



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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TELECONFERENCE MEETING OF THE COURT REPORTERS BOARD

Wednesday, January 26, 2022

9:00 a.m. to conclusion

If Joining by Computer:

dca-meetings.webex.com/dca-meetings/j.php?MTID=mc44351d9bbbab98ac208d4a20e174532

Event number: 2486 541 2928

Event passcode: CRB01262022

If Joining by Phone:

Audio conference: US Toll +1-415-655-0001

Access code: 248 654 12928

Event passcode: 27201262

To observe the meeting without making public comment (provided no unforeseen technical difficulties): thedcapage.blog/webcasts/

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 three-minute time limit is approaching.

Board Members: Robin Sunkees, Chair; Davina Hurt, Vice Chair; Laura Brewer, 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 4
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 MEETING MINUTES – August 20, 2021 5
- 3. RESOLUTION FOR BOARD MEMBER TONI O’NEILL 21
- 4. DEPARTMENT OF CONSUMER AFFAIRS UPDATE 23
- 5. REPORT OF THE EXECUTIVE OFFICER 24
 - 5.1 CRB Budget Report
 - 5.2 Transcript Reimbursement Fund (TRF)
 - 5.3 Enforcement Activities
 - 5.4 Exam Update
 - 5.5 Business Modernization

6.	<u>LEGISLATION</u>	37
	Update on end of legislative session	
6.1	AB 29 (Cooper) State bodies: meetings	
6.2	AB 107 (Salas) Licensure: veterans and military spouses	
6.3	AB 163 (Committee on Budgets) State government	
6.4	AB 177 (Committee on Budget) Public safety	
6.5	AB 225 (Gray, Gallagher, and Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses	
6.6	AB 305 (Maienschein) Veteran services: notice	
6.7	AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions	
6.8	AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing	
6.9	AB 1386 (Cunningham) License fees: military partners and spouses	
6.10	SB 170 (Skinner) Budget Act of 2021	
6.11	SB 241 (Umberg) Civil Actions.	
6.12	SB 731 (Durazo and Bradford) Criminal records: relief	
6.13	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>	41
7.1	<u>Minimum Transcript Format Standards (MTFS)</u> : Public hearing regarding petition to amend regulations. (Gov. Code, § 11340.6.) – Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations section 2473.	
7.2	<u>SB 241 Implementation – Firm Registration</u> : Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Section 2450, Repeal Section 2464, and Adopt Section 2468.1 of Title 16 of the California Code of Regulations, to Implement Firm Registration per Business and Professions Code section 8050.	
8.	<u>LICENSURE OF VOICE WRITERS</u>	61
	Executive Officer report on meetings with legislative staff regarding the licensure of voice writers.	
9.	<u>SUNSET REVIEW</u>	62
	Explanation of process and development of plan for 2020-2023 Sunset Review Report.	
10.	<u>STRATEGIC PLAN</u>	63
	Update to the Board on action plan	
11.	<u>FUTURE MEETING DATES</u>	65
12.	<u>CLOSED SESSION</u>	67
	Pursuant to Government Code section 11126(a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.	

ADJOURNMENT – The Board will Adjourn from Closed Session

Action may be taken on any item on the agenda. 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. Members of the public are not required to submit their name or other information to attend the meeting.

The meeting is accessible to the physically disabled. To request disability-related accommodations, contact the board using the information listed below. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

To receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting.

Contact Person: Paula Bruning
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or

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COURT REPORTERS BOARD MEETING – JANUARY 26, 2022

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 – JANUARY 26, 2022

AGENDA ITEM 2 – Review and Approval of Meeting Minutes

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Agenda Description:

Review and approval of August 20, 2021, minutes

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Brief Summary:

Minutes from Board meetings

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Support Documents:

Attachment – Draft minutes for August 20, 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
Agenda Item 2

COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION AUGUST 20, 2021

DRAFT

CALL TO ORDER

Ms. Robin Sunkees, Chair, called the meeting to order at 9:02 a.m. The public meeting was held via a teleconference platform pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, and a physical meeting location was not provided.

ROLL CALL

Board Members Present:

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

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Board Counsel
Danielle Rogers, Regulations Counsel
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

Ms. Sunkees welcomed new Board member Denise Tugade to her first meeting.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Carolyn Dasher suggested the Board consider allowing online schools to qualify students to take the CSR examination.

2. REVIEW AND APPROVAL MEETING MINUTES

2.1 November 20, 2020

Ms. Hurt moved to approve the November 20, 2020, minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

2.2 April 16, 2021

Ms. Hurt moved to approve the April 16, 2021, minutes. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Ms. Sunkees noted that the minutes are not meant to be a verbatim record.

3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

The Department of Consumer Affairs (Department/DCA) provided a written update, which was included as pages 37 and 38 of the Board agenda packet.

4. REPORT OF THE EXECUTIVE OFFICER

4.1 CRB Budget Report

Ms. Fenner referred to the Board's fiscal month 11 expenditure projections on page 40 of the Board agenda packet. She highlighted the 15.5 percent predicted budget excess for the fiscal year.

Ms. Hurt requested information on how remote Board meetings and online testing have affected the budget. Ms. Fenner responded that cost savings had been realized as a result of not requiring hotel space or travel expenses for meetings and exams. She added that remote meetings have resulted in larger volume and diversity of public comments at the Board meetings due to the access it has provided to stakeholders across the state. Ms. Hurt agreed.

Ms. Fenner moved to the overall fund condition report on page 41 of the Board agenda packet. The months in reserve projections appeared stable and robust enough to continue funding the Transcript Reimbursement Fund (TRF).

Ms. Hurt inquired about trends that should be considered with regard to revenue. Ms. Fenner indicated that there is a downward trend in renewal revenue due to the number of licensees retiring and fewer new licensees. Ms. Hurt suggested the Board focus on increasing its licensee base as COVID-related restrictions are lifted.

4.2 Transcript Reimbursement Fund

Ms. Bruning provided statistics for the end of fiscal year 2020/21, reporting that the TRF paid out more than \$96,000 for pro bono applications and approved more than \$18,000 for pro per applicants. Thus far for fiscal year 2021/22, \$8,500 had been authorized for payment for pro bono applicants, and \$6,000 has been approved for pro per applicants.

4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 43 of the Board agenda packet. She indicated that the most common complaints received continue to be for timeliness of production and accuracy of the transcript.

4.4 Court Reporting Schools; Charles A. Jones Career and Education Center, Court Reporting (Argonaut) Closure

Ms. Fenner reluctantly reported the impending closure of the Argonaut Court Reporting program. She reported that there are six public and one [sic] private recognized court reporting programs remaining.

Bonnie Chufar, Program Director at Argonaut Court Reporting, stated her regret that Argonaut was closing after 60 years of operation and graduation of more than 1,000 licensees. She thanked the Board on behalf of herself and Lori Doll for their support over the years. Ms. Hurt thanked Ms. Chufar and her staff for their passion for teaching and court reporting.

4.5 Exam Update

Ms. Fenner referred to the exam statistics starting on page 45 of the Board agenda packet.

Angela Olvera, court reporting agency owner and parent of an exam candidate, stated that her daughter has experienced technical problems with the online dictation exam four times. She requested the Board consider returning to in-person testing.

Deborah Alvino volunteered to proctor exams.

Alyssa Olvera, exam candidate, reported that she has run into technical issues with the online exam each of the four times she took it. She requested the Board offer an in-person dictation examination.

Maggie Ortiz, West Valley College, shared that her students have had similar problems with the online platform.

Tricia Taveras agreed with Alyssa Olvera, adding a request to return to the three-hour allowance for transcribing the dictation exam.

Ms. Dasher inquired if the statistics reflect candidates who did not complete their exam due to technical difficulties. Ms. Fenner affirmed that incomplete exams are counted as failures just as they were when the test was offered in person.

Ana Fatima Costa requested information on the test process and asked who grades the exams. Ms. Fenner indicated that the exams are hand graded due to the various format types for transcripts and, therefore, grading cannot be done by computer. Ms. Costa asked why there is no longer an appeal process. Ms. Fenner explained that there is a finite number of recorded tests available which cannot be shared with the candidates. Ms. Costa stated that she has received several complaints about the online test platform and requested an audit of the test provider.

Ms. Sunkees stated that approximately 47 individuals passed the dictation exam since July 2020. The Board did not have to skip any scheduled examination cycles due to COVID because staff moved so quickly to pivot the exam to the online platform. Overall the pass rate has remained fairly consistent.

Ms. Fenner acknowledged the difficulties with ProctorU on occasion. She stated that the Board does not contract with ProctorU. The Board contracts with RealtimeCoach (RTC), who subcontracts ProctorU. She added that ProctorU does not have dedicated proctors dedicated to any industry – they work across a vast variety of disciplines and follow a “flight” plan with instructions for each type of test.

Ms. Hurt stated that with any new testing approach there will be issues that surface that need to be solved. She thanked the public for their feedback. She suggested the Board review the online platform’s success again when there are more statistics available.

Alyssa Olvera requested the Board consider that in-person candidates have the advantage of being able to hear the full dictation whereas she was not able to as a result of technical issues. Ms. Fenner directed Ms. Olvera to contact the Board’s licensing and exam staff.

Ms. Hurt inquired if the Board has received calls from candidates expressing technical difficulties. Ms. Fenner indicated that phone call had been received and indicated that there were often technical difficulties at the in-person exam as well. Staff works with the candidates in an attempt to resolve those issues.

Ms. Costa shared that RTC indicated that they deliver exams but do not have control over the quality of the video and audio that they are provided with. Ms. Fenner stated that the video and audio uploaded to RTC are of high quality, however, they are 15 minutes in length, which is a large data file. Some individuals have difficulty with the amount of bandwidth that it takes to process that large of a file.

Ms. Tugade asked if the Board received metrics from RTC which differentiate individuals who submit incomplete tests versus those who experienced technical issues and what type of technical issues they faced. Ms. Fenner responded that RTC does not provide that information. She stated that staff could potentially formulate those statistics, but she did not believe they would be meaningful due to the variety of possible factors. She stated that candidates are allowed to sign up for and take free

practice exams to work out any technical difficulties but many do not, or they do not listen to the full 15 minutes to ensure it's not buffering.

Angela Olvera expressed concern that some candidates may not be able to overcome the bandwidth issue but still need to be able to complete the exam.

Ms. Costa stated that candidates should be tested on their skill not on technology.

Ms. Sunkees thanked the California Court Reporters Association (CCRA) for putting on a seminar to prepare CSR candidates for the online dictation exam platform where there were 30 to 40 attendees. It is hoped that there will be a positive reflection in the exam statistics as a result.

4.6 Business Modernization

Ms. Fenner stated there continues to be a good response to online renewals.

She stated that as a result of the larger budget reversion, it may be possible for the Board to join a cohort that would be a more global modernization of its licensing and enforcement databases.

4.7 CRB Today Newsletter

Ms. Fenner stated that the summer edition of the CRB Today newsletter was scheduled to be posted on the Board's website in the next week. An email will be sent to the Board's subscriber list once it is posted.

The Board took a break at 10:25 a.m. and returned to open session at 10:40 a.m.

5. LICENSE/CERTIFICATION RECIPROCITY

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

Ms. Sunkees stated that the Task Force met via videoconference with the representatives from Texas on July 14, 2021, where a similar presentation was made to the attendees. After much discussion with the public attendees and the task force members, the consensus was to recommend to the Board that it pursue reciprocity with Texas but not with NCRA regarding the RPR.

Ms. Sunkees reported that Dr. Montez has been in contact with representatives from Texas in order to see if more information, specifically an occupational analysis, can be obtained. Ms. sunkees noted that the staff recommendation is to not move forward with reciprocity with Texas or the RPR at this time. She asked if there was any member of the public that would like to add any new information on this topic.

Ms. Alvino spoke in support of reciprocity with Texas and NCRA certifications, stating that it may resolve the court reporter shortage and reduce recruitment of digital reporters.

Ms. Fatima Costa spoke in support of reciprocity to ensure the integrity of the record by providing licensed court reporters.

Charlotte Mathias inquired why staff's recommendation was to not grant reciprocity with Texas when the Task Force had recommended pursuing reciprocity. Ms. Sunkees responded that OPES was not able to make a recommendation due to the lack of an OA from the Texas licensing entity. She reiterated that Dr. Montez had been contact with the Texas representatives.

Mike Hensley, on behalf of the California Court Reporters Association, spoke in opposition to reciprocity with Texas, but stated that he believed there to be a pathway to allow for Texas license holders to take portions of the California exam to prove competency in California.

Ms. Hurt thanked the Task Force and OPES for the work and support provided. She believed it to be important to maintain the current standard and not hastily jump into reciprocity without all the metrics that appear to be lacking. She supports reciprocity when it can be proven that competency has been met. She stated that there does not currently exist a hurdle for out-of-state applicants who may already qualify to take the California exam to become licensed.

Dr. Montez stated that OPES did try to review the Texas exam; however, Texas did not have any of the foundational documents to establish evidence of content validation. Texas relies primarily on their statute to support their exam, but they need an OA to show the link between the job and the exam.

Ms. O'Neill supported the comments provided by Ms. Hurt. She reiterated the need for additional information from Texas to meet the standards, which was the direction the Task Force was pursuing.

Dr. Montez clarified that OPES makes recommendations based on national testing standards.

Ms. O'Neill moved to not grant reciprocity with Texas at this time but to continue to work with Texas as new information around an occupational analysis becomes available. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

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

Ms. Sunkees introduced Amy Welch-Gandy, Research Data Supervisor II with DCA's Office of Professional Examination Services (OPES), as well as Tracy Montez, Chief of Division Program and Policy Review for DCA.

Ms. Welch-Gandy provided an overview of the OPES report on the National Court Reporters Association (NCRA) Registered Professional Reporter (RPR) examination. The report was included in the Board agenda packet starting on page 53.

Due to standards set in the Business and Professions Code (BPC), an occupational analysis (OA) and examination validation study are fundamental components of California licensure. Additionally, DCA sets policy to address minimum requirements for psychometrically sound examination validation and development.

She stated that OPES recommends that NCRA's OA focus on the full practice of the court reporting profession so that it may be linked to both the written knowledge and skills test. She indicated that there is concern of educators acting as subject matter experts for the NCRA skills test, which is a conflict of interest.

OPES worked with a group of California licensed court reporters serving as subject matter experts (SMEs). These individuals are practicing in the profession and familiar with the requirements of performing in actual court reporting settings. Since there was not an OA for the RPR, OPES and SMEs evaluated and compared the format of the skills test to the California dictation exam.

Ms. Welch-Gandy reported that OPES found that the RPR written knowledge test generally meets psychometric standards; however, the content of the professional practice exam is not adequately assessed by the written knowledge test. She added that an OA is needed to support content validity and job relatedness. The RPR skills test is not parallel to the California CSR skills test because the format of two tests held several key differences. She offered to incorporate any additional data brought forward and collaborate with the Board on further reviews. She suggested the Board periodically check with NCRA on updates to their tests and the OA to reevaluate at that time.

Ms. Hurt inquired if NCRA indicated they would cure any deficiencies in the OA. Ms. Welch-Gandy responded that they listened to the suggestions but did not indicate if they were going to make any changes at this time.

Ms. Hurt moved to not move forward with reciprocity with the RPR at this time, but request that OPES follow up with NCRA to cure any deficiencies in the occupational analysis and bring this issue back when it has obtained more information. Ms. O'Neill seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

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. Fenner recommended the Board not move forward with the proposal to grant reciprocity with the RMR and CRR. She stated that the higher-level certifications lack the same foundation of an OA that the RPR lacks. Therefore, OPES did not evaluate the RMR or CRR.

Ms. Fatima Costa asked if California had reciprocity with any other state. Ms. Fenner responded that there is no reciprocity with other states for certification. One avenue to qualify for the California exam is to hold a license from a state who offers an equivalent exam to the California test; however, there are no longer any states who offer four-voice dictation skills exams. Ms. Fatima Costa suggested the Board consider making changes to its requirements to allow more reporters to qualify for its exams.

Ms. Sunkees stated that OPES clearly directs that the Board is to be testing for entry-level skill to ensure competency of licensees. The RMR or the CRR would not be appropriate since they are advanced skills, not entry level. Adopting higher standards could be exclusionary and make the Board susceptible to legal challenges.

The Board took a break at 11:53 a.m. and returned to open session at 12:25 p.m.

6. LEGISLATION

Ms. Fenner referred to the information starting on page 94 of the Board agenda packet. She stated that most of the bills relate more generally to how the Board operates, such as posting requirements for Board meeting materials and expanding temporary licensing requirements to military spouses. 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 107 (Salas) – No discussion.

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

6.4 305 (Maienschein) – No discussion.

6.5 AB 646 (Low) – No discussion.

6.6 AB 885 (Quirk) – No discussion.

6.7 AB 1386 (Cunningham) – No discussion

6.8 SB 241 (Umberg) – Ms. Fenner reported that the bill contains the firm registration language that the Board continues to pursue. It has become more of an omnibus bill for several items that relate to civil actions. The bill was heard by the Assembly Appropriations Committee on August 19, 2021, where it is remaining in suspense.

Ms. Dasher, on behalf of the Los Angeles County Court Reporters Association (LACCRA) as well as SEIU 721 and SEIU California State Council, indicated that amendments to the language would be put forth before the next hearing pertaining to remote reporting for court. She spoke in opposition to the bill.

Ms. Hurt expressed that firm registration would bring equity and consumer protection for all those working in the court reporting area. She thanked Senator Umberg for carrying the bill to hold firms to the letter of the law as it pertains to court reporting. She stated that doing business online would increase in many ways, so she looked forward to the Board being thoughtful on how it works to ensure consumers are protected. Ms. O'Neill concurred with Ms. Hurt's sentiments regarding firm registration and supported the bill.

Ms. Sunkees spoke in support of the bill, commenting that the Board has a fiduciary duty and its mission of consumer protection to consider when weighing the sides of the bill.

6.9 SB 731 (Durazo and Bradford) – No discussion

6.10 SB 772 (Ochoa Bogh) – No discussion

7. REGULATIONS

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

Ms. Rogers reported that the Office of Administrative Law approved the AB 2138 package to be effective May 12, 2021.

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

Ms. Fenner disclosed that pursuing title protection via the regulatory pathway appears not to be supported by existing statute. There are steps that could be done immediately, such as the Board helping educate attorneys to the importance of using a certified shorthand reporter. The Board can also continue outreach to the various bar associations throughout the state. Additionally, court reporters themselves can take immediate action by stating their CSR number at the beginning of every proceeding, much like the interpreters currently are mandated to do.

Ms. O'Neill suggested that reporters also add their CSR number with their name on their identification label on remote deposition platforms.

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

Ms. Rogers stated that the proposed amendment would provide that text must be in a full text-searchable PDF or other searchable format. She stated that the Board would need to move to approve the proposed language.

Ms. Sunkees questioned if the requirements should go further than simply a searchable electronic transcript. She referenced California Rule of Court 8.144(d), which was adopted in January 2018 and requires that the electronic transcripts also include such things as bookmarks, digital signatures, and that the PDF page counter match the transcript page numbers. She acknowledged that the requirement has a grace period until January 2023 to allow for upgrades to software systems. She described how the bookmark function would suffice for searching text of transcripts.

Ms. O'Neill hesitated to require freelance reporters to provide the items listed in Rule 8.144(d) as a minimum because those features may be offered as value-added services. Ms. Sunkees stated that it is not her intent to reduce the ability to offer the features as value-added services.

Ms. Hurt inquired if the proposed addition to the minimum standards would require anything more than a software update and what the cost of doing so would entail. Ms. Sunkees responded that her software has included the additional features for the past five years.

Ms. Mathias spoke in opposition to the proposed amendment, stating that text-searchable transcripts are a product offered for a fee, not a minimum transcript issue.

Rosalie Kramm Jordan stated that many court reporters are not on Eclipse or Case Catalyst and they would require different software to create anything more than a searchable PDF.

Ms. Dasher spoke in support of considering Rule 8.144(d) in the MTFIS, adding that when freelancers work in court, Code of Civil Procedure 271 requires them to comply with the Rules of Court. She stated that it is important to keep reporters relevant and technically advanced.

Ms. Fatima-Costa spoke in opposition to adding services to the MTFIS. She questioned which law, if any, requires freelance court reporters to produce PDF transcripts.

Ms. Mathias stated that YesLaw protects transcripts of officials, but freelancers do not have the same type of protection of electronic deposition transcripts.

Ms. Kramm Jordan expressed concern of protecting certified copies used for read and sign, especially under current restrictions where locked electronic copies are being used in lieu of paper copies.

Ms. O'Neill stated that the majority of transcripts are in electronic format and paper is rarely produced anymore.

Ms. Hurt suggested the Board not consider the additional features as mentioned in Rule 8.144(d). She acknowledged the need to keep up with the minimum basics of reporting and stenography but wanted to take care in crafting the language. After further discussion, she supported the proposed amendment.

Ms. O'Neill suggested the language use "electronic format" in lieu of "PDF". Ms. Hurt agreed.

Ms. Tugade suggested the language specify safeguards to protect the transcript from being edited.

Ms. Fenner reported there is a built-in safety net to guard against changes that may be made to an electronic copy or the original transcript because there are multiple copies. If one transcript is changed, others have copies to contradict the changes.

Ms. O'Neill noted that the proposed language made it appear that a paper copy was not an option and that only electronic copies were to be made available. She suggested addition of "if requested" to the language.

Ms. Rogers offered to research and carve out instances where searchable transcripts are required. She aims to avoid using permissive language in the MTFs.

8. LICENSURE OF VOICE WRITERS

Ms. Fenner provided a history of the request from the National Verbatim Reporters Association's (NVRA) request in 2018 for the Board to license voice writers in California. The Board voted to move forward with licensing voice writers, believing at the time that existing statutes allowed the Board to do so; however, the Legislature disagreed. Board staff was working with staff from Senate Business, Professions & Economic Development Committee on an offer to gather stakeholders and see if there was a path to licensing voice writers. Unfortunately, all such plans were put on hold as a result of COVID-19. Now that business has returned, staff thought it timely to resume negotiations. Considering the amount of time that has passed, the issue is before Board for discussion and confirmation that this is still an initiative they would like staff to be pursuing.

Ms. Fenner stated that staff proposed some sample questions for guidance on page 114 of the Board agenda packet should the Board decide to move forward.

Margaret Ortiz, West Valley College, reported that they started a voice writing course in the spring. She stated that her research found that 32 California county superior courts are advertising for court reporter positions. Additionally, she consistently receives emails from deposition firms looking for court reporters. She stated that there are not enough reporters qualifying through school programs and/or passing the CSR examination to fill the shortage. Voice writing is currently being used successfully in 36 other states, as well as a long history in the military and federal courts alongside machine stenographers. She does not see a threat of voice writers replacing stenographic machine writers. Since the end product is the same from qualified writers regardless of which of the two types of technology used, the consumer of the product is well protected.

Ms. Ortiz shared that after one semester of voice writing classes, former machine writing students who were stuck anywhere between 80 to 160 words per minute were able to read back accurately at speeds from 180 to 220 words per minute and produce speed test transcripts with higher accuracy than most of the machine writing students.

She stated that the voice writing technology uses Dragon Speech Recognition software in conjunction with CAT software. Their program is teaching using Eclipse Vox, but the software also works with Case Catalyst. She stated that the technology is facilitating the production of more accurate transcripts by students in far less time than most machine writing students.

Linda Lawson, West Valley College, shared that she has been teaching court reporting for more than 40 years. She said that 90 percent of hopeful machine stenography students will drop out of the program before completion. She began investigating voice writing 10 years ago. In that time, technology has improved significantly to allow for realtime translation comparable to stenographic machine writing. Voice writing students are able to write multi-syllable words from day one, something it may take machine writing students several months to accomplish. She stated that voice writers should not be confused with digital recorders who do not interrupt proceedings for clarification or provide readback.

Ms. Ortiz added that the school's voice writing students are being guided toward captioning at this time since court reporting is not currently an option for them in California; however, many already have completed the academic requirements for licensure because they were previously in the machine writing program. She shared testimonials from current voice writing students. Ms. Ortiz acknowledged that voice writing does take work and practice, but proficiency is much more attainable for more students than machine writing.

The Board took a break at 1:56 p.m. and returned to open session at 2:10 p.m. wherein public comment was commenced.

Ms. Dasher, on behalf of LACCRA, provided statistics in relation to the number of licensed CSRs and the number of official court reporters positions, asserting that there is not a court reporter shortage. She stated that freelance court reporters providing pro tem services are making a higher wage than official reporters, causing many officials to leave their jobs to become pro tems. She did not object to licensure of voice writers provided they are held to the same level of professional standards, educational requirements, and testing that machine writers are held to.

Ms. Fatima Costa stated that she coached 11 voice writing students in the last five years. She questioned how the Board could vote to allow voice writers to sit for the exam if there was no legislative authority. She also expressed confusion as to why the Board would consider waiving the skills exam for those holding the NVRA certification instead of holding them to the same scrutiny that the NCRA RPR exam was held to. She agreed that voice writers should be held to the same standards and testing as machine writers. She also suggested that education about voice writers was needed in the court reporting community.

Ms. Mathias agreed that voice writing candidates should be required to take the same California exams as machine writing candidates. She suggested the Board hold town hall meetings with stakeholders to gain input from attorneys. She questioned if voice writers are able to currently work in California. Ms. Fenner responded that voice writers are not licensed and cannot work in court; however, attorneys may stipulate how they would like their record made. A judge would need to decide whether that transcript would be accepted in court.

Ms. Ortiz reiterated that they are not trying to send voice writers out to work in California. Additionally, students at her school are taught the same academics regardless of which writing program they are in.

Ms. O'Neill supported licensure of voice writers. She believed voice writers should be required to take the California skills exam. She was open to discussion regarding titles.

Ms. Hurt expressed that discussions with stakeholders is warranted. She agreed that voice writers should be required to pass the same skills test or at least be able to demonstrate the same competency as machine writers. She inquired if an occupational analysis had been completed for the NVRA exam. Ms. Fenner responded that NVRA has conducted an occupational analysis; however, she has not yet requested that OPES conduct a validation and analysis since she was awaiting direction from the Board.

Ms. Hurt stated that she believed voice writing may open the door to differently-abled individuals to participate in court reporting, as well as former machine writers who are no longer able to use stenography machines as a result of injury. She suggested that stakeholders discuss the pros and cons of a separate license category.

Ms. Tugade conveyed that voice writers may address the court reporter shortage and agreed that they may also increase diversity among court reporters. She concurred that voice writers be required to pass the California test, but was also interested in further analysis from OPES on the NVRA exam.

Ms. Sunkees reported that no other state that licenses both stenography writers and voice writers differentiates between the licenses. She added that when machine writers became licensed in California, there was no differentiation between them and the pre-existing pen writers.

Ms. Sunkees reported that there are an adequate number of licensees to meet the needs of California consumers of court reporting services. However, based on historical data and trends affecting court reporting in California, the time is now to act to ensure that that continues into the future. She acknowledged that change can be scary, but if voice writers can meet testing standards, produce transcripts, and provide realtime reporting, there is no reason not to license them.

Ms. Lawson stated that attorneys are becoming more comfortable with speech recognition. She believed they would accept it if they see a demonstration of how it works with voice writers.

Ms. O'Neill moved to pursue legislation changes to explicitly allow voice writers to be licensed to practice in California. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

9. STRATEGIC PLAN

9.1 'Social Media Outreach; CRB Facebook Page

Ms. Fenner reported that the Board now has Facebook and Twitter accounts which have gone live.

9.2 Update to the Board on Action Plan

Ms. Fenner referred to the Board's Action Plan on page 117 of the Board agenda packet. She stated that having the new social media outlets will help accomplish some of the remaining target actions on the plan since many of them involve outreach.

Ms. Fenner shared that a new half-time office technician was hired to fill the vacant receptionist position. This will free up time for other staff who were contributing to those receptionist duties.

Ms. Hurt expressed appreciation for the social media accounts. She noted three items on the Action Plan with target dates that were quickly approaching. She acknowledged that COVID had changed priorities for staff. She suggested social media be used to contribute to school recruitment efforts to preserve the integrity and continuity of the work force, as well as inform licensees regarding the role of the Board's enforcement to dispel common misconceptions. Ms. Fenner reported that recruitment was one of the initial posts, which included the Board's Student Career Brochure. She stated that enforcement information will be upcoming, however, the content has not yet been developed.

Ms. Sunkees suggested the Board publicize information regarding the A to Z programs offered by the associations. Ms. Fenner invited the associations to contact the Board if they have content they would like shared.

Ms. Fenner thanked the Office of Public Affairs at DCA who developed the accounts and content for release.

10. ELECTION OF OFFICERS

Ms. Sunkees called for election of officers.

Ms. O'Neill nominated Ms. Sunkees as chair. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. O'Neill nominated Ms. Hurt as vice-chair. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

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

MOTION CARRIED

11. FUTURE MEETING DATES

Ms. Sunkees stated that staff would poll the Board offline to determine their availability for meeting in November.

12. 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.

Ms. Sunkees memorialized the passing of Toni Pullone, who had contributed much to the court reporting profession.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 2:51 p.m.

ROBIN SUNKEES, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – JANUARY 26, 2022

AGENDA ITEM 3 – Resolution for Toni O’Neill

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Agenda Description: Review and approval of resolution

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Brief Summary:

Resolution honoring outgoing Board member, Toni O’Neill.

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Support Documents:

Attachment – Resolution

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board adopt the resolution.

Department of Consumer Affairs

Court Reporters Board of California

Resolution

WHEREAS, Toni O'Neill has faithfully and devotedly served as a member of the Court Reporters Board from August 7, 2010, through November 17, 2021; and

WHEREAS, she served as Chair from October 15, 2010, to June 26, 2015, and as Vice Chair from July 19, 2018, to August 20, 2021, and she served as Co-Chair and Member of the Online Testing Policy and Procedures Task Force, Co-Chair and Member of the License Reciprocity Task Force, Co-Chair and Member of the Best Practice Pointers Task Force, and Member of the Sunset Review Task Force; and

WHEREAS, throughout her years of service, at all times Toni O'Neill gave fully of herself and her ideas and acted forthrightly and conscientiously, always with the public interest and welfare in mind; and

WHEREAS, Toni O'Neill has more than 40 years of professional experience as a Certified Shorthand Reporter, having served the community as a deposition reporting agency owner and then as a court reporting official in Riverside County, having positively impacted courthouse proceedings by promoting the use of realtime technologies; and

WHEREAS, she has served in many leadership and supportive roles in industry associations, serving on the Board of Directors of the National Court Reporters Association and serving as President and Vice President of the California Court Reporters Association, including receiving their Distinguished Service Award in 2007;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Court Reporters Board express heartfelt appreciation to Toni O'Neill for the outstanding contribution she made during her years of service on the Court Reporters Board and to the consumers of California.

Presented this 26th day of January 2022.

Robin Sunkees, Board Chair

Yvonne K. Fenner, Executive Officer

COURT REPORTERS BOARD MEETING – JANUARY 26, 2022

AGENDA ITEM 4 – 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.

AGENDA ITEM 5 – Report of the Executive Officer

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Agenda Description: Report on:

- 5.1 CRB Budget Report
- 5.2 Transcript Reimbursement Fund
- 5.3 Enforcement Activities
- 5.4 Exam Update
- 5.5 Business Modernization

=====

Support Documents:

- Attachment 1, Item 5.1 – FM13 Expenditure Projections FY2020-21
- Attachment 2, Item 5.1 – FM5 Expenditure Projections FY2021-22
- Attachment 3, Item 5.1 – CRB Fund Condition
- Attachment 4, Item 5.2 – TRF Fund Condition
- Attachment 5, Item 5.3 – Enforcement Statistics
- Attachment 6, Item 5.4 – Exam Statistics

=====

Fiscal Impact: None

=====

Recommended Board Action: None

Department of Consumer Affairs

Expenditure Report

Court Reporters Board of California

Reporting Structure(s): 11113110 Support

Fiscal Month: 13

Fiscal Year: 2020 - 2021

Run Date: 09/13/2021

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100 PERMANENT POSITIONS		\$350,000	\$344,423	\$333,000	\$320,514	\$320,514	\$12,486
5100000000	Earnings - Perm Civil Svc Empl	\$266,000	\$242,951	\$249,000	\$225,288	\$225,288	\$23,712
5105000000	Earnings-Exempt/Statutory Empl	\$84,000	\$101,472	\$84,000	\$95,226	\$95,226	-\$11,226
5100 TEMPORARY POSITIONS		\$11,000	\$30,416	\$11,000	\$14,996	\$14,996	-\$3,996
5105-5108 PER DIEM, OVERTIME, & LUMP SUM		\$14,000	\$12,242	\$14,000	\$6,748	\$6,748	\$7,252
5150 STAFF BENEFITS		\$204,000	\$256,826	\$192,000	\$220,132	\$220,132	-\$28,132
PERSONAL SERVICES		\$579,000	\$643,907	\$550,000	\$562,390	\$562,390	-\$12,390

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301 GENERAL EXPENSE		\$9,000	\$27,255	\$9,000	\$3,998	\$3,998	\$5,002
5302 PRINTING		\$1,000	\$3,515	\$1,000	\$5,384	\$5,384	-\$4,384
5304 COMMUNICATIONS		\$6,000	\$3,499	\$6,000	\$4,299	\$4,299	\$1,701
5306 POSTAGE		\$0	\$1,792	\$0	\$516	\$516	-\$516
5308 INSURANCE		\$0	\$10	\$0	\$61	\$61	-\$61
53202-204 IN STATE TRAVEL		\$23,000	\$13,562	\$23,000	\$1,233	\$1,233	\$21,767
5322 TRAINING		\$2,000	\$23,642	\$2,000	\$12,820	\$12,820	-\$10,820
5324 FACILITIES		\$29,000	\$86,188	\$49,000	\$47,594	\$47,594	\$1,406
53402-53403 C/P SERVICES (INTERNAL)		\$276,000	\$56,025	\$278,000	\$41,736	\$41,736	\$236,264
5340310000	Legal - Attorney General	\$176,000	\$51,180	\$178,000	\$41,014	\$41,014	\$136,986
5340320000	Office of Adminis Hearings	\$16,000	\$4,825	\$16,000	\$330	\$330	\$15,671
53404-53405 C/P SERVICES (EXTERNAL)		\$92,000	\$43,662	\$92,000	\$50,524	\$50,524	\$41,476
5342 DEPARTMENT PRORATA		\$146,000	\$143,545	\$146,000	\$141,790	\$141,790	\$4,210
5342 DEPARTMENTAL SERVICES		\$0	\$51,520	\$0	\$77,882	\$77,882	-\$77,882
5344 CONSOLIDATED DATA CENTERS		\$3,000	\$1,918	\$3,000	\$2,848	\$2,848	\$152
5346 INFORMATION TECHNOLOGY		\$2,000	\$0	\$2,000	\$763	\$763	\$1,237
5362-5368 EQUIPMENT		\$10,000	\$0	\$9,000	\$941	\$941	\$8,059
54 SPECIAL ITEMS OF EXPENSE		\$0	\$551	\$0	\$196	\$196	\$0
OPERATING EXPENSES & EQUIPMENT		\$599,000	\$456,684	\$620,000	\$392,586	\$392,586	\$227,610
REIMBURSEMENTS		\$0	\$0	\$0	\$7,963	\$7,963	-\$7,963
OVERALL TOTALS		\$1,178,000	\$1,100,590	\$1,170,000	\$947,014	\$947,014	\$223,182

Department of Consumer Affairs
Expenditure Projection Report
Court Reporters Board of California
Reporting Structure(s): 11113110 Support
Fiscal Month: 5
Fiscal Year: 2021 - 2022
Run Date: 12/22/2021

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$333,000	\$320,514	\$382,000	\$159,934	\$372,440	\$9,561
5100	TEMPORARY POSITIONS	\$11,000	\$14,996	\$11,000	\$0	\$14,996	-\$3,996
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$14,000	\$6,748	\$13,000	\$2,414	\$6,351	\$6,649
5150	STAFF BENEFITS	\$192,000	\$220,132	\$213,000	\$100,198	\$240,000	-\$27,000
	PERSONAL SERVICES	\$550,000	\$562,390	\$619,000	\$262,545	\$633,786	-\$14,786

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$9,000	\$3,998	\$9,000	\$1,667	\$3,933	\$5,067
5302	PRINTING	\$1,000	\$5,384	\$1,000	\$8,085	\$9,836	-\$8,836
5304	COMMUNICATIONS	\$6,000	\$4,299	\$2,000	\$1,423	\$3,931	-\$1,931
5306	POSTAGE	\$0	\$516	\$0	\$0	\$516	-\$516
5308	INSURANCE	\$0	\$61	\$0	\$0	\$61	-\$61
53202-204	IN STATE TRAVEL	\$23,000	\$1,233	\$18,000	\$28	\$13,000	\$5,000
5322	TRAINING	\$2,000	\$12,820	\$0	\$0	\$12,820	-\$12,820
5324	FACILITIES	\$49,000	\$47,594	\$49,000	\$52,481	\$52,992	-\$3,992
53402-53403	C/P SERVICES (INTERNAL)	\$278,000	\$41,736	\$278,000	\$9,674	\$30,382	\$247,618
53404-53405	C/P SERVICES (EXTERNAL)	\$92,000	\$50,524	\$89,000	\$7,006	\$43,899	\$45,101
5342	DEPARTMENT PRORATA	\$146,000	\$141,790	\$161,000	\$78,500	\$161,000	\$0
5342	DEPARTMENTAL SERVICES	\$0	\$77,882	\$0	\$13,289	\$58,789	-\$58,789
5344	CONSOLIDATED DATA CENTERS	\$3,000	\$2,848	\$3,000	\$9	\$1,670	\$1,330
5346	INFORMATION TECHNOLOGY	\$2,000	\$763	\$2,000	\$0	\$763	\$1,237
5362-5368	EQUIPMENT	\$9,000	\$941	\$11,000	\$5,060	\$5,060	\$5,940
5390	OTHER ITEMS OF EXPENSE	\$0	\$0	\$0	\$31,200	\$31,200	-\$31,200
54	SPECIAL ITEMS OF EXPENSE	\$0	\$196	\$0	\$0	\$196	\$0
	OPERATING EXPENSES & EQUIPMENT	\$620,000	\$392,586	\$623,000	\$208,422	\$430,049	\$193,148
	Reimbursements			\$18,000		\$1,050	-\$1,050
	OVERALL TOTALS	\$1,170,000	\$954,976	\$1,224,000	\$470,967	\$1,062,784	\$177,312

14.49%

0771 - Court Reporters Board of California Analysis of Fund Condition

Prepared 01.06.2022

(Dollars in Thousands)

2021-22 Governor's Budget

Based on FY 21-22 FM 05 Projections

	PY ^A 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$ 611	\$ 770	\$ 995	\$ 1,025
Prior Year Adjustment	\$ (5)	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 606	\$ 770	\$ 995	\$ 1,025
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent Fees	\$ 20	\$ 23	\$ 18	\$ 18
4127400 Renewal Fees	\$ 1,332	\$ 1,516	\$ 1,294	\$ 1,294
4129200 Other Regulatory Fees	\$ 10	\$ 14	\$ -	\$ -
4129400 Other Regulatory Licenses and Permits	\$ 23	\$ 19	\$ 21	\$ 21
4163000 Income from Surplus Money InvestmentsB	\$ 5	\$ 12	\$ 11	\$ 15
4171400 Canceled Warrants Expenditures	\$ 1	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,391	\$ 1,584	\$ 1,344	\$ 1,348
Transfers and Other Adjustments				
T00410 Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2C	\$ -200	\$ -200	\$ -	\$ -
Totals, Revenues and Transfers	\$ 1,191	\$ 1,384	\$ 1,344	\$ 1,348
Totals, Resources	\$ 1,797	\$ 2,154	\$ 2,339	\$ 2,373
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations) ^D	\$ 947	\$ 1,063	\$ 1,211	\$ 1,247
9892 Supplementary Pension Payments (State Operations)	\$ 25	\$ 25	\$ 25	\$ 25
9900 Statewide General Administrative Expenditures (Pro Rata) (Statewide Operations)	\$ 55	\$ 71	\$ 78	\$ 78
Total Disbursements	\$ 1,027	\$ 1,159	\$ 1,314	\$ 1,350
FUND BALANCE				
Reserve for economic uncertainties	\$ 770	\$ 995	\$ 1,025	\$ 1,023
Months in Reserve	8.0	9.1	9.1	8.8

NOTES:

- A) PY 2020-21 BASED ON ACTUALS
- B) ASSUMES INTEREST RATE AT 0.3%.
- C) ASSUMES \$100K TRANSFER TO THE TRANSCRIPT REIMBURSEMENT FUND IN CY AND ONGOING.
- D) ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1.

0410 - Transcript Reimbursement Fund Analysis and Condition
(Dollars in Thousands)
2021-22 Budget Act with FY 2020-21 Actual Expenditure and Revenue
Date Prepared: 11/18/2021

	Actual 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$ 36	\$ 174	\$ 174	\$ 174
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 36	\$ 174	\$ 174	\$ 174
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4163000 - Income from surplus money investments	\$ 1	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1	\$ -	\$ -	\$ -
General Fund Transfers and Other Adjustments				
Revenue Transfer from Court Reporters Fund per B&P Code Section 8030.2(d)	\$ 200	\$ 200	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 201	\$ 200	\$ -	\$ -
TOTAL RESOURCES	\$ 237	\$ 374	\$ 174	\$ 174
EXPENDITURES AND EXPENDITURE ADJUSTMENTS	Actual 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
Expenditures:				
1111 Program Expenditures (State Operations)	\$ 62	\$ 200	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)				
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 62	\$ 200	\$ -	\$ -
FUND BALANCE				
Reserve for economic uncertainties	\$ 174	\$ 174	\$ 174	\$ 174
Months in Reserve	10.4			

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.

**Consumer Protection Enforcement Initiative
Fiscal Year 2021-2022 Enforcement Report
July 1, 2021 - December 31, 2021**

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	8	9	12	13	5	4							51
Closed without Assignment for Investigation	0	0	0	0	0	0							0
Assigned for Investigation	8	9	12	13	5	4							51
Average Days to Close or Assign for Investigation	1	1	1	1	1	1							1
Pending	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
Closed	0	0	0	0	0	0							0
Average Days to Close	0	0	0	0	0	0							0
Pending	0	0	0	0	0	0							0*

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation **	8	9	12	13	5	4							51
Closed ***	6	11	5	16	9	4							51
Average Days to Close [Straightline] ***	44	24	21	46	40	57							38
Pending ***	10	8	15	12	8	8							10*

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
Closed	0	0	0	0	0	0							0
Average Days to Close	0	0	0	0	0	0							0
Pending *	0	0	0	0	0	0							0

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed **	6	11	5	16	9	4							51
Average Days to Close [Straightline]**	44	24	21	46	40	57							38
Pending **	10	8	15	12	8	8							10*

* 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	0	0	1	1	0							2
AG Cases Pending	1	1	1	2	3	2							2*
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0							0
SOIs Withdrawn	0	0	0	0	0	0							0
SOIs Dismissed	0	0	0	0	0	0							0
SOIs Declined	0	0	0	0	0	0							0
Average Days to Complete SOIs	0	0	0	0	0	0							0
Accusations Filed	0	0	0	0	1	0							1
Accusations Withdrawn	0	0	0	0	0	0							0
Accusations Dismissed	0	0	0	0	0	0							0
Accusations Declined	0	0	0	0	0	0							0
Average Days to Complete Accusations	0	0	0	0	0	0							0
Petition to Revoke Probation (PRP)	0	0	0	0	0	0							0
Average Days to Complete PRP	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
Stipulations	0	0	0	0	1	0							1

Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	0	0	0	0	1							1
Average Days to Complete [straightline]	0	0	0	0	0	670							670
Interim Suspension Orders	0	0	0	0	0	0							0

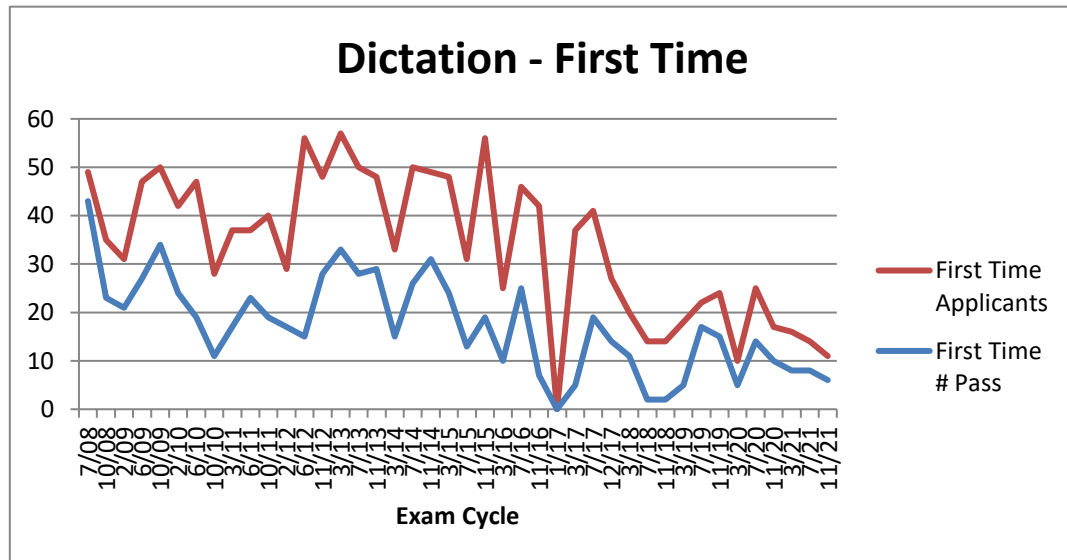
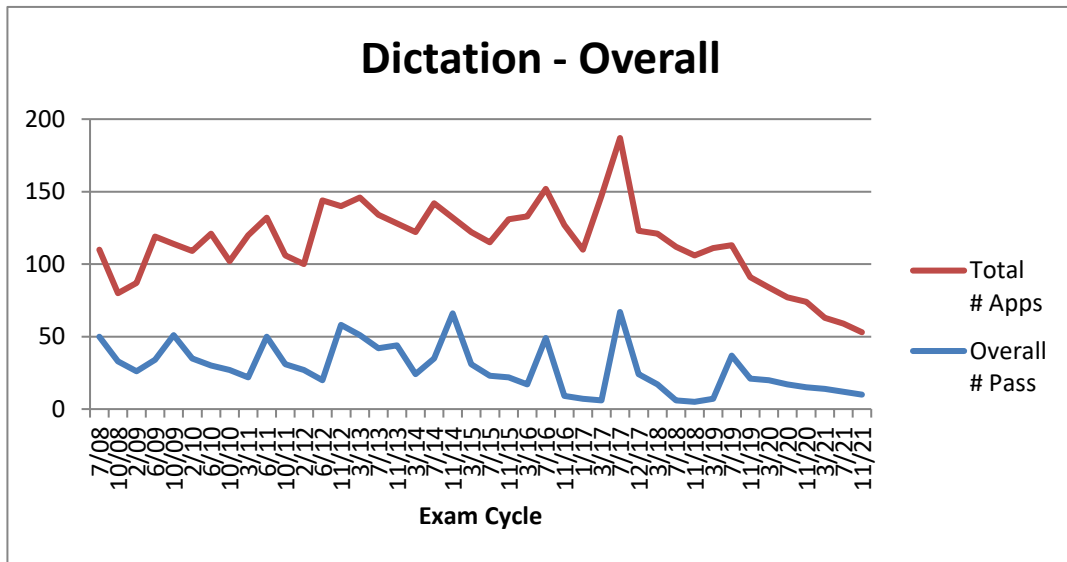
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	1	4	1	1	2	1							10
Average Days to Complete [straightline]	69	26	33	77	49	30							41

* Average number of cases pending per month

Dictation Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
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%
Jul 2021	59	12	20.3%	14	8	57.1%
Nov 2021	53	10	18.9%	11	6	54.5%

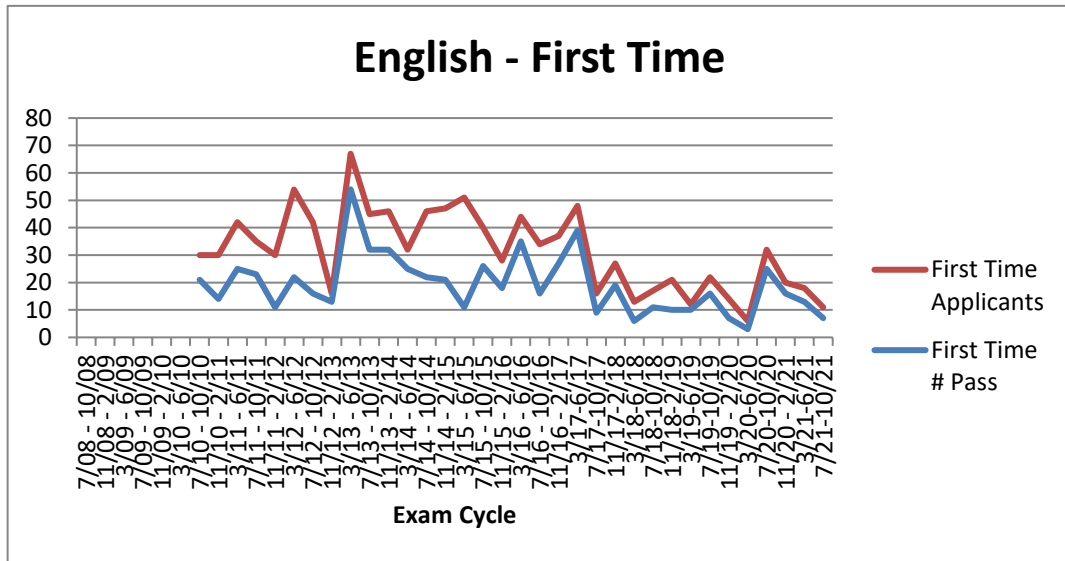
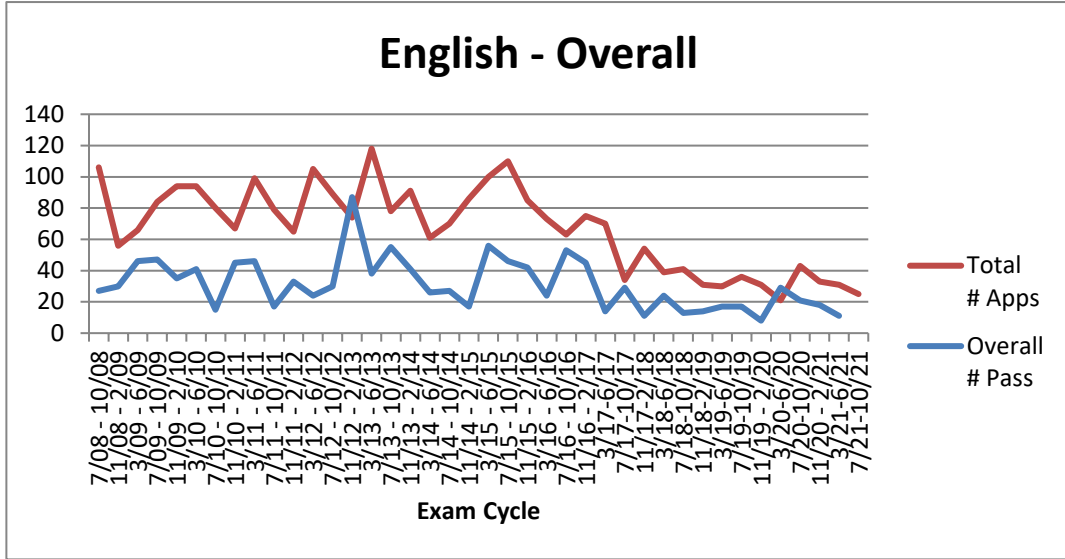
Dictation Exam



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%
Jul 2021 - Oct 2021	25	11	44.0%	11	7	63.6%

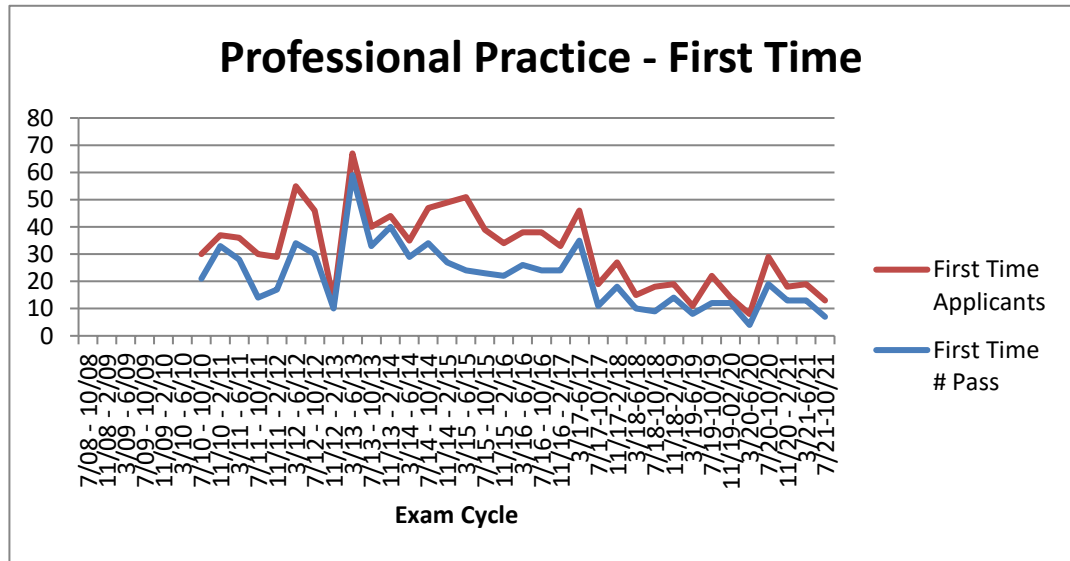
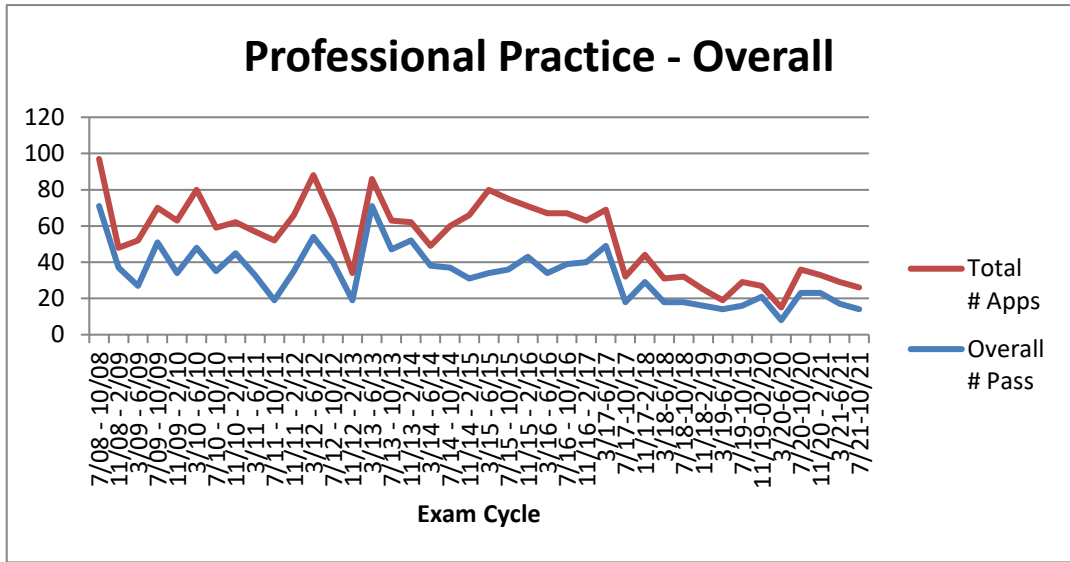
English Exam



Professional Practice Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Jul 2008 - Oct 2008	97	71	73.2%			
Nov 2008 - Feb 2009	48	37	77.1%			
Mar 2009 - Jun 2009	52	27	51.9%			
Jul 2009 - Oct 2009	70	51	72.9%			
Nov 2009 - Feb 2010	63	34	54.0%			
Mar 2010 - Jun 2010	80	48	60.0%			
Jul 2010 - Oct 2010	59	35	59.3%	30	21	70.0%
Nov 2010 - Feb 2011	62	45	72.6%	37	33	89.2%
Mar 2011 - Jun 2011	57	33	57.9%	36	28	77.8%
Jul 2011 - Oct 2011	52	19	36.5%	30	14	46.7%
Nov 2011 - Feb 2012	66	35	53.0%	29	17	58.6%
Mar 2012 - Jun 2012	88	54	61.4%	55	34	61.8%
Jul 2012 - Oct 2012	64	40	62.5%	46	30	65.2%
Nov 2012 - Feb 2013	34	19	55.9%	13	10	76.9%
Mar 2013 - Jun 2013	86	71	82.6%	67	59	88.1%
Jul 2013 - Oct 2013	63	47	74.6%	40	33	82.5%
Nov 2013 - Feb 2014	62	52	83.9%	44	40	90.9%
Mar 2014 - Jun 2014	49	38	77.6%	35	29	82.9%
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%
Jul 2021 - Oct 2021	26	14	53.8%	13	7	53.8%

Professional Practice Exam



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.

(Two-year bill, may be acted upon in January 2022) – 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

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – After July 1, 2023, this bill requires most boards and bureaus within the Department of Consumer Affairs (Department) to issue temporary licenses to military spouses meeting specified criteria within 30 days, including passing a background check if one is required for licensure. This bill also requires the Department and boards and bureaus to post license information for military spouses on their website and requires the Department to submit an annual report on licensure of military members, veterans, and spouses.

*****6.3 [AB 163 \(Committee on Budget\)](#) – State Government**

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – This bill makes changes to the reimbursement amounts for the Transcript Reimbursement Fund.

*****6.4 [AB 177 \(Committee on Budget\)](#) – Public Safety**

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – This bill amends Government Code 69950 to provide for a transcript rate increase for court transcripts.

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

(Two-year bill, may be acted upon in January 2022) – 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

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

(Two-year bill, may be acted upon in January 2022) – 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.

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

(Two-year bill, may be acted upon in January 2022) – 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.

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

(Two-year bill, may be acted upon in January 2022) – This bill would amend the teleconferencing statutes of the Bagley-Keene Act to require public meetings held via teleconference to be both audibly and visually observable to the public. Additionally, this bill would clarify that only one primary physical meeting location need be disclosed and held open for public participation and affirm all members of the state body participating in the meeting remotely would still count towards a quorum.

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

(Two-year bill, may be acted upon in January 2022) – This bill would require boards and bureaus to waive initial license and examination fees for military spouses.

*****6.10 [SB 170 \(Skinner\)](#) – Budget Act of 2021**

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – This allocates \$30,000,000 by the Judicial Council to increase the number of court reporters in family law and civil law cases.

*****6.11 [SB 241 \(Umberg\)](#) – Civil Actions.**

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – 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.

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

(Signed by the Governor. Chaptered by the Secretary of State – Chapter 693, Statutes of 2021) – This bill would have continued recent criminal justice reforms by, among other things, expanding felonies that are eligible for automatic record sealing to include convictions for certain felonies that resulted in incarceration, as long as the individual has completed their sentence and has not been convicted of a new felony offense for four years.

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

(Two-year bill, may be acted upon in January 2022) – This bill would have prohibited the assessment of an administrative fine for minor violations if the licensee corrects the violation within 30 days. Minor violations were defined as those that did not pose a serious health or safety threat, were not willful, did not occur while on probation, and were not violations that the licensee has a history of committing.

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Support Documents: None.

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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.

AGENDA ITEM 7 – Regulations

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

7.1 Minimum Transcript Format Standards (MTFS): Public hearing regarding petition to amend regulations (Gov. Code § 11340.6) – Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations section 2473.

=====
Brief Summary:

At the August 20, 2021 meeting, staff provided the Board with language to amend the Minimum Transcript Format Standards (MTFS). The Board and the public provided feedback, and the Board directed staff to work with regulations counsel to revise the proposed amendments.

The proposed language is submitted for the Board’s review and approval.

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Support Documents:

Attachment 1, Item 7.1 – Proposed Text for § 2473. Minimum Transcript Format Standards.

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Fiscal Impact: None

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Recommended Board Action: Staff recommends approval of the proposed language by using the following proposed motion:

I 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.

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

7.2 SB 241 Implementation – Firm Registration: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Section 2450 and Repeal Sections 2463 and 2464 of Title 16 of the California Code of Regulations, to Implement Firm Registration per Business and Professions Code Section 8050.

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Brief Summary:

SB 241 authorizes the Board to set fees to register business entities. This is accomplished via the regulatory process.

The proposed language is submitted for the Board’s review and approval.

It includes repealing sections 2463 and 2464, which are no longer needed as the statute it clarified, Business and Professions Code section 8041, was repealed in 1992.

=====
Support Documents:

Attachment 2, Item 7.2 – Proposed Text for Regulations Pertaining to SB 241
Attachment 3, Item 7.2 – SB 241 (Umberg)

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Fiscal Impact: It’s difficult to project the fiscal impact on the Board without knowing the number of firms requiring registration. It is anticipated that existing staff will be able to handle the workload, but clearly that is dependent upon the number of applications received.

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Recommended Board Action: Staff recommends the Board approve the proposed language by using the following proposed motion:

I move to approve the proposed regulatory text for amendment to section 2450 and repeal of section 2464; 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 2450 and the proposed repeal of 2464 as noticed.

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TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA

Proposed Text

Amend Section 2473 as follows:

§ 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 offered in a full text-search capable electronic format, if requested.

(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.

TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA

Proposed Text

Amend section 2450:

§ 2450. Fee Schedule.

(a) The fee for filing an application for examination shall be forty dollars (\$40), one time per three-year cycle and twenty-five dollars (\$25) per separate part per administration.

(b) The fee for an initial certificate shall be two hundred twenty-five dollars (\$225). If the certificate is issued less than 180 days before the date on which it will expire, the fee shall be one hundred twelve dollars and fifty cents (\$112.50).

(c) The fee for the annual renewal of a certificate shall be two hundred and twenty-five dollars (\$225).

(d) The delinquency fee for the renewal of a certificate shall be one hundred twelve dollars and fifty cents (\$112.50).

(e) The fee for a duplicate certificate shall be five dollars (\$5).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be twenty dollars (\$20).

(g) The fee for annual registration for a business entity pursuant to section 8051 of the Code, including for initial registration and for annual renewal, shall be five hundred dollars (\$500).

Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.
Reference: Sections 163.5, ~~and~~ 8031, and 8051, Business and Professions Code.

Repeal section 2463:

~~§ 2463. Office for Filing.~~

~~All applications for a certificate of registration and any other documents or reports required by these rules or by law to be filed with the board shall be filed at the board's principal office.~~

~~Note: Authority cited: Sections 8007 and 8047, Business and Professions Code.
Reference: Section 8041, Business and Professions Code.~~

Repeal section 2464:

~~§ 2464. Application; Review of Refusal to Approve.~~

~~(a) An applicant corporation shall file with the board an application for certificate of registration on a form furnished by the board, which shall be signed and verified by an officer of the corporation who is a licensed person and be accompanied by a fee in the amount of \$200.00.~~

~~(b) The board shall, within a reasonable time after such an application has been submitted to it, either approve the application and issue a certificate of registration or refuse to approve the application and notify the applicant of the reasons for such refusal.~~

~~(c) The board may delegate to its executive secretary or a designated employee its authority under Section 8041 of the Code to review and approve applications for registration and to issue certificates of registration.~~

~~(d) Any applicant whose application has been disapproved by the board may request a hearing pursuant to Government Code Section 11504. Such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(e) No applicant shall hold itself out as, engage in or render any professional services unless and until a certificate of registration has been issued.~~

~~Note: Authority cited: Sections 8007 and 8047, Business and Professions Code.
Reference: Section 8041, Business and Professions Code.~~

**CHAPTERED SEPTEMBER 22, 2021
ENROLLED SEPTEMBER 13, 2021
AMENDED IN ASSEMBLY SEPTEMBER 3, 2021
AMENDED IN ASSEMBLY AUGUST 30, 2021
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
INTRODUCED JANUARY 21, 2021**

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

Senate Bill No. 241

CHAPTER 214

An act to amend, repeal, and add Section 8050 of, and to add and repeal Section 8051 of, the Business and Professions Code, to amend Sections 599 and 1010.6 of, and to add and repeal Section 367.75 of, the Code of Civil Procedure, and to add Section 3505 to the Probate Code, relating to civil actions.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 241, 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. The bill would authorize the board to adopt regulations to implement these provisions. 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 regulates the procedure of civil actions. Existing law authorizes a party in a general civil case, as defined, who has provided notice, to appear by telephone at specified conferences, hearings, and proceedings. Existing law authorizes a court to require a party to appear in person at these conferences, hearings, or proceedings if the court makes a specified determination on a hearing-by-hearing basis.

This bill would, until July 1, 2023, authorize a party to appear remotely and the court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology. The bill would authorize the court to require a party or witness to appear in person at a conference, hearing, or proceeding, if any specified condition is present. The bill would require the court to have a process for a party, court reporter, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues. The bill would prohibit a court from requiring a party to appear remotely. The bill would allow self-represented parties to appear remotely only if they agree to do so. The bill would require the Judicial Council to adopt rules to implement these provisions, as specified.

(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, 2024, instead require the court to electronically transmit 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. 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 repealed.

SEC. 3. 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. 4. 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) The board may adopt regulations to implement this section.

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

SEC. 5. Section 367.75 is added to the Code of Civil Procedure, to read:

367.75. (a) Except as provided in subdivisions (b) and (d), in civil cases, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology.

(b) Except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding described in subdivision (a), or under subdivisions (e) and (h), if any of the following conditions are present:

(1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.

(3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

(4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.

(5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(c) Notwithstanding paragraph (3) of subdivision (b), an expert witness may appear remotely absent good cause to compel in-person testimony.

(d) (1) Except as otherwise provided by law and subject to the limitations of subdivision (b), upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

(2) (A) Except as provided in Section 269 of the Code of Civil Procedure and Section 69957 of the Government Code, if the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore shall be physically present in the courtroom.

(B) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(e) (1) Before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

(2) The court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

(3) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. The court shall make information available to self-represented

parties regarding the options for appearing in person and through the use of remote technology.

(f) The court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

(g) A self-represented party may appear remotely in a conference, hearing, or proceeding conducted through the use of remote technology only if they agree to do so.

(h) Any juvenile dependency proceeding may be conducted in whole or in part through the use of remote technology subject to the following:

(1) Any person authorized to be present may request to appear remotely.

(2) Any party to the proceeding may request that the court compel the physical presence of a witness or party. A witness, including a party providing testimony, may appear through remote technology only with the consent of all parties and if the witness has access to the appropriate technology.

(3) A court may not require a party to appear through the use of remote technology.

(4) The confidentiality requirements that apply to an in-person juvenile dependency proceeding shall apply to a juvenile dependency proceeding conducted through the use of remote technology.

(i) For purposes of this section, a party includes a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010).

(j) Subject to the limitations in subdivision (b), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(k) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section to promote statewide consistency, including, but not limited to, the following procedures:

(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely.

(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards shall require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

(l) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 6. 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. 7. 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, 2024, 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, 2024, 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 transmit, to the agreeing or expressly consenting party or person, any document issued by the court that the court is required to transmit, deliver, or serve. 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. 8. 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. 9. 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.

AGENDA ITEM 8 – Licensure of Voice Writers

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Agenda Description: Discussion and possible action
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Brief Summary:

Since the August meeting, the executive officer has met with legislative staff from Senate Business, Professions, and Economic Development and Assembly Business and Professions committees to answer questions and address concerns.

Additionally, the executive officer and Chair Sunkees met with representatives from SEIU to also answer questions and discuss concerns.

The Board is now awaiting further direction from legislative staff before convening a broader stakeholder meeting before initiating legislative changes to allow voice writers to be licensed by the Board.

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Support Documents: None
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Fiscal Impact: None
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Recommended Board Action: Informational only.

AGENDA ITEM 9 – Sunset Review

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Agenda Description: Discussion and possible action
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Brief Summary:

The Court Reporters Board is scheduled for sunset January 1, 2024, and, therefore, is beginning to prepare for the process of Sunset Review. The final report will be due to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions in December 2022. Public hearings are anticipated to be held early in 2023.

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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 appoint a task force to work with staff in preparing the Sunset Review Report to be submitted to the full Board before submission to the Legislature.

AGENDA ITEM 10 – Strategic Plan

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Agenda Description: 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 – 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	On-going
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 – JANUARY 26, 2022

AGENDA ITEM 11 – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2022 Board Calendar

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Current scheduled activities:

Exam Workshop:

- March 4 – 5, 2022 – Sacramento
- March 25 – 26, 2022 – Sacramento
- June 10 – 11, 2022 – Sacramento

CSR Dictation Exam:

- March 1, 2022 – March 22, 2022 – Realtime Coach (Online Vendor)

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Recommended Board Action: Informational only. Staff will poll Board member availability for next meeting.

A YEAR-AT-A-GLANCE CALENDAR 2022
COURT REPORTERS BOARD OF CALIFORNIA

JANUARY 2022

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		18	19	20	21	
	24	25	26	27	28	
	31					

FEBRUARY 2022

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	28					

MARCH 2022

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		Exam Starts				
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APRIL 2022

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MAY 2022

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		31				

JUNE 2022

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JULY 2022

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AUGUST 2022

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SEPTEMBER 2022

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OCTOBER 2022

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	31					








NOVEMBER 2022

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DECEMBER 2022

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	19	20	21	22	23	
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ACTIVITY

	BD - Board Meeting or Activity
	Exam - Dictation Exam
	Workshop - Exam Workshop
	TF - Task Force Meeting
	TH - Town Hall Meeting
	OA - Occupational Analysis
	Shaded Dates - Board Office is Closed

CITY

LA-LOS ANGELES	SAC-SACRAMENTO
SD-SAN DIEGO	SF-SAN FRANCISCO
ONT- ONTARIO	
GENERAL LOCATION	
NC - NORTHERN CALIFORNIA	
SC - SOUTHERN CALIFORNIA	
Tele - TELECONFERENCE/VIDEOCONFERENCE	

AGENDA ITEM 12 – Closed Session

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Agenda Description:

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

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Fiscal Impact: None