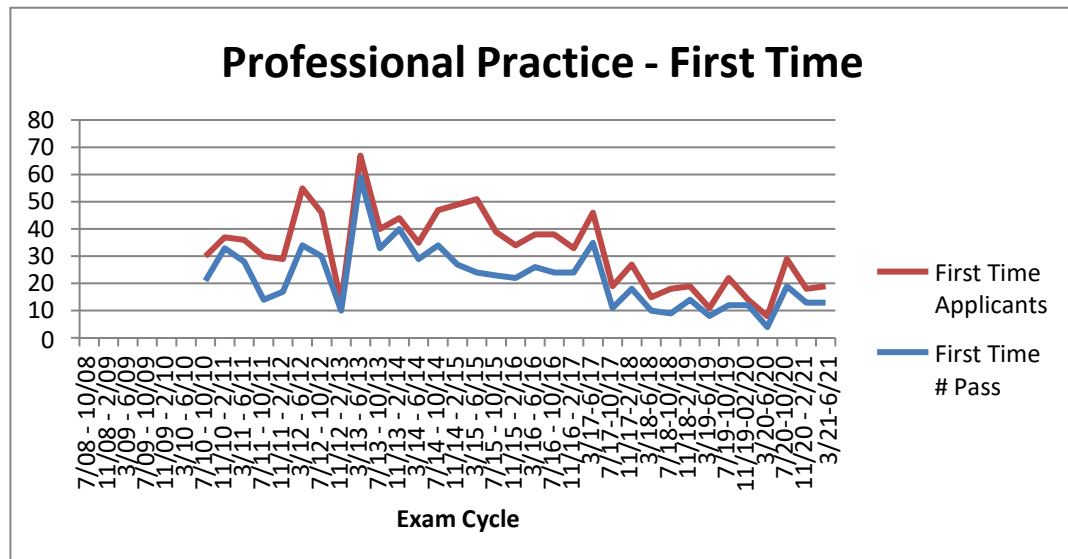
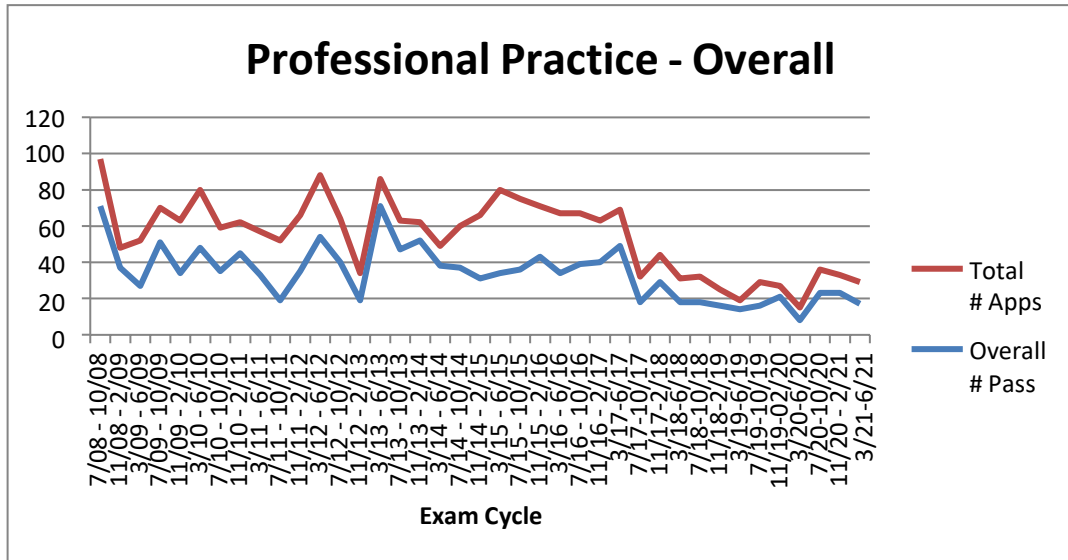




## Professional Practice Exam

<b>Exam Cycle</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
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%
Jul 2014 - Oct 2014	60	37	61.7%	47	34	72.3%
Nov 2014 - Feb 2015	66	31	47.0%	49	27	55.1%
Mar 2015 - June 2015	80	34	42.5%	51	24	47.1%
Jul 2015 - Oct 2015	75	36	48.0%	39	23	59.0%
Nov 2015 - Feb 2016	71	43	60.6%	34	22	64.7%
Mar 2016 - Jun 2016	67	34	50.7%	38	26	68.4%
Jul 2016 - Oct 2016	67	39	58.2%	38	24	63.2%
Nov 2016 - Feb 2017	63	40	63.5%	33	24	72.7%
Mar 2017 - Jun 2017	69	49	71.0%	46	35	76.1%
Jul 2017 - Oct 2017	32	18	56.3%	19	11	57.9%
Nov 2017 - Feb 2018	44	29	65.9%	27	18	66.7%
Mar 2018 - Jun 2018	31	18	58.1%	15	10	66.7%
Jul 2018 - Oct 2018	32	18	56.3%	18	9	50.0%
Nov 2018 - Feb 2019	25	16	64.0%	19	14	73.7%
Mar 2019 - Jun 2019	19	14	73.7%	11	8	72.7%
Jul 2019 - Oct 2019	29	16	55.2%	22	12	54.5%
Nov 2019 - Feb 2020	27	21	77.8%	14	12	85.7%
Mar 2020 - Jun 2020	15	8	53.3%	8	4	50.0%
Jul 2020 - Oct 2020	36	23	63.9%	29	19	65.5%
Nov 2020 - Feb 2021	33	23	69.7%	18	13	72.2%
Mar 2021 - Jun 2021	29	17	58.6%	19	13	68.4%

## Professional Practice Exam



COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 5 – License/Certificate Reciprocity**

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Agenda Description:

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

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Brief Summary:

The Office of Professional Examination Services (OPES) completed their review of the National Court Reporters Association’s (NCRA) Registered Professional Reporter (RPR) certification, and the findings are included as Attachment 5.2. The Reciprocity Task Force met on July 14, 2021, to discuss that report and finalize recommendations to the Board. The final recommendation to the Board from the Task Force is to pursue reciprocity with Texas but not with the RPR.

Following the conclusion of the Task Force, staff requested that OPES invite Texas to provide additional information for future consideration.

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Support Documents: None.

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Fiscal Impact: None

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Recommended Board Action: Despite the task force recommendation, staff recommends that the Board not pursue reciprocity with Texas at this time. There was not enough information provided by Texas to allow OPES to make any findings with regard to their license exam. If the Board were to allow reciprocity, without a test that demonstrates the applicant meets California’s minimum standards, then it may compromise consumer protection. Therefore, the Board should not pursue it at this time.

Proposed motion: Move that the Board does not grant reciprocity with Texas at this time.

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Agenda Description:

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

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Brief Summary:

OPES will give a presentation of the summary of its findings with respect to the RPR.

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Support Documents: OPES Review of the RPR

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Fiscal Impact: None

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Recommended Board Action: Staff recommends that the Board request that OPES follow up with NCRA to cure any deficiencies in NCRA’s occupational analysis. Staff recommends the Board bring this issue back when it has obtained more information.

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Agenda Description:

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

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Brief Summary:

Because the Board now has the report on the RPR from OPES, it is timely to discuss the request from the California Court Reporters Association (CCRA) to grant CSR certification to holders of the Registered Merit Reporter (RMR) or Certified Realtime Reporter (CRR) certifications.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Because the RPR forms the underlying basis for the RMR and CRR tests, staff recommends that the Board reject this proposal until the underlying issues with the occupational analysis may be addressed.



**COURT REPORTERS BOARD**  
OF CALIFORNIA

REVIEW OF THE NATIONAL COURT REPORTERS ASSOCIATION  
REGISTERED PROFESSIONAL REPORTER  
ONLINE SKILLS TEST AND WRITTEN KNOWLEDGE TEST



COURT REPORTERS BOARD OF CALIFORNIA

REVIEW OF THE NATIONAL COURT REPORTERS  
ASSOCIATION REGISTERED PROFESSIONAL REPORTER  
ONLINE SKILLS TEST AND WRITTEN KNOWLEDGE TEST



June 2021

Amy Welch Gandy, M.A., Research Data Supervisor II

Heidi Lincer, Ph.D., Chief



This report is mandated by California Business and Professions (B&P) Code § 139 and by DCA Licensure Examination Validation Policy OPES 18-02.



## EXECUTIVE SUMMARY

Licensing boards and bureaus within the California Department of Consumer Affairs (DCA) are required to ensure that examination programs used in California licensure comply with psychometric and legal standards. To become a licensed court reporter in California, a candidate must have the requisite education and experience and pass three California examinations:

1. The Dictation Examination
2. The English Examination
3. The Professional Practice Examination

The Court Reporters Board of California requested that DCA's Office of Professional Examination Services (OPES) complete a comprehensive review of the Registered Professional Reporter Online Skills Test (SKT) and Written Knowledge Test (WKT), which are developed by the National Court Reporters Association (NCRA). OPES performed this review to evaluate the SKT and WKT to be considered for court reporter licensure reciprocity in California.

OPES, in collaboration with the Court Reporters Board of California, reviewed documentation of the NCRA's occupational analysis (OA) of the registered professional reporter profession conducted in 2017–18. This documentation was provided by NCRA in the *National Court Reporters Association Registered Professional Reporter Exam Job Task Analysis Report* (NCRA OA, 2018). In addition, OPES also reviewed other NCRA documents regarding practices and procedures used to develop and validate the SKT and WKT. OPES performed a comprehensive evaluation of the documents to determine whether the following SKT and WKT program components met professional guidelines and technical standards: (a) OA, (b) examination development, (c) passing scores and passing rates, (d) test administration, (e) examination scoring and performance, and (f) test security procedures. OPES and the Court Reporters Board of California exchanged follow-up emails and held meetings with NCRA representatives to clarify processes.

For the WKT, OPES found that the procedures used to establish and support the validity and defensibility of the components listed above appear to meet professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing* (2014) (*Standards*) and in California Business and Professions (B&P) Code § 139. Importantly, the WKT is linked to the 2018 NCRA OA, which provided the basis for the WKT examination outline or blueprint (see Table 3 on page 25).

For the SKT, however, OPES found that the procedures used to establish and support the validity and defensibility of the components listed above do not fully meet professional guidelines and technical standards. This is primarily because there is no OA linked to the SKT, and therefore no examination outline for the SKT. To fully comply with the *Standards* and B&P Code § 139, OPES recommends that NCRA conduct a comprehensive OA of the court reporter profession that can be linked to both the SKT and the WKT.

In addition to reviewing documents provided by NCRA, OPES convened a workshop of California licensed court reporters in May 2021. The court reporters served as subject matter experts (SMEs) and reviewed the SKT and WKT. The SMEs were selected to represent the profession in terms of geographic location and experience. The review had two purposes:

1. Compare the content of the WKT blueprint with the content of the examination outlines of the English Examination and the Professional Practice Examination, which both resulted from the *Occupational Analysis of the Certified Shorthand Reporter Profession* conducted by OPES in 2017 (California OA, 2017).
2. Compare the format of the SKT with the format of the Dictation Examination. Because the SKT is not linked to an OA, the SMEs could not compare the content of the SKT with the content of the examination outline of the Dictation Examination. Instead, the SMEs compared key features of the two examinations, including number of voices, test length, allowed errors, number of words transcribed, words per minute, and time allowed to transcribe notes. The goal of the format comparison was to determine whether the SKT adequately assesses the skills required for entry-level practice in California.

During this workshop, the SMEs first compared the formats of the SKT and the Dictation Examination. Next, the SMEs compared the examination content of the WKT with the tasks and knowledge statements from the California examination outlines. The SMEs performed a linkage study to identify whether there were areas of California court reporting practice that are not measured by the WKT.

The results of the format comparison indicated that the format of the SKT was not sufficiently parallel to the format of the Dictation Examination. For example, the Dictation Examination has 4-voice recording, and the SKT has 2-voice recording; the Dictation Examination has 10 minutes of continuous writing, and the SKT has 5 minutes of continuous writing; and the Dictation Examination requires a higher accuracy rate for passing than does the SKT. The SMEs concluded that the SKT does not adequately measure the skills required for entry-level court reporter practice in California, e.g., that entry-level court reporters in California should be tested using 4-voice recording and 10 minutes of continuous writing at a higher accuracy rate.

The results of the linkage study indicated that the tasks and knowledge statements included in the English Examination outline were fully assessed by the WKT; however, only 31% of the tasks and 41% of the knowledge statements included in the Professional Practice Examination outline were assessed by the WKT. As a result, the SMEs concluded that the WKT does not adequately assess the knowledge required for entry-level court reporter practice in California.

Based on the SMEs' findings regarding the SKT and WKT, OPES determined that the SKT and WKT are not sufficiently parallel to the California examinations to be considered for reciprocity at this time.

Given the findings regarding the SKT and WKT, OPES recommends that the Court Reporters Board of California (Board) continue to require the California Dictation, English, and

Professional Practice Examinations. OPES supports the Board's continued exploration of NCRA examinations and other examinations for reciprocity. OPES recommends that the Board conduct another review when NCRA completes the next Registered Professional Reporter OA.

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# CHAPTER 1 | INTRODUCTION

## PURPOSE OF THE COMPREHENSIVE REVIEW

Licensing boards and bureaus within the California Department of Consumer Affairs (DCA) must ensure that examination programs used in California licensure comply with psychometric and legal standards. The public must be reasonably confident that an individual passing a licensure examination has the requisite knowledge and skills to competently and safely practice in the profession.

The Court Reporters Board of California (Board) requested that DCA's Office of Professional Examination Services (OPES) complete a comprehensive review of the Registered Professional Reporter Online Skills Test (SKT) and Written Knowledge Test (WKT) developed by the National Court Reporters Association (NCRA). The SKT is a three-part practical examination including literary phrases, jury charge, and testimony/Q&A. The WKT is a multiple-choice examination that measures a candidate's knowledge of technology and innovation; industry practices; and NCRA, professionalism, and ethics.

NCRA's registered professional reporter tests are considered the baseline, entry-level examination for the court reporter profession. The registered professional reporter certification is NCRA's "foundational certification designed for entry-level freelance and official reporters" (NCRA website); the occupational analysis (OA) conducted for NCRA was titled *National Court Reporters Association Registered Professional Reporter Exam Job Task Analysis Report*.

The OPES review had three purposes:

1. To evaluate the SKT and WKT to be considered for court reporter licensure reciprocity in California.
2. To determine whether the SKT and WKT meet the professional guidelines and technical standards outlined in the *Standards for Educational and Psychological Testing* (2014) (*Standards*<sup>1</sup>) and in California Business and Professions (B&P) Code § 139.
3. To identify any areas of California court reporter practice that the SKT and WKT do not assess.

In relation to the *Standards*, evaluating the acceptability of an examination does not involve determining whether the examination satisfies each individual standard interpreted literally. The importance of each standard varies according to circumstances. As commented in the *Standards*:

Individual standards should not be considered in isolation. Therefore, evaluating acceptability depends on (a) professional judgment that is based on a knowledge of behavioral science, psychometrics, and the relevant standards in the professional field to

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<sup>1</sup> See Chapter 10 for the complete reference to the *Standards*.

which the test applies; (b) the degree to which the intent of the standard has been satisfied by the test developer and user; (c) the alternative measurement devices that are readily available; (d) research and experiential evidence regarding the feasibility of meeting the standard; and (e) applicable laws and regulations (p. 7).

OPES, in collaboration with the Board, requested documentation from NCRA to determine whether the following SKT and WKT components met professional guidelines and technical standards outlined in the *Standards* and B&P Code § 139: (a) OA,<sup>2</sup> (b) examination development, (c) passing scores and passing rates,<sup>3</sup> (d) test administration, (e) examination scoring and performance, and (f) test security procedures.

## CALIFORNIA LAW AND POLICY

Section 139(a) of the B&P Code states:

The Legislature finds and declares that occupational analyses and examination validation studies are fundamental components of licensure programs.

It further requires that DCA develop a policy to address the minimum requirements for psychometrically sound examination validation, examination development, and OAs, including standards for the review of state and national examinations.

DCA Licensure Examination Validation Policy OPES 18-02 (OPES 18-02) specifies the *Standards* as the most relevant technical and professional standards to be followed to ensure that examinations used for licensure in California are psychometrically sound, job-related, and legally defensible.

## FORMAT OF THE REPORT

The chapters of this report provide the relevant standards related to psychometric aspects of the SKT and WKT and describe the findings and recommendations that OPES identified during its review.

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<sup>2</sup> An occupational analysis is also known as a job analysis, practice analysis, or task analysis.

<sup>3</sup> A passing score is also known as a pass point or cut score.



## CHAPTER 2 | OCCUPATIONAL ANALYSIS

### STANDARDS

The following standard is most relevant to conducting OAs for licensure examinations, as referenced in the *Standards*:

#### **Standard 11.13**

The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale and evidence should be provided to support the claim that the knowledge or skills being assessed are required for credential-worthy performance in that occupation and are consistent with the purpose for which the credentialing program was instituted (pp. 181-182).

The comment following Standard 11.13 emphasizes its relevance:

**Comment:** Typically, some form of job or practice analysis provides the primary basis for defining the content domain. If the same examination is used in the credentialing of people employed in a variety of settings and specialties, a number of different job settings may need to be analyzed. Although the job analysis techniques may be similar to those used in employment testing, the emphasis for credentialing is limited appropriately to knowledge and skills necessary for effective practice (p. 182).

In tests used for licensure, knowledge and skills that may be important to success but are not directly related to the purpose of licensure (i.e., protecting the public) should not be included (p. 182).

B&P Code § 139 requires that each California licensure board, bureau, commission, and program report annually on the frequency of its OA and the validation and development of its examinations. OPES 18-02 states:

Generally, an occupational analysis and examination outline<sup>4</sup> should be updated every five years to be considered current; however, many factors are taken into consideration when determining the need for a different interval. For instance, an occupational analysis and examination outline must be updated whenever there are significant changes in a profession's job tasks and/or demands, scope of practice, equipment, technology, required knowledge, skills and abilities, or law and regulations governing the profession (p. 4).

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<sup>4</sup> An examination outline is also known as an examination blueprint or examination plan.

## FINDINGS

In 2017, NCRA contracted with Pearson VUE to conduct the OA for the WKT. This OA was conducted at the national level, and the results were documented in the *National Court Reporters Association Registered Professional Reporter Exam Job Task Analysis Report* (NCRA OA, 2018). Additional information regarding this study was obtained through NCRA's website, email communications, and meetings with NCRA representatives.

### Occupational Analysis – Methodology and Time Frame

The purpose of the OA was to update and validate the test specifications for the WKT (NCRA OA, 2018). Updating and validating the SKT was not included in the stated purpose of the OA. The methodology used to conduct the OA study was an online survey. The survey, which had been developed and reviewed by NCRA and SMEs, described the major responsibilities of courtreporters who hold a registered professional reporter (RPR) credential. The final survey was sent to 5,300 RPR credential holders (NCRA OA, 2018).

**Finding 1:** The OA began in 2017 and was completed in 2018. The OA was conducted within a time frame considered to be current and legally defensible.

**Finding 2:** The OA did not include the full scope of registered professional reporter practice that could be used to link to the SKT.

### Occupational Analysis – Development of Survey

In October 2017, a survey development meeting was held between NCRA, SMEs, and Pearson VUE psychometricians to review and refine the OA survey and demographics. Based on the results of the meeting, Pearson VUE designed the OA survey for piloting with the SMEs. The purpose of piloting the survey was to ensure clarity, to ensure that there were no typographical errors, to ensure clarity in the rating scales, and to determine how long the survey would take to complete, as well as to make additional changes to the survey tasks and demographic questions (NCRA OA, 2018).

The final survey included two sections and was administered to RPR credential holders located in the United States. The first section of the survey included an introduction, instructions, and the tasks and knowledge statements for three domain areas related to court reporting practice. In this section, respondents were asked to rate each task on two rating scales, frequency and importance, and to rate each knowledge statement on one rating scale of importance. After completing each domain area of the first section of the survey, respondents were invited to make comments or suggestions. The second section of the survey included demographic questions designed to gather information about the survey respondents.

**Finding 3:** The procedures used by Pearson VUE and NCRA to develop the survey instrument meet professional guidelines and technical standards.

## Occupational Analysis – Sampling Plan and Response Rate

The sampling plan for the OA study included a total of 5,300 RPR credential holders. A total of 535 respondents opened the online survey. Complete data from 260 responses were used in analyses, for a response rate of 4.9%. Of the 260 respondents who indicated the state in which they conducted the majority of their work, 11% (28) indicated California.

**Finding 4:** The intent of the sampling plan was reasonable and meets professional guidelines and technical standards.

## Occupational Analysis – Survey Results

After administering the survey, NCRA and Pearson VUE collected the data and analyzed the survey results.

**Finding 5:** Survey respondents were RPR credential holders located throughout the United States. Approximately 5% of the respondents from the sample reported that they had been practicing for less than 5 years. The majority of respondents were split in how they categorized their primary work setting, with 46% indicating official and 40% indicating freelance. The demographic data indicate that ratings provided by respondents licensed 5 years or less should be increased in the future to ensure that an entry-level perspective is achieved.

## Occupational Analysis – Development of Blueprints

In May 2018, a Job Task Analysis Panel met to set test specifications. The panel included SMEs, NCRA staff, and a Pearson VUE psychometrician. The panel reviewed the OA survey results and finalized the blueprint specifications for the WKT.

Preliminary domain weights were presented to the SMEs for review. The weights were based on the results of the survey, in which respondents were asked to assign a weight to each of the three domains. The SMEs reviewed the survey results and discussed the weights in comparison to the previous 2011 blueprint. The SMEs then reached a consensus about the number of items that should be devoted to each of the domains on the WKT blueprint. The new blueprint was subsequently adopted by NCRA and was reflected on forms beginning in 2019.

**Finding 6:** The processes used to establish a link between domains identified by the OA as required for court reporter practice demonstrate a sufficient level of validity, thereby meeting professional guidelines and technical standards.

## RECOMMENDATIONS

**Recommendation 1:** OPES recommends that the next NCRA OA incorporate the full scope of court reporter practice so that it can be linked to both the WKT and the SKT. The SKT must be linked to an OA in order to be fully compliant with the *Standards* and B&P Code § 139.

## CONCLUSIONS

Given the findings, the OA for the WKT conducted by Pearson VUE and NCRA appears to meet professional guidelines and technical standards. Additionally, the development of the blueprints for the WKT is based on the results of the most recent OA and appears consistent with professional guidelines and technical standards.

## CHAPTER 3 | EXAMINATION DEVELOPMENT

### STANDARDS AND REGULATIONS

Examination development includes many steps within an examination program, from the development of an examination content outline to scoring and analyzing items after the administration of an examination. Several specific activities involved in the examination development process are evaluated in this section. These activities include development of examination content, linkage of examination content to the examination outline, and development of the scoring criteria and the examination forms.

The following standards are most relevant to examination development for licensure examinations, as referenced in the *Standards*.

#### **Standard 4.7**

The procedures used to develop, review, and try out items and to select items from the item pool should be documented (p. 87).

#### **Standard 4.12**

Test developers should document the extent to which the content domain of a test represents the domain defined in the test specifications (p. 89).

The following regulations are relevant to the integrity of the examination development process:

B&P Code § 139 requires DCA to develop a policy on examination validation that includes minimum requirements for psychometrically sound examination development.

DCA Participation in Examination Development Policy OPES 20-01 (OPES 20-01), as mandated by B&P Code § 139, specifies that board members, committee members, and instructors should not serve as expert consultants in the licensure examination development process. This is due to potential conflict of interest, undue influence, and security considerations.

### FINDINGS

#### **Examination Development – Subject Matter Experts (SMEs)**

Examination development for the SKT and WKT is performed by SMEs who serve on a Skills Committee, Item Writing Committee, and Test Advisory Committee (TAC). NCRA solicits certified RPR court reporters through open call on their website and NCRA publications. SMEs can also be recommended by state associations or recommended by NCRA staff and board members. SMEs are selected to represent the court reporters profession in terms of training background, professional expertise, and work setting. All SMEs are required to sign a confidentiality agreement.

**Finding 7:** The criteria used to select SMEs to perform examination development appear relatively consistent with professional guidelines and technical standards. However, the use of educators in examination development processes is not fully compliant with OPES 20-01, as mandated by B&P Code §

### **Examination Development – WKT Linkage to Examination Blueprint**

In May 2018, the Job Task Analysis Panel convened to link the competency content areas derived from the 2018 NCRA OA with the domain areas assessed on the WKT (NCRA OA, 2018). The panel provided a recommendation regarding the number of examination items that should be devoted to each of the OA domains. The panel's recommendation for the new WKT blueprints was subsequently adopted by NCRA.

**Finding 8:** The methods used to establish a link between examination content and the competencies necessary for practice appear consistent with professional guidelines and technical standards.

### **Examination Development – WKT Item Development and Pretesting**

The SMEs on the NCRA Item Writing Committee are tasked with the development and review of items for the WKT. The SMEs are responsible for submitting new examination items, for reviewing items, and for constructing examination forms.

The WKT includes 120 items. Candidates are scored on 100 items; the remaining 20 items are new or pretest items and are not counted toward a candidate's score. Item analyses are then performed, and poorly performing items are reviewed by SMEs to determine whether the items meet criteria for inclusion on future examination forms. Items that do not meet defined performance criteria are returned for revision or are eliminated.

**Finding 9:** The procedures used to develop, review, and pretest new items appear consistent with professional guidelines and technical standards.

### **Examination Development – WKT Forms**

Examination forms for the WKT are constructed based on the examination blueprint. Throughout the construction process, SMEs ensure that examination content reflects current practice. In addition, all examination forms are constructed using the same criteria to ensure that forms are comparable in terms of content and item difficulty. Final forms of the WKT are reviewed by the TAC.

**Finding 10:** The procedures used to construct WKT forms appear consistent with professional guidelines and technical standards.

## Examination Development – SKT Development and Pilot Testing

The SMEs on the NCRA Skills Committee and the TAC work together to develop the content of the SKT. SMEs are given writing assignments to submit for review to the TAC. The TAC meets in person to review the submitted tests and then to practice writing each test on their steno machines. The TAC performs a quality review of the selected tests and then submits them to NCRA for final approval.

NCRA reviews and finalizes the tests before they are sent to the recording studio to be recorded. Before and after recording, the tests are put through several quality control processes.

**Finding 11:** The procedures used to develop, review, and pilot test new SKTs appear consistent with professional guidelines and technical standards.

## RECOMMENDATIONS

**Recommendation 2:** If the Board were to accept the SKT or WKT for reciprocity in the future, OPES recommends phasing out or limiting the service of educators during examination development processes in order to be fully compliant with OPES 20-01.

## CONCLUSIONS

Given the findings, the examination development procedures conducted by NCRA generally appear consistent with professional guidelines and technical standards.





## CHAPTER 4 | PASSING SCORES AND PASSING RATES

### STANDARDS

The passing score of an examination is the score that represents the level of performance that divides those candidates for licensure who are minimally competent from those who are not competent.

The following standards are most relevant to passing scores, cut points, or cut scores for licensure examinations, as referenced in the *Standards*.

#### **Standard 5.21**

When proposed score interpretations involve one or more cut scores, the rationale and procedures used for establishing cut scores should be documented clearly (p. 107).

#### **Standard 11.16**

The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for credential-worthy performance in the occupation or profession and should not be adjusted to control the number or proportion of persons passing the test (p. 182).

The supporting commentary on passing or cut scores in Chapter 5 of the *Standards*, “Scores, Scales, Norms, Score Linking, and Cut Scores” states that the standard setting process used should be clearly documented and defensible. The qualifications and the process of selection of the judges involved should be part of the documentation. A sufficiently large and representative group of judges should be involved, and care must be taken to ensure that judges understand the process and procedures they are to follow (p.101).

In addition, the supporting commentary in Chapter 11 of the *Standards*, “Workplace Testing and Credentialing” states that the focus of tests used in credentialing is on “the standards of competence needed for effective performance (e.g., in licensure this refers to safe and effective performance in practice)” (p. 175). It further states, “Standards must be high enough to ensure that the public, employers, and government agencies are well served, but not so high as to be unreasonably limiting” (p. 176).

OPES 20-01, as mandated by B&P Code § 139, specifies that board members, committee members, and instructors should not serve as expert consultants in the licensure examination development process. This is due to potential conflict of interest, undue influence, and security considerations.

## FINDINGS

### Passing Scores – WKT Process, Participation of SMEs, and Methodology

The WKT uses a criterion-referenced passing standard that is set on a base form of the examination. A modified Angoff procedure was used to establish the passing standard, which relies on the expert judgment of SMEs to determine the knowledge a candidate should possess in order to be minimally competent for safe and effective court reporter practice.

To determine the passing standard, NCRA works with a Pearson VUE psychometrician and a panel of 10–12 SMEs.

Item Response Theory (IRT) is used to statistically produce equivalent forms of the WKT based on the criterion-referenced passing standard. Candidates must achieve a scaled score of 70 or higher to pass the WKT.

**Finding 12:** The number of SMEs involved in setting the passing standard meets professional guidelines and technical standards. However, the participation of educators in the process is not fully compliant with OPES 20-01, as mandated by B&P Code § 139.

**Finding 13:** The methods used to set the passing standard for the WKT and scale scores generally appear consistent with professional guidelines and technical standards.

## PASSING RATES

For 2020, the overall passing rates for candidates in all states were:

- WKT: 58%
- SKT: Literary 67%, Jury Charge 35%, Testimony/Q&A 23%

**Finding 14:** OPES found that these passing rates meet expectations for passing rates for this profession.

## RECOMMENDATIONS

**Recommendation 3:** In order to be fully compliant with OPES 20-01, OPES recommends phasing out or limiting the service of board members and educators during determination of passing standards.

## CONCLUSIONS

Given the findings, the passing score methodologies used by NCRA to set the passing standard and scale scores on the WKT demonstrate a sufficient degree of validity, thereby meeting professional guidelines and technical standards.

## CHAPTER 5 | TEST ADMINISTRATION

### STANDARDS

The following standards are most relevant to the test administration process for licensure examinations, as referenced in the *Standards*.

#### **Standard 3.4**

Test takers should receive comparable treatment during the test administration and scoring process (p. 65).

#### **Standard 4.15**

The directions for test administration should be presented with sufficient clarity so that it is possible for others to replicate the administration conditions under which the data on reliability, validity, and (where appropriate) norms were obtained. Allowable variations in administration procedures should be clearly described. The process for reviewing requests for additional testing variations should also be documented (p. 90).

#### **Standard 4.16**

The instructions presented to test takers should contain sufficient detail so that test takers can respond to a task in the manner that the test developer intended. When appropriate, sample materials, practice or sample questions, criteria for scoring, and a representative item identified with each item format or major area in the test's classification or domain should be provided to the test takers prior to the administration of the test or should be included in the testing material as part of the standard administration instructions (p. 90).

#### **Standard 6.1**

Test administrators should follow carefully the standardized procedures for administration and scoring specified by the test developer and any instructions from the test user (p. 114).

#### **Standard 6.2**

When formal procedures have been established for requesting and receiving accommodations, test takers should be informed of these procedures in advance of testing (p. 115).

#### **Standard 6.3**

Changes or disruptions to standardized test administration procedures or scoring should be documented and reported to the test user (p. 115).

#### **Standard 6.4**

The testing environment should furnish reasonable comfort with minimal distractions to avoid construct-irrelevant variance (p. 116).

#### **Standard 6.5**

Test takers should be provided appropriate instructions, practice, and other support necessary to reduce construct-irrelevant variance (p. 116).

#### **Standard 8.1**

Information about test content and purposes that is available to any test taker prior to testing should be available to all test takers. Shared information should be available free of charge and in accessible formats (p. 133).

#### **Standard 8.2**

Test takers should be provided in advance with as much information about the test, the testing process, the intended test use, test scoring criteria, testing policy, availability of accommodations, and confidentiality protection as is consistent with obtaining valid responses and making appropriate interpretations of test scores (p. 134).

### **FINDINGS**

NCRA contracts with Pearson VUE to administer the WKT (NCRA Website). Every year, the WKT is administered during four 2-week windows via computer at Pearson VUE testing centers or through online proctoring. A brief optional tutorial is provided on the Pearson VUE website and before the examination begins. The tutorial familiarizes candidates with computer operation and the steps involved in proceeding through the examination.

NCRA contracts with the online learning and proctoring companies Realtime Coach and ProctorU, to administer and proctor the online SKT (NCRA Website). Every year, the SKT is administered during six 2-week windows. Candidates take the test via computer at their home, office, or other secure location. Step-by-step videos and practice tests are available to candidates. Candidates are highly encouraged to take unproctored and proctored practice tests before taking the test to familiarize themselves with the steps involved in proceeding through the online test.

NCRA provides information about the WKT and SKT, as well as about test administration, to candidates and prospective candidates through its website at <https://www.ncra.org>.

#### **Test Administration – Candidate Registration**

Candidates register to take the WKT and SKT by submitting their registration through the NCRA website. After applications have been processed, candidates receive an email with scheduling instructions.

The NCRA website provides detailed instructions and information regarding the application and registration process, including:

- Application procedures
- Examination fees
- Examination schedule
- Rescheduling or canceling a test appointment
- Policies regarding re-application and eligibility for re-examination

**Finding 15:** The WKT and SKT registration process appears straightforward. The information available to candidates is comprehensive. The candidate registration process appears to meet professional guidelines and technical standards.

**Finding 16:** NCRA sells a study guide that includes information about the WKT and SKT.

### **Test Administration – Accommodation Requests**

NCRA complies with the Americans with Disabilities Act and provides reasonable accommodations to candidates. Candidates who require testing accommodations can email NCRA at [testing@ncra.org](mailto:testing@ncra.org) to request an accommodation.

**Finding 17:** NCRA's accommodation procedures appear consistent with professional guidelines and technical standards.

### **Test Administration – Test Centers and Online Testing**

The WKT is administered at Pearson VUE testing centers located throughout the U.S. or through OnVue, Pearson VUE's online proctoring platform (Pearson VUE website). The SKT is administered online by Realtime Coach and proctored by ProctorU.

**Finding 18:** Candidates have access to authorized testing centers that administer the WKT or can take the exam at a secure location of their choosing. The test centers and online testing platform have trained proctors and controlled testing conditions. Candidates testing through the online platform must connect to the secure OnVue system.

**Finding 19:** Candidates can access the SKT from any secure location of their choosing. Candidates are continuously monitored by trained proctors through ProctorU and must connect to the secure ProctorU system.

## **Test Administration – Directions and Instructions to Candidates**

The NCRA website provides detailed information about the WKT and SKT. In addition, the Pearson VUE website, Realtime Coach website, and ProctorU website provide detailed information to candidates regarding:

- Purpose of the examination
- Examination specifications
- Examination preparation and resources
- Practice tests
- Examination scoring and results
- Eligibility requirements
- Examination fees, scheduling, and application procedures
- Testing center procedures, remote testing procedures, and administration
- Testing accommodations
- Examination regulations and testing rules of conduct
- Examination privacy and security
- Examination irregularities and appeals

Through the Pearson VUE examination software link, candidates are able to access an online tutorial to familiarize themselves with the examination software used to administer the WKT. If taking the WKT online, candidates can access an online tutorial to familiarize themselves with the online testing environment and online administration process. Through the Realtime Coach and ProctorU websites, candidates are able to access online tutorials to familiarize themselves with the SKT online testing environment and with the online administration process.

In addition, through the NCRA website, candidates can purchase the RPR Study Guide, which includes WKT practice items (NCRA website). These practice items are designed to assist candidates in identifying their strengths and weaknesses when preparing for the WKT and to familiarize them with the content and format of the examination.

**Finding 20:** The directions and instructions provided to candidates appear straightforward. The information available to candidates is detailed and comprehensive.

## **Test Administration – Standardized Procedures and Testing Environment**

Candidates who test at Pearson VUE testing centers are tested in similar testing environments, using the same equipment, under the same conditions. Candidates taking the WKT or SKT online are tested following the same remote testing policies and procedures; however, standardization across testing environments and equipment cannot be confirmed. All candidates are assessed on the same examination content.

**Finding 21:** The procedures established for the test administration process and testing environment appear to be consistent with professional guidelines and technical standards.

## RECOMMENDATIONS

**Recommendation 4:** In agreement with Standard 4.16 and in the spirit of transparency and fairness, OPES recommends that NCRA offer their study guide to all registered candidates at no cost.

## CONCLUSIONS

Given the findings, the test administration protocols put in place by NCRA appear consistent with professional guidelines and technical standards. It should be noted that using online- or remote-proctored examination cannot guarantee a standardized experience across candidates.





## CHAPTER 6 | EXAMINATION SCORING AND PERFORMANCE

### STANDARDS

The following standards are most relevant to scoring and performance for licensure examinations, as listed in the *Standards*.

#### **Standard 2.3**

For each total score, subscore, or combination of scores that is to be interpreted, estimates of relevant indices of reliability/precision should be reported (p. 43).

#### **Standard 4.10**

When a test developer evaluates the psychometric properties of items, the model used for that purpose (e.g., classical test theory, item response theory, or another model) should be documented. The sample used for estimating item properties should be described and should be of adequate size and diversity for the procedure. The process by which items are screened and the data used for screening, such as item difficulty, item discrimination, or differential item functioning (DIF) for major examinee groups, should also be documented. When model-based methods (e.g., IRT) are used to estimate item parameters in test development, the item response model, estimation procedures, and evidence of model fit should be documented (pp. 88-89).

### FINDINGS

#### **Examination Scoring – WKT**

The WKT consists of 100 scored multiple-choice items and 20 non-scored pretest items administered by computer. Examination forms are constructed to align with the test blueprint. The items are scored dichotomously (correct or incorrect). In calculating a candidate's score, a raw score is first obtained by computing the number of items answered correctly (NCRA website). The raw score is then statistically converted to a scale score. A minimum score of 70 is required to pass the WKT.

Examination results are typically available 3–4 weeks after the examination date (NCRA website). Candidates receive emails indicating their pass/fail status.

**Finding 22:** The scoring criteria is applied equitably, and the examination scoring process appears consistent with professional guidelines and technical standards.

## Examination Scoring – SKT

The SKT consists of three 5-minute test legs: Literary, Jury Charge, and Testimony/Q&A. Each leg is completed at different speeds of words per minute (wpm). The Literary is at 180 wpm, the Jury Charge is at 200 wpm, and the Testimony/Q&A is at 225 wpm. Candidates must transcribe their notes to 95% accuracy on each leg to pass the SKT.

As part of the scoring process, candidates with an SKT score of 92–94% are reviewed a second time by an NCRA-qualified grader for accuracy before results are distributed (NCRA website). In addition, candidates can pay to receive feedback about the types of errors made on their test to identify areas of weakness in preparation for future attempts.

Examination results are typically emailed to candidates within 7 business days after the examination date (NCRA website).

**Finding 23:** The scoring criteria are applied equitably, and the examination scoring process appears consistent with professional guidelines and technical standards.

## Examination Performance

After administration of the WKT, Pearson VUE's psychometricians perform item analyses and evaluate overall examination statistics to identify any problem items or irregularities within the examination. Items identified as problematic are put on hold and reviewed.

**Finding 24:** The process for evaluating examination-level statistics to review examination performance appears consistent with professional guidelines and technical standards.

## CONCLUSIONS

The steps taken by NCRA to score the WKT and SKT appear to provide a fair and objective evaluation of candidate performance. The steps taken by NCRA to evaluate examination performance also appear to be reasonable.

## CHAPTER 7 | TEST SECURITY

### STANDARDS

The following standards are most relevant to test security for licensure examinations, as referenced in the *Standards*.

#### **Standard 6.6**

Reasonable efforts should be made to ensure the integrity of test scores by eliminating opportunities for test takers to attain scores by fraudulent or deceptive means (p. 116).

#### **Standard 6.7**

Test users have the responsibility of protecting the security of test materials at all times (p. 117).

### FINDINGS

#### **Test Security – Examination Materials and Candidate Information**

To ensure that the security of examination materials is maintained, NCRA copyrights all examination items and materials to establish ownership and to restrict dissemination or unauthorized use (NCRA website). In addition, NCRA has developed policies and procedures for maintaining the custody of materials and conveying responsibility for examination security to examination developers, administrators, and users.

NCRA screens all personnel who manage examination materials, including staff, vendors, and SMEs involved in examination development processes. Staff are trained in procedures for handling secure materials and are required to comply with NCRA policies regarding confidentiality. In addition, SMEs involved in examination development processes must complete agreements regarding confidentiality.

**Finding 25:** The security procedures practiced by NCRA with regard to the maintenance of examination materials are consistent with professional guidelines and technical standards.

## Test Security – Test Sites and Online Administration

NCRA contracts with Pearson VUE for administration of the WKT both in-person and online. NCRA contracts with Realtime Coach and ProctorU for the online administration of the SKT. Pearson VUE, Realtime Coach, and ProctorU staff are trained in procedures for maintaining security of examination materials at test facilities and through online

At both test sites and online, candidates are required to provide current and valid government-issued identification to sit for the WKT and SKT. The Pearson VUE, Realtime Coach, and ProctorU websites list items that candidates are prohibited from bringing into or having in secure testing areas. Prohibited items include, but are not limited to, outside books or reference materials, electronic devices, and accessories. In addition, the NCRA website, along with the Pearson VUE, Realtime Coach, and ProctorU websites, describes the examination rules of conduct and prohibited behaviors, including examination subversion or falsification of information.

During candidate check-in, Pearson VUE or ProctorU staff perform visual inspections to check for recording devices or other prohibited items. At Pearson VUE test centers, staff may also use a wand to detect electronic devices. During the online check-in by Pearson VUE or ProctorU, candidates are required to show a 360-degree pan of their workspace.

All in-person testing sessions for the WKT are monitored by staff at the test center. Proctors at Pearson VUE testing centers are trained to recognize potential test security breaches. In addition, testing sessions at Pearson VUE sites are video recorded.

All online sessions for the WKT and SKT are monitored by live audio and video connections. The WKT is administered online through Pearson VUE's OnVue online platform and proctors. The SKT is administered by Realtime Coach and proctored by ProctorU. For both the WKT and SKT, during the entire test administration, proctors view a live feed of the candidate's monitor through screen-sharing technology. This monitoring includes multiple levels of recording and reporting, including full session video and audio and screen capturing (NCRA website). The proctor can also view a list of the candidate's current running processes to monitor for unauthorized connections and can remotely disable or close unauthorized software (NCRA

**Finding 26:** The security procedures practiced by NCRA regarding test sites are consistent with professional guidelines and technical standards.

## CONCLUSIONS

Given the findings, the security procedures for Pearson VUE test centers, Pearson VUE online, and Realtime Coach and ProctorU online appear to meet professional guidelines and technical standards.

## CHAPTER 8 | COMPARISON OF THE WKT BLUEPRINT WITH THE EXAMINATION OUTLINES OF THE CALIFORNIA ENGLISH AND PROFESSIONAL PRACTICE EXAMINATIONS; COMPARISON OF THE SKT FORMAT WITH THE FORMAT OF THE CALIFORNIA DICTATION EXAMINATION

### PARTICIPATION OF SUBJECT MATTER EXPERTS

OPES convened a one-day teleconference workshop on May 1, 2021 with two purposes:

1. Compare the format of the SKT format with the format of the Dictation Examination. The goal of the format comparison was to determine whether the SKT adequately assesses the skills required for entry-level practice in California.
2. Evaluate the WKT blueprint resulting from the 2018 NCRA OA and to compare it with the English and Professional Practice Examination outlines based on the *Occupational Analysis of the Certified Shorthand Reporter Occupation* conducted by OPES in 2017 (California OA, 2017).

The Board recruited nine SMEs to participate in the workshop. The SMEs represented the profession in terms of geographical location in California. One of the SMEs had been licensed for 1–5 years, one had been licensed for 6–10 years, two had been licensed for 11–19 years, and five had been licensed for more than 20 years. Six SMEs were working as freelance reporters, and three were working as official reporters.

### WORKSHOP PROCESS

Before the workshop, the SMEs completed OPES' security agreement, self-certification, secure area agreement, and personal data (demographic) forms. On the day of the workshop, the OPES facilitator explained the importance of, and the guidelines for, security during and outside the workshop.

Next, the OPES facilitator gave a PowerPoint presentation about the purpose and importance of OA, validity, content validity, reliability, test administration standards, examination security, and the role of SMEs. The OPES facilitator also explained the purpose of the workshop.

The SMEs were instructed to evaluate and compare the format of the Dictation Examination to the format of the SKT. The SMEs worked as a group to complete this task.

The SMEs were then instructed to evaluate and link each task and knowledge statement of the English and Professional Practice Examination outlines to the WKT blueprint. The SMEs worked as a group to evaluate and link all of the tasks and knowledge statements of the two California examination outlines.

Table 1 shows a comparison between the formats of the Dictation Examination and the SKT. Table 2 provides the domain areas of the 2018 WKT blueprint. Table 3, Table 4, and Table 5 provide the content areas of the 2017 California examination outlines. Note that there is no blueprint for the SKT because the 2018 NCRA OA is linked only to the WKT.

**TABLE 1 – CALIFORNIA DICTATION EXAMINATION AND SKT FORMAT**

<b>COMPONENT</b>	<b>DICTATION EXAMINATION FORMAT</b>	<b>SKT FORMAT</b>
Administration format	One examination taken at one time	Three legs taken at three different times
Test length	13 minutes – only the last 10 minutes are transcribed	5 minutes per leg
Passing Score	97.5%	95% for each leg
Number of speakers	4 voices	Literary 1 voice Jury Charge 1 voice Testimony/Q&A 2 voices
Number of allowed errors	50	Literary 45 Jury Charge 50 Testimony/Q&A 57
Number of words transcribed	2,000	Literary 900 Jury Charge 1,000 Testimony/Q&A 1,125
Words per minute requirement	200 wpm	Literary 180 wpm Jury Charge 200 wpm Testimony/Q&A 225 wpm
Time allowed to transcribe notes	2 hours 30 minutes	1 hour 15 minutes per leg
Error review	20 errors from the passing score	Scores of 92% or above are reviewed

TABLE 2 – CONTENT DOMAINS OF THE WKT BLUEPRINT

DOMAIN	WEIGHT
1. Technology and Innovation	43%
2. Industry Practices	34%
3. NCRA, Professionalism, and Ethics	23%
<b>Total</b>	<b>100%</b>

TABLE 3 – CONTENT AREAS OF THE 2017 CALIFORNIA DICTATION EXAMINATION OUTLINE

Content Area	Content Area Description
1. Reporting Proceedings	This area assesses the candidate's ability to utilize stenographic equipment and computer-aided transcription software to create a verbatim record.
2. Transcribing Proceedings	This area assesses the candidate's ability to create an accurate transcript from the stenographic record formatted to applicable standards.
3. Research and Language Skills	This area assesses the candidate's ability to utilize current rules of punctuation, grammar, word usage, and vocabulary.
4. Transcript Management	This area assesses the candidate's ability to prepare and deliver transcripts in a timely manner.
5. Ethics	This area assesses the candidate's ability to adhere to laws, regulations, and CRB Best Practices pertaining to professional and ethical conduct.

TABLE 4 – CONTENT AREAS OF THE 2017 CALIFORNIA ENGLISH EXAMINATION  
OUTLINE

Content Area	Content Area Description	Weight
Research and Language Skills	This area assesses the candidate's knowledge of proper grammar, punctuation, word usage, and general and specialized vocabulary.	100%
	1. Grammar	23%
	2. Proofreading	56%
	3. Vocabulary	21%
<b>Total</b>		<b>100%</b>



TABLE 5 – CONTENT AREAS OF THE 2017 CALIFORNIA PROFESSIONAL PRACTICE EXAMINATION OUTLINE

Content Area	Content Area Description	Weight
1. Reporting Proceedings	This area assesses the candidate's knowledge of procedures for gathering information and methods for managing and reporting proceedings, adhering to laws, regulations, and CRB Best Practices, in order to facilitate the creation of a verbatim record.	32%
2. Transcribing Proceedings	This area assesses the candidate's knowledge of requirements to produce a certified transcript in a format that conforms to laws, regulations, and CRB Best Practices.	22%
3. Research and Language Skills	This area assesses the candidate's knowledge of current rules of punctuation, grammar, word usage, and vocabulary.	9%
4. Transcript Management	This area assesses the candidate's knowledge of laws, regulations, and CRB Best Practices regarding preparation, sale, notification, delivery, and retention of stenographic records, transcripts, and exhibits.	20%
5. Ethics	This area assesses the candidate's knowledge of laws, regulations, and CRB Best Practices pertaining to professional and ethical conduct.	17%
<b>Total</b>		<b>100%</b>

## FINDINGS

The SMEs compared the formats of the Dictation Examination and the SKT. The SMEs concluded that the SKT is not sufficiently parallel to the Dictation Examination. For example, the Dictation Examination employs 4-voice recording, whereas the SKT employs 2-voice recording; the Dictation Examination has 10 minutes of continuous writing, whereas the SKT has 5 minutes of continuous writing; and the Dictation Examination has a passing score of 97.5% accuracy, whereas the SKT has a passing score of 95% accuracy. The SMEs concluded that the SKT does not adequately measure the skills required for entry-level court reporter practice in California, e.g., that entry-level court reporters in California should be tested using 4-voice recording and 10 minutes of continuous writing at a higher accuracy rate.

Additionally, the SMEs compared the tasks and knowledge statements of the 2017 California English and Professional Practice Examination outlines and the WKT blueprints. The SMEs found that all the tasks and knowledge statements on the English Examination could be linked to the WKT blueprint. However, for the Professional Practice Examination, only 31% of the tasks and 45% of the knowledge statements could be linked to the WKT blueprint. As a result, the SMEs concluded that the WKT does not adequately assess the knowledge required for entry-level court reporter practice in California.

**Finding 27:** The SMEs concluded that the format of the SKT does not adequately measure the skills required for entry-level court reporter practice in California. For example, the SMEs concluded that assessing such skills requires 4-voice recording and 10 minutes of continuous writing at a higher accuracy rate, while the SKT has only 2-voice recording and 5 minutes of continuous writing at a lower accuracy rate.

**Finding 28:** The SMEs concluded that the content of the WKT does not adequately assess the skills or knowledge required for entry-level court reporter practice in California. Although the content of the English Examination is assessed by the WKT, the content of the Professional Practice Examination is inadequately assessed by the WKT. More specifically, the Professional Practice Examination assesses California “CRB Best Practices” and California law, which are not assessed on the WKT.

**Finding 29:** The SMEs concluded that the Board should continue to require the Dictation, English, and Professional Practice Examinations for licensure in California and not accept the SKT or WKT for reciprocity in California at this time.

## CONCLUSIONS

Given the findings from the May 2021 workshop, the format of the SKT and the content of the WKT do not adequately assess the skills or knowledge necessary for entry-level court reporter practice in California. Therefore, they should not be used for licensure reciprocity in California at this time.

## CHAPTER 9 | CONCLUSIONS

OPES completed a comprehensive analysis and evaluation of the documents provided by NCRA.

OPES finds that the procedures used to establish and support the validity and defensibility of the WKT appear to meet professional guidelines and technical standards outlined in the *Standards* and in B&P Code § 139. Importantly, the WKT is linked to an OA that resulted in an examination blueprint.

However, OPES finds that the procedures used to establish and support the validity and defensibility of the SKT do not fully meet professional guidelines and technical standards due to the lack of an OA linked to the SKT. To fully comply with the *Standards* and B&P Code § 139, OPES recommends that NCRA conduct a comprehensive OA of the court reporter profession that can be linked to both the SKT and the WKT.

In a May 2021 workshop, SMEs representing the court reporter profession in California compared the formats of the SKT and the Dictation Examination and conducted a linkage study comparing the content of the WKT blueprint with the examination outlines of the English and Professional Practice Examinations.

The results of the format comparison indicated that the format of the SKT is not sufficiently parallel to the format of the Dictation Examination. For example, the Dictation Examination has 4-voice recording, and the SKT has 2-voice recording; the Dictation Examination has 10 minutes of continuous writing, and the SKT has 5 minutes of continuous writing; and the Dictation Examination requires a higher accuracy rate for passing than does the SKT. The SMEs concluded that the SKT does not adequately measure the skills required for entry-level court reporter practice in California, e.g., assessment of such skills requires 4-voice recording, 10 minutes of continuous writing, and a higher accuracy rate.

The results of the linkage study indicated that the content associated with the practice areas included in the English Examination outline was adequately linked to the content of the WKT; however, the majority of the content associated with the practice areas included in the Professional Practice Examination outline was not adequately linked to the content of the WKT. As a result, the SMEs concluded that the WKT does not adequately assess the knowledge required for entry-level court reporter practice in California.

Given the findings regarding the SKT and WKT, OPES recommends that the Court Reporters Board of California continue to require the California Dictation, English, and Professional Practice Examinations. OPES supports the Board's continued exploration of NCRA examinations and other examinations for reciprocity. OPES recommends that the Board conduct another review when NCRA completes the next Registered Professional Reporter OA.

## CHAPTER 10 | REFERENCES

California Business and Professions (B&P) Code § 139. State of California.

California Code of Regulations (CCR) Title 16 § 2021.3. State of California.

Department of Consumer Affairs (DCA). *Policy OPES 20-01 participation in examination development workshops*. State of California.

Department of Consumer Affairs (DCA). *Policy OPES 18-02 licensure examination validation*. State of California.

Pearson VUE. (2018). *National Court Reporters Association registered professional reporter job task analysis report*. National Court Reporters Association.

Office of Professional Examination Services (OPES). (2017). *Occupational analysis of the certified shorthand reporter profession*. State of California. Department of Consumer Affairs.

## COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

### **AGENDA ITEM 6 – 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: (Bills with a notation of \*\*\* are of particular interest or impact to court reporting or the Court Reporters Board specifically)

#### **6.1 [AB 29 \(Cooper\)](#) – State bodies: meetings.**

(Assembly Appropriations – suspense) – This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

#### **6.2 [AB 107 \(Salas\)](#) – Licensure: veterans and military spouses**

(Senate Appropriations) – This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided.

#### **6.3 [AB 225 \(Gray, Gallagher, and Patterson\)](#) – Department of Consumer Affairs: boards: veterans; military spouses; licenses.**

(Senate Business, Professions & Economic Development) – This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 60 months of separation from active duty under other than dishonorable conditions, a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under other than dishonorable conditions

#### **6.4 [AB 305 \(Maienschein\)](#) – Veterans services: notice**

(Senate Appropriations – suspense) – This bill would require specified governmental agencies to include, at their next scheduled update, additional questions on their intake and application forms, except as provided, to determine whether a person is affiliated with the Armed Forces of the United States. The bill would require those agencies, through the intake or application form, to request permission from that person to transmit their contact information to the Department of Veterans Affairs so that the person may be notified of potential eligibility to receive state and federal veterans benefits.

**6.5 [AB. 646. \(Low\)](#) – Department of Consumer Affairs: boards: expunged convictions**

(Assembly Appropriations – suspense) – This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the person, not to exceed the cost of administering the bill's provisions.

**6.6 [AB 885. \(Quirk\)](#) – Bagley-Keene Open Meeting Act: teleconferencing**

(Assembly Governmental Organization) – This bill This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would extend the above requirements of meetings of multimember advisory bodies that are held by teleconference to meetings of all multimember state bodies. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting

**6.7 [AB. 1386 \(Cunningham\)](#) – Licensee fees: military partners and spouses**

(Assembly Appropriations – suspense) – This bill would prohibit a board from charging an initial application fee or an initial license issuance fee to an applicant who meets these expedited licensing requirements. The bill would also prohibit a board from charging an initial examination fee to an applicant who meets the expedited licensing requirements if the examination is administered by the board.

**6.8\*\*\* [SB 241. \(Umburg\)](#) – Civil Actions.**

(Assembly Appropriations) – This bill, on and after July 1, 2022, and until January 1, 2024, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board after meeting specified requirements, including paying an annual registration fee to the board in an amount not to exceed \$500 and designating a board-certified reporter-in-charge, as specified. The bill would require the board to approve an entity's registration or deny the entity's application upon making specified findings. The bill would make a registration valid for one year and would also provide for the suspension and revocation of a registration by the board under specified circumstances. The bill would require the board to make available on its internet website a directory of registered entities. Because a

violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions to apply to these new registrants the bill would expand the scope of a crime and impose a state-mandated local program.

Additionally, this bill would This bill would, until January 1, 2024, authorize a witness in a proceeding, including a trial or an evidentiary hearing, to appear and give testimony by remote electronic means that provide a live audiovisual connection to the court, if the parties stipulate to this manner of appearance, unless the court determines that a personal appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the particular case, or one party requests it by motion. The bill would specify factors a court would be required to consider, but would not be limited to, in determining whether to grant a motion. The bill would authorize the court to require the stipulating or moving parties to incur the costs of the remote appearance. The bill would permit the court, if at any time before or during a witness's remote appearance the court determines a personal appearance is necessary, to continue the proceeding and require the witness to appear in person. The bill would impose additional requirements on a witness's remote appearance. The bill would prohibit the court from compelling, on its own motion, a party to call a witness to remotely appear or a remote jury trial.

**6.9 [SB 731 \(Durazo and Bradford\)](#) – Criminal records: relief**

(Assembly Appropriations) – This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would additionally make this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease supervision, and parole, and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

**6.10 [SB 772 \(Ochoa Bogh\)](#) – Professional and vocations: citations: minor violations**

(Senate Business, Professions & Economic Development) – This bill would prohibit a licensee from limiting a consumer's right to file a complaint with a licensing board or participate in an investigation into the licensee by the licensing board. A violation would constitute unprofessional conduct subject to discipline by the licensing board.

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Support Documents:

Attachment, Item 6.8 – SB 241 (Umberg)

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Recommended Board Action: Staff recommends the Board discuss pertinent bills and vote to support, oppose, or take a neutral position. In the case of a support or oppose position, the Board should instruct staff to prepare a letter to the author stating the reason(s) for the Board's position.



**AMENDED IN ASSEMBLY JUNE 28, 2021  
AMENDED IN ASSEMBLY JUNE 23, 2021  
AMENDED IN ASSEMBLY JUNE 10, 2021  
AMENDED IN SENATE MAY 25, 2021  
AMENDED IN SENATE APRIL 22, 2021  
AMENDED IN SENATE APRIL 08, 2021  
AMENDED IN SENATE MARCH 05, 2021**

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

**Senate Bill No. 241**

Introduced by Senator Umberg

January 21, 2021

An act to amend Section 8050 of, and to add Section 8051 to, the Business and Professions Code, and to amend Sections 599 and 1010.6 of, and to add and repeal Section 367.8 of, the Code of Civil Procedure, and to add Section 3505 to the Probate Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 241, as amended, Umberg. Civil actions. SB 241, as amended, Umberg. Civil actions.

(1) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, except if the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after July 1, 2022, and until January 1, 2024, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board after meeting specified requirements, including paying an annual registration fee to the board in an amount not to exceed \$500 and designating a board-certified reporter-in-charge, as specified. The bill would require the board to approve an entity's registration or deny the entity's application upon making specified findings. The bill would make a registration valid for one year and would also provide for the suspension and revocation of a registration by the board under specified circumstances. The bill would require the board to make available on its internet website a directory of registered entities. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions to apply to these new registrants the bill would expand the scope of a crime and impose a state-mandated local program.

(2) Existing law authorizes a party in a civil case to appear by telephone at specified conferences, hearings, and proceedings, if the party has provided notice, unless the court determines that a personal appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the particular case. Existing law requires the Judicial Council to adopt rules to effectuate these provisions.

This bill would, until January 1, 2024, authorize a witness in a proceeding, including a trial or an evidentiary hearing, to appear and give testimony by remote electronic means that provide a live audiovisual connection to the court, if the parties stipulate to this manner of appearance, unless the court determines that a personal appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the particular case, or one party requests it by motion. The bill would specify factors a court would be required to consider, but would not be limited to, in determining whether to grant a motion. The bill would authorize the court to require the stipulating or moving parties to incur the costs of the remote appearance. The bill would permit the court, if at any time before or during a witness's remote appearance the court determines a personal appearance is necessary, to continue the proceeding and require the witness to appear in person. The bill would impose additional requirements on a witness's remote appearance. The bill would prohibit the court from compelling, on its own motion, a party to call a witness to remotely appear or a remote jury trial.

(3) Existing law provides that, unless otherwise ordered by the court or agreed to by the parties, a continuance or postponement of a trial date extends any deadlines applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions, which have not already passed as of March 19, 2020, for the same length of time as the continuance or postponement of the trial date. Existing law provides that this extension is in effect only during the COVID-19 state of emergency proclaimed by the Governor on March 4, 2020, and for 180 days after the end of the state of emergency.

This bill would apply these provisions to the continuance or postponement of an arbitration date.

(4) Existing law authorizes the service of documents in a civil action by electronic means pursuant to rules adopted by the Judicial Council. Existing law authorizes a court to electronically serve any document issued by the court that is not required to be personally served on a party that has agreed or consented to accept electronic service, with the same legal effect as service by mail, except as specified.

This bill would, on and after July 1, 2023, instead require the court to electronically serve those documents on a party that has agreed or consented to accept electronic service.

(5) Existing law authorizes a minor's parent to compromise, or execute a covenant not to sue or not to enforce a judgment on, a claim on behalf of the minor if the minor has a disputed claim for damages, money, or other property and does not have a guardian of the estate.

This bill would require the court to schedule a hearing on a petition to compromise a minor's disputed claim within 30 days from the date of filing and, if the petition is unopposed, would require the court to enter a decision at the conclusion of the hearing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

*The people of the State of California do enact as follows:*

**SECTION 1.** This act shall be known, and may be cited, as the “2021 California Court Efficiency Act.”

**SEC. 2.** The Legislature finds and declares all of the following:

(a) The Legislature first began to authorize the use of technology in the courts 28 years ago in 1993, when Senate Bill 425 of the 1993–94 Regular Session, authored by Senator Lockyer, required the Judicial Council to adopt rules governing the appearance of counsel by telephone.

(b) Telephonic hearings have been well underway since then and uniform procedures for their use have been in place since 2007. Telephonic hearings reduced the cost of litigation, improved public access, created less crowded courtrooms, and allowed for more hearings to be conducted in a more efficient manner.

(c) The COVID-19 pandemic forced courts to adapt their processes to social distancing and other public health requirements by allowing greater use of technology. Video-based technology increases access to justice for court users who no longer have to miss work for a court appearance, and electronic filing of documents has made it easier for litigants and attorneys to file documents with the court. For example, 38 courts now permit remote appearances in all case types. This is a dramatic increase from only one court permitting such appearances prior to the COVID-19 pandemic.

(d) As COVID-19 vaccine availability permits California courts to gradually return to normal operations, it is clear that an enormous backlog of civil cases will require focused and innovative approaches to providing justice to litigants. Between March and August of 2020, case dispositions plummeted by almost 1,400,000 cases compared to the same period in 2019. The Superior Court for the County of Los Angeles, the world’s single largest court, has thousands of cases backlogged in its personal injury “hub” alone.

(e) Courts, practitioners, and litigants face an enormous task of resolving these cases, which is estimated to take several years to complete. This will severely delay justice for litigants, as many cases will be approaching the five-year deadline to bring matters to trial by the time they are addressed by the courts.

(f) There has never been a time in the history of California when the efficient conduct of trials was more important than now. Lawyers and judges are searching for every available incremental improvement in efficiency to address the backlog of cases. Authorizing the appearance of witnesses via remote live video and expanding electronic service of documents will further these efficiencies by reducing congestion and increasing the speed of existing processes. In addition, a reliable supply of licensed court reporters is critical for the efficient operation of the legal system, both in and out of court.

**SEC. 3.** Section 8050 of the Business and Professions Code is amended to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court, to promote competition based upon the quality and price of shorthand reporting services, and to ensure consistent regulation of corporations owned by certificate holders and those not owned by certificate holders.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c)(1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018 or a valid registration issued pursuant to Section 8051, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of a party, or a full-time employee of a party or the attorney of a party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees higher than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.

(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is

**SEC. 4.** Section 8050 is added to the Business and Professions Code, to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based upon the quality and price of shorthand reporting services.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c)(1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees other than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.

(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.

(h) This section shall become operative on January 1, 2024.

**SEC. 5.** Section 8051 is added to the Business and Professions Code, to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

(1) The entity pays an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars (\$500). The fee shall not exceed the board's cost of administering this section.

(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity's application for registration. The reporter-in-charge shall be responsible to the board for an entity's compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.

(3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.

(b) An entity shall provide the board with all of the following information for consideration of initial registration pursuant to subdivision (a):

(1) The name and certificate number of the entity's certified reporter-in-charge.

(2) Whether the entity, a controlling officer or parent corporation of the entity, the entity's reporter-in-charge, or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration. If so, the entity shall provide the board a copy of the operative complaint with the initial registration.

(3) Whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter-in-charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

(4) Any additional documentation the board reasonably deems necessary for consideration in the initial registration process.

(c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

(d) A registration issued by the board pursuant to this section shall be valid for one year, at which time it may be approved for renewal by the board upon meeting the requirements of subdivision (a).

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement reporter-in-charge shall be subject to approval by the board. If disapproved, the entity shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a reporter-in-charge is approved by the board.

(f) The board shall revoke the registration of an entity if the board determines the entity:

(1) Engaged, in whole or in part, through officers, employees, or independent contractors that are not certificate holders, in acts that are within the scope of practice of a certificate holder, unless otherwise permitted by law.

(2) Directed or authorized the reporter-in-charge to violate state laws or regulations pertaining to shorthand reporting or offering financial incentives to the reporter-in-charge for engaging in acts that violate state law.

(g) In addition to revoking an entity's registration as required by subdivision (f), a registration issued under this section may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the board deems fit for violations of the laws or regulations pertaining to shorthand reporting by the entity's officers, employees, or independent contractors, including the issuance of citations and fines.

(h) The board shall consider suspending the registration of an entity for a minimum of one year if the license of its reporter-in-charge is suspended or revoked for violating this section more than twice in a consecutive five-year period.

(i) An entity shall have the right to reasonable notice and opportunity to comment to and before the board regarding any determination to deny or revoke registration before that determination becomes final. An entity may seek review of a board decision to deny or revoke registration under this section either in an administrative hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or through an action brought pursuant to Section 1085 of the Code of Civil Procedure.

(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time.

(l) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 6.** Section 367.8 is added to the Code of Civil Procedure, to read:

367.8. (a) Notwithstanding any other law, and subject to the requirements of this section, the following may appear and give testimony, including at a trial or an evidentiary hearing, by remote electronic means that provide a live audiovisual connection to the court:

(1) A witness for whom all of the parties to the action stipulate to remotely appear. The court shall not deny or disapprove a stipulation for a witness to remotely appear unless the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(2) A witness for whom a party files a motion requesting permission to remotely appear.

(b) In ruling on a motion for permission for a witness to remotely appear, the court shall consider, but is not limited to, the following factors:

(1) Whether the witness is critical or necessary for the determination of the proceeding or the management or resolution of the action. The court may require a critical or necessary witness to appear in person.

(2) Whether allowing the witness to appear remotely would materially prejudice one or more of the parties to the action.

(3) Whether the witness is a peace officer, fire department employee, or other first responder that provides valuable public services such that it is in the public's interest for the witness to remotely appear.

(4) Whether the witness is medical personnel, including, but not limited to, a treating medical provider, who has not been designated as a retained expert witness, such that it is in the public's interest for the witness to remotely appear.

(5) Whether the witness resides at such a distance from the place of the proceeding that it would be difficult for the witness to appear in person.

(6) Whether the witness's circumstances would make it impossible or difficult for the witness to appear in person, including whether appearing in person would present risks to the witness's health or safety.

(7) Whether allowing the witness to remotely appear would further the interest of judicial economy.

(c) A witness remotely appearing and giving testimony pursuant to this section shall take an oath under penalty of perjury, administered by the court or a person authorized to take testimony in the proceeding or action, as if the witness were appearing in person.

(d) The court shall ensure that the testimony of a witness appearing remotely is audible to all other participants and court staff, and that a witness appearing remotely is clearly visible on the live audiovisual connection to the court.

(e) If, at any time before or during a witness's remote appearance, the court determines that a personal appearance is necessary, the court may continue the proceeding and require the witness to appear and testify in person. The court may make this determination on its own motion or on motion from any party to the action.

(f) If the court authorizes a witness to remotely appear pursuant to this section, the court may order the party or parties who requested or stipulated to the remote appearance to incur the costs of the remote appearance.

(g) This section does not prohibit or supersede a party's ability to seek authorization to take a deposition pursuant to Section 2025.260.

(h) The court on its own motion may not compel a party to call a witness to remotely appear. Nothing in this section authorizes the court to compel a remote jury trial.

(i) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 7.** Section 599 of the Code of Civil Procedure is amended to read:

599. (a) Notwithstanding any other law and unless ordered otherwise by a court or otherwise agreed to by the parties, a continuance or postponement of a trial or arbitration date extends any deadlines that have not already passed as of March 19, 2020, applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions in the same matter. The deadlines are extended for the same length of time as the continuance or postponement of the trial date.

(b) This section shall remain in effect only during the state of emergency proclaimed by the Governor on March 4, 2020, related to the COVID-19 pandemic and 180 days after the end, pursuant to Section 8629 of the Government Code, of that state of emergency and is repealed on that date.

**SEC. 8.** Section 1010.6 of the Code of Civil Procedure is amended to read:

1010.6. (a) A document may be served electronically in an action filed with the court as provided in this section, in accordance with rules adopted pursuant to subdivision (f).

(1) For purposes of this section:



(A) “Electronic service” means service of a document, on a party or other person, by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party or other person’s attorney, or through an electronic filing service provider.

(B) “Electronic transmission” means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.

(C) “Electronic notification” means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served, and providing a hyperlink at which the served document may be viewed and downloaded.

(D) “Electronic filing” means the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court’s records, which are necessary for a document to be officially filed.

(2)(A) (i) For cases filed on or before December 31, 2018, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d).

(ii) For cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is authorized if a party or other person has expressly consented to receive electronic service in that specific action, the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), or the document is served electronically pursuant to the procedures specified in subdivision (e). Express consent to electronic service may be accomplished either by (I) serving a notice on all the parties and filing the notice with the court, or (II) manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic address with that consent for the purpose of receiving electronic service. The act of electronic filing shall not be construed as express consent.

(B) If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.

(3)(A) Before July 1, 2023, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court may electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(B) On and after July 1, 2023, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court shall electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of

documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(4)(A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

(i) A notice of intention to move for new trial.

(ii) A notice of intention to move to vacate judgment under Section 663a.

(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

(7) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a party or other person entitled to service or that person's attorney.

(8) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (f) and the following conditions:

(1) A document that is filed electronically shall have the same legal effect as an original paper document.

(2)(A) When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The filer is the signer.

(ii) The person has signed the document pursuant to the procedure set forth in the California Rules of Court.

(B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The person has signed a printed form of the document before, or on the same day as, the date of filing. The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form of the document bearing the original signature until final disposition of the case, as defined in subdivision (c) of Section 68151 of the Government Code, and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.

(ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.

(3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a noncourt day shall be deemed filed on the next court day.

(4)(A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.

(B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.

(C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.

(D) If the court utilizes an electronic filing service provider or electronic filing manager to send the notice of rejection described in subparagraph (C), the electronic filing service provider or electronic filing manager shall promptly send the notice of rejection to the party or person who submitted the document. A notice of rejection sent pursuant to this subparagraph shall include the date the electronic filing service provider or electronic filing manager sent the notice.

(E) If the clerk of the court does not file a complaint or cross complaint because the complaint or cross complaint does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.

(5) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records and may electronically transmit a copy of the summons to the requesting party. Personal service of a printed form of the electronic summons shall have the same legal effect as personal service of an original summons. If a trial court plans to electronically transmit a summons to the party filing a complaint, the court shall immediately, upon receipt of the complaint, notify the attorney or party that a summons will be electronically transmitted to the electronic address given by the person filing the complaint.

(6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process

involving the electronic filing of a document. The court shall consider and determine the application in accordance with Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code and shall not require the party or attorney to submit any documentation other than that set forth in Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code. The court, an electronic filing service provider, or an electronic filing manager shall waive any fees charged to a party if the party has been granted a waiver of court fees pursuant to Section 68631. The electronic filing manager or electronic filing service provider shall not seek payment from the court of any fee waived by the court. This section does not require the court to waive a filing fee that is not otherwise waivable.

(7) If a party electronically files a filing that is exempt from the payment of filing fees under any other law, including a filing described in Section 212 of the Welfare and Institutions Code or Section 6103.9, subdivision (b) of Section 70617, or Section 70672 of the Government Code, the party shall not be required to pay any court fees associated with the electronic filing. An electronic filing service provider or an electronic filing manager shall not seek payment of these fees from the court.

(8) A fee, if any, charged by the court, an electronic filing service provider, or an electronic filing manager to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.

(9) The court shall not charge fees for electronic filing and service of documents that are more than the court's actual cost of electronic filing and service of the documents.

(c) If a trial court adopts rules conforming to subdivision (b), it may provide by order, subject to the requirements and conditions stated in paragraphs (2) to (4), inclusive, of subdivision (d), and the rules adopted by the Judicial Council under subdivision (g), that all parties to an action file and serve documents electronically in a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules, provided that the trial court's order does not cause undue hardship or significant prejudice to any party in the action.

(d) A trial court may, by local rule, require electronic filing and service in civil actions, subject to the requirements and conditions stated in subdivision (b), the rules adopted by the Judicial Council under subdivision (g), and the following conditions:

(1) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.

(2) The court and the parties shall have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court. Any fees charged by an electronic filing service provider shall be reasonable. An electronic filing manager or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver.

(3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. The Judicial Council shall make a form available to allow a party to seek an exemption from mandatory electronic filing and service on the grounds provided in this paragraph.

(4) Unrepresented persons are exempt from mandatory electronic filing and service.

(5) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code, is exempt from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.

(e)(1) A party represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party shall confirm by telephone or email the appropriate electronic service address for counsel being served.

(2) A party represented by counsel shall, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(f) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, and access to public records, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(g) The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(h)(1) Any system for the electronic filing and service of documents, including any information technology applications, internet websites and web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court, regardless of the case management system used by the trial court, shall satisfy both of the following requirements:

(A) The system shall be accessible to individuals with disabilities, including parties and attorneys with disabilities, in accordance with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(B) The system shall comply with the Web Content Accessibility Guidelines 2.0 at a Level AA success criteria.

(2) Commencing on June 27, 2017, the vendor or contractor shall provide an accommodation to an individual with a disability in accordance with subparagraph (D) of paragraph (3).

(3) A trial court that contracts with an entity for the provision of a system for electronic filing and service of documents shall require the entity, in the trial court's contract with the entity, to do all of the following:

(A) Test and verify that the entity's system complies with this subdivision and provide the verification to the Judicial Council no later than June 30, 2019.

(B) Respond to, and resolve, any complaints regarding the accessibility of the system that are brought to the attention of the entity.

(C) Designate a lead individual to whom any complaints concerning accessibility may be addressed and post the individual's name and contact information on the entity's internet website.

(D) Provide to an individual with a disability, upon request, an accommodation to enable the individual to file and serve documents electronically at no additional charge for any time period that the entity is not compliant with paragraph (1). Exempting an individual with a disability from mandatory electronic filing and service of documents shall

not be deemed an accommodation unless the person chooses that as an accommodation. The vendor or contractor shall clearly state in its internet website that an individual with a disability may request an accommodation and the process for submitting a request for an accommodation.

(4) A trial court that provides electronic filing and service of documents directly to the public shall comply with this subdivision to the same extent as a vendor or contractor that provides electronic filing and services to a trial court.

(5)(A) The Judicial Council shall submit four reports to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. The first report is due by June 30, 2018; the second report is due by December 31, 2019; the third report is due by December 31, 2021; and the fourth report is due by December 31, 2023.

(B) The Judicial Council's reports shall include all of the following information:

(i) The name of each court that has implemented a system of electronic filing and service of documents.

(ii) A description of the system of electronic filing and service.

(iii) The name of the entity or entities providing the system.

(iv) A statement as to whether the system complies with this subdivision and, if the system is not fully compliant, a description of the actions that have been taken to make the system compliant.

(6) An entity that contracts with a trial court to provide a system for electronic filing and service of documents shall cooperate with the Judicial Council by providing all information, and by permitting all testing, necessary for the Judicial Council to prepare its reports to the Legislature in a complete and timely manner.

**SEC. 9.** Section 3505 is added to the Probate Code, to read:

3505. The court shall schedule a hearing on a petition for compromise of a minor's disputed claim pursuant to Section 3500 within 30 days from the date of filing. If the petition is unopposed, the court shall issue a decision on the petition at the conclusion of the hearing.

**SEC. 10.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

## COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

### **AGENDA ITEM 7 – Regulations**

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

#### 7.1 AB 2138 Implementation: Status report for sections 2470 & 2471.

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Brief Summary:

The Office of Administrative Law approved the Board's AB 2138 implementation regulations package, which requires boards to amend their existing regulations governing substantially related crimes or acts as well as rehabilitation criteria. The regulations package, published February 21, 2020, went into effect May 12, 2021.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

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

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Brief Summary:

Staff has been working on the question of whether the Board has the ability to prohibit the use of "court reporter" and "deposition reporter" by anyone who is not a CSR. The regulatory pathway appears to not be supported by existing statute.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board does not pursue regulatory change because it lacks statutory authority.

The Board could direct staff to develop and produce a 'best practices' publication to recommend CSR's state their license number at the beginning of proceedings. This could also support various associations' work to educate consumers.

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

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

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Brief Summary:

At the April 16, 2021, meeting, Licensee Member O'Neill agreed to chair a task force to develop language to amend the MTFS to include searchability in transcripts.

The following language is submitted for the Board's review and approval:

**§ 2473. Minimum Transcript Format Standards.**

(a) A reporter licensed under Chapter 13, Division 3 of the Code shall comply with the following transcript format standards when producing a transcript in a legal proceeding. If a reporter is employed by a court, either as an official or pro tem official reporter, the transcript format set forth by state or local rules of court, or adopted by that jurisdiction, if any, will supersede. If there are no transcript format guidelines established within a jurisdiction, the following minimum transcript format standards shall apply:

- (1) No fewer than 25 typed text lines per page;
- (2) A full line of text shall be no less than 56 characters unless timestamping is used, in which case no fewer than 52 characters shall be used on a full line of text;
- (3) Timestamping may only be printed on a transcript under any of the following circumstances:
  - (A) when a deposition is videotaped;
  - (B) when requested by counsel on the record, or
  - (C) when a transcript will have not less than 56 characters per line.
- (4) Left-hand margin is defined as the first character of a line of text;
- (5) Each question and answer is to begin on a separate line;
- (6) Text is to begin no more than 10 spaces from the left margin. "Q" and "A" Symbols shall appear within the first 8 spaces from the left-hand margin;
- (7) Carry-over "Q" and "A" lines to begin at the left-hand margin;



(8) Colloquy and paragraphed material to begin no more than 10 spaces from the left-hand margin with carry-over colloquy to the left-hand margin;

(9) Quoted material to begin no more than 14 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;

(10) Parenthetical and exhibit markings of two lines or more shall be no less than 35 characters per line; ~~and~~

(11) In colloquy, text shall begin no more than two spaces after the colon following speaker "ID;" and

(12) Text shall be in full text-searchable PDF (portable document format) or other searchable format.

(b) Failure to comply with these minimum standards, as noted above, constitutes grounds for disciplinary action.

Note: Authority cited: Sections 8007, 8008 and 8025, Business and Professions Code. Reference: Sections 8015 and 8025, Business and Professions Code.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Staff recommends approval of the proposed language.

Proposed Motion: Move to approve the proposed regulatory text for Section 2473, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and, if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 2473 as noticed.

## COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

### **AGENDA ITEM 8 – Licensure of Voice Writers**

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Agenda Description: Discussion and possible action

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Brief Summary:

The Board last discussed licensing of voice writers in February of 2019 when it directed staff to work with the legislature to make the necessary statutory changes to explicitly allow for license of voice writers in California. Staff had begun discussions with legislative staff about Bus. and Prof. Code section 8017 when the pandemic hit and all non-COVID-19-related legislation was put on hold. Because it has been such a long time since the Board has discussed the issue, it is back before the Board to ensure this continues to be the direction to staff.

As background, voice writers are court reporters who use their voices rather than their hands to transcribe speech-to-text. Where steno reporters use a stenographic machine to manually capture the spoken word, voice reporters repeat the spoken word into a steno mask. Both methods use their own form of computer-aided transcription software to translate the steno notes or the voice file, respectively, into English. A demonstration of real-time voice writing was given to the Board at its July 19, 2018, meeting.

Training for voice writing takes 6 to 12 months. Training for steno writing takes two to four years. 90% of voice writers complete the program. 10% of steno writers complete the program. Voice writers work in 37 states as officials, freelance, and CART and broadcast captioners. They work in federal court, Congress, and the military.

Questions for the Board to consider if the consensus is to move forward with changing legislation to explicitly allow voice writers to be licensed in California include:

1. Would voice writers be required to pass the California skills test or would they be allowed to take only the written portions if they hold certification by the National Verbatim Reporters Association (NVRA)?
2. Should a separate license category be created differentiating which method with which a CSR has demonstrated proficiency to practice?

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Support Documents:

Attachment – NVRA certification reciprocity

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board pursue legislative changes to explicitly allow voice writers to be licensed to practice in California.

**STATES WITH MANDATORY CERTIFICATION THAT GIVE RECIPROCITY TO**

**NVRA'S CERTIFICATION**

Attachment  
Agenda Item 8

Alabama – must pass NCRA's written

test Arizona -- must pass Arizona written

test Arkansas

Georgia – must pass Georgia written test

Kansas – must pass Kansas written test

Louisiana – must pass Louisiana written test

Michigan – must pass Michigan written test

Mississippi

Missouri

Nevada

New Hampshire

North Carolina

South Carolina

Tennessee

Texas – no reciprocity for NVRA or NCRA. Must pass state test.

Utah

Washington

West Virginia

Wisconsin

**STATES WITH NON-MANDATORY CERTIFICATION THAT GIVE RECIPROCITY  
TO NVRA'S CERTIFICATION**

Florida

Indiana

Massachusetts

Minnesota

Nebraska

Oregon

Wisconsin

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 9 – Strategic Plan**

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Agenda Description:

9.1 Social Media Outreach; CRB Facebook Page

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Brief Summary:

Staff continues to work with the Department of Consumer Affairs' Office of Public Affairs to create a Facebook account.

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Support Documents: None

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Fiscal Impact: None

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Recommended Action: Informational only

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Agenda Description:

9.2 Update to the Board on action plan

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Brief Summary:

At the July 12, 2019, Board meeting, the Board approved an action plan for the 2019-2023 Strategic Plan. The Action Plan Timeline is used as a tool to update the Board on the progress of achieving the strategic plan goals.

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Support Documents:

Attachment, Item 9.2 – Action Plan Timeline

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board review the Action Plan Timeline and provide feedback as needed.

## Court Reporters Board of California 2019 – 2023 Action Plan Timeline

Action Items	Target Date	Status
Maintain fair testing to provide consumers with competent entry-level reporters	Dec 2023	On-going
Expand Best Practice Pointers to keep licensees up to date with industry standards	Jan 2020	No. 11 – 5/21
Facilitate expansion of verbatim reporting methods to provide sufficient workforce	Jan 2022	On-going
Investigate real-time captioning standards and assess industry practices for consumer protection	Dec 2020	
Monitor compliance by non-licensee-owned firms to ensure integrity of the record	Dec 2023	On-going
Inform licensees regarding the role of the Board's enforcement to dispel common misconceptions	Dec 2020	
Educate consumers about the Board's complaint process to have a place for recourse in cases of violation	Dec 2023	
Support schools' recruitment efforts to preserve the integrity and continuity of the workforce	Jan 2021	
Increase Board school visits to more effectively monitor compliance with applicable laws and regulations	Dec 2023	
Launch a strategic awareness campaign in collaboration with external stakeholders to educate consumers about the court reporting roles and CRB responsibilities and services	Dec 2023	April 2021 & on-going
Improve the CRB website to improve service and efficiency for consumers	June 2019	June 2019
Implement business modernization to allow online renewals and applications	Dec 2023	August 2020
Continue to cross-train staff to be effective and efficient, as well as to prepare for succession planning	Dec 2022	On-going

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 10 – Election of Officers**

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Agenda Description: Election of Chair and Vice-Chair.

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Brief Summary:

Per the Board policy annotated below, 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.

**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

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Support Documents:

Attachment – Chairperson duties.

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Recommended Board Action: Hold elections.

## **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.

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 11 – Future Meeting Dates**

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Agenda Description:     Proposed Meeting Dates

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Support Documents:

Attachment – 2021 Board Calendar

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Current scheduled activities:

Exam Workshop:

    August 20 – 21, 2021 – Sacramento - rescheduled

    September 24 – 25, 2021 – Sacramento

    November 19 – 20, 2021 – Sacramento

CSR Dictation Exam:

    November 1, 2021 – November 22, 2021 – Realtime Coach (Online Vendor)

=====

Recommended Board Action: Staff recommends polling board member  
availability for meetings in November 2021 and March 2022.



**A YEAR-AT-A-GLANCE CALENDAR 2021  
COURT REPORTERS BOARD OF CALIFORNIA**

Attachment  
Agenda Item 11

**JANUARY 2021**

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						

**FEBRUARY 2021**

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 2021**

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

**APRIL 2021**

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

**MAY 2021**

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 2021**

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 2021**

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

**AUGUST 2021**

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

**SEPTEMBER 2021**

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 Workshop	25
26	27	28	29	30		

**OCTOBER 2021**

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 2021**

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

**DECEMBER 2021**

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**

<span style="background-color: #00FF00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>BD</b> - Board Meeting or Activity
<span style="background-color: #FFA500; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>Exam</b> - Dictation Exam
<span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>Workshop</b> - Exam Workshop
<span style="background-color: #FFFF00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>TF</b> - Task Force Meeting
<span style="background-color: #D8BFD8; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>TH</b> - Town Hall Meeting
<span style="background-color: #FF0000; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>OA</b> - Occupational Analysis
<span style="background-color: #A9A9A9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>Shaded Dates</b> - Board Office is Closed

**CITY**

<b>LA</b> - LOS ANGELES	<b>SAC</b> - SACRAMENTO
<b>SD</b> - SAN DIEGO	<b>SF</b> - SAN FRANCISCO
<b>ONT</b> - ONTARIO	

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**GENERAL LOCATION**

<b>NC</b> - NORTHERN CALIFORNIA
<b>SC</b> - SOUTHERN CALIFORNIA
<b>Tele</b> - TELECONFERENCE/VIDEOCONFERENCE

COURT REPORTERS BOARD MEETING – AUGUST 20, 2021

**AGENDA ITEM 12 – Closed Session**

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Agenda Description:

Pursuant to Government Code Sections 11126(c)(2), 11126(c)(3), and 11126(e)(2)(C), the Board will meet in closed session as needed to discuss or act on disciplinary matters and/or pending litigation

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Fiscal Impact: None