



DEPARTMENT OF CONSUMER AFFAIRS  
**COURT REPORTERS BOARD**  
OF CALIFORNIA

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



**MEETING OF THE COURT REPORTERS BOARD**

**Friday, September 1, 2023**  
**9:00 a.m., or after adjournment of Strategic Planning Session, to conclusion**

The Court Reporters Board will hold a public meeting in-person and via a WebEx platform.

**Department of Consumer Affairs, HQ**  
**Hearing Room**  
**1625 North Market Boulevard**  
**Sacramento, CA 95834**

If Joining by Computer:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m32ab632e3e94673f3817ce90218aba38>

Event number: 2487 667 1973

Event passcode: CRB09012023

If Joining by Phone:

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

Access code: 248 766 71973

Event passcode: 27209012

To observe the meeting without making public comment (provided no unforeseen technical difficulties), please visit: [thedcapage.blog/webcasts/](http://thedcapage.blog/webcasts/)

**AGENDA**

**Board Members: Robin Sunkees, Chair; Laura Brewer; Michael Dodge-Nam; Arteen Mnayan; and Denise Tugade.**

**Action may be taken on any item on the agenda.**

**CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF A QUORUM – Robin Sunkees, Chair**

- 1. WELCOME NEW BOARD MEMBER – MICHAEL DODGE-NAM..... 4
- 2. RESOLUTION FOR BOARD MEMBER DAVINA HURT..... 5
- 3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA ..... 7  
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)).

4.	<u>REVIEW AND APPROVAL OF MARCH 28, 2023, MEETING MINUTES</u> .....	8
5.	<u>DEPARTMENT OF CONSUMER AFFAIRS UPDATE</u> .....	28
6.	<u>REPORT OF THE EXECUTIVE OFFICER</u> .....	29
	6.1 CRB Budget Report	
	6.2 Transcript Reimbursement Fund	
	6.3 Enforcement Activities	
	6.4 License Exam	
	6.5 Technology Modernization	
7.	<u>LEGISLATION</u> .....	44
	Discussion and possible action	
	7.1 <a href="#">SB 21</a> (Umberg) – Civil actions: remote proceedings-	
	7.2 <a href="#">SB 22</a> (Umberg) – Courts: remote proceedings.	
	7.3 <a href="#">SB 372</a> (Menjivar) – Department of Consumer Affairs: licensee and registrant records: name and gender changes.	
	7.4 <a href="#">SB 544</a> (Laird) – Bagley-Keene Open Meeting Act: teleconferencing.	
	7.5 <a href="#">SB 662</a> (Rubio) – Courts: court reporters.	
	7.6 <a href="#">SB 802</a> (Roth) – Licensing boards: disqualification from licensure: criminal conviction.	
	 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.	
8.	<u>REGULATIONS</u> .....	48
	8.1 Title 16, Sections 2403, 2411, and 2414 – Voice Writing Skill Curriculum Update on process.	
	8.2 Title 16, Sections 2420, 2422, and 2473 – Examination Results & Transcript Format Discussion and possible action to revise a rulemaking to amend sections 2420, 2422, and 2473.	
9.	<u>SUNSET REVIEW</u> .....	54
	Review and approval of draft sunset report.	
10.	<u>EXPEDITED FEES FOR DEPOSITION TRANSCRIPTS</u> .....	104
	Discussion and possible action to initiate regulatory or statutory action to codify the Board’s position on charging expedite fees for deposition transcripts.	
11.	<u>LICENSE/CERTIFICATE RECIPROCITY</u> .....	105
	Update on reciprocity with the Certified Verbatim Reporter certification from the National Verbatim Court Reporters Association.	
12.	<u>ELECTION OF OFFICERS</u> .....	106
13.	<u>FUTURE MEETING DATES</u> .....	108
	Discussion and possible action to schedule future meeting dates.	

14. **CLOSED SESSION**..... 110
- 14.1 Pursuant to Government Code, section 11126(c)(3), the Board will convene into closed session as needed to discuss or act on disciplinary matters.
- 14.2 Pursuant to Government Code Section 11126(e), the Board will convene into closed session to receive advice from legal counsel on litigation.  
*Jeffery Peterson v. Christopher Leahy, et. al.*, United States Court, Southern District of California, Case No. 21-CV-1908-RSH-BLM.

**ADJOURNMENT**

Action may be taken on any item on the agenda. Items may be taken out of order or held over to a subsequent meeting, for convenience, to accommodate speakers, or to maintain a quorum. Meetings are open to the public except when specifically noticed otherwise, in accordance with the Open Meeting Act. Members of the public are not required to submit their name or other information to attend the meeting.

Please note the Board may 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.

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 or visit the Board’s Calendar under “Quick Hits” at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov).

Contact Person: Paula Bruning  
 2535 Capitol Oaks Drive, Suite 230, Sacramento CA 95833  
 (877) 327-5272  
[paula.bruning@dca.ca.gov](mailto:paula.bruning@dca.ca.gov)

**AGENDA ITEM 1 – Welcome New Board Member – Michael Dodge-Nam**

=====

Mike Dodge-Nam of Los Angeles was appointed in 2023 to the Court reporters Board by the Speaker of the Assembly. Mr. Dodge-Nam currently serves as the Chief Business Officer of Roar Social. With over two decades of success, he has a track record of building and growing companies at the intersection of media and technology. Prior to Roar Social, he was Chief Operating Officer of Care Solace, where he focused on improving mental healthcare for school systems and their families. He has served in C-level roles at a wide variety of media and technology ventures and online publishing giants and has also held executive and management positions at Fortune 500 companies. He holds a BA in political science from the University of Chicago and an MBA from the Harvard Business School.

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 2 – Resolution for Davina Hurt**

=====  
Agenda Description: Review and approval of resolution  
=====

Brief Summary:

Resolution honoring outgoing Board member, Davina Hurt.  
=====

Support Documents:

Attachment – Resolution  
=====

Fiscal Impact: None  
=====

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

*Department of Consumer Affairs*

# **Court Reporters Board of California**

## **Resolution**

*WHEREAS, Davina Hurt has faithfully and devotedly served as a member of the Court Reporters Board from February 26, 2013, through June 28, 2023; and*

*WHEREAS, she served as Chair from June 26, 2015, to November 20, 2020, and as Vice Chair from November 19, 2013, to June 26, 2015, and she served as Chair and Member of the Best Practice Pointers Task Force, Co-Chair and Member of the Voice Writers Task Force, Co-Chair of the Non-Licensee-Owned Firms Subcommittee, and Member of the Sunset Review Task Force; and*

*WHEREAS, she, testified before the Legislature during the Board's Sunset Review Hearings, and she worked tirelessly on multiple firm registration bills to successfully pass and implement Board oversight to protect California consumers when hiring licensee-owned and non-licensee-owned entities providing court reporting services.*

*WHEREAS, she was integral in developing two Board Strategic Plans and provided direction on reaching the Board's goals; and*

*WHEREAS, she has more than 18 years of professional experience as an Attorney at Law specializing in international public law and human rights as well as securities law and corporate law; and*

*WHEREAS, throughout her years of service, at all times Davina Hurt gave fully of herself and her ideas and acted forthrightly and conscientiously, always with the public interest and welfare in mind;*

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

*Presented this 1st day of September 2023.*

---

*Robin Sunkees, Board Chair*

---

*Yvonne K. Fenner, Executive Officer*

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 3 – Public Comment for Items Not on the Agenda**

=====

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 – SEPTEMBER 1, 2023

**AGENDA ITEM 4 – Review and Approval of Meeting Minutes**

=====

Agenda Description:

Review and approval of March 28, 2023, minutes

=====

Brief Summary:

Minutes from Board meetings

=====

Support Documents:

Attachment – Draft minutes for March 28, 2023

=====

Fiscal Impact: None

=====

Recommended Board Action: Staff recommends the Board approve minutes.





DEPARTMENT OF CONSUMER AFFAIRS  
**COURT REPORTERS BOARD**  
 OF CALIFORNIA

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



**DRAFT**

Attachment  
 Agenda Item 4

**COURT REPORTERS BOARD OF CALIFORNIA**  
**MINUTES OF OPEN SESSION**  
**MARCH 28, 2023**

CALL TO ORDER

Ms. Robin Sunkees, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform and a physical meeting location was not provided.

ROLL CALL

Board Members Present: Robin Sunkees, Licensee Member, Chair  
 Davina Hurt, Public Member, Vice Chair  
 Laura Brewer, Licensee Member  
 Arteen Mnayan, Public Member  
 Denise Tugade, Public Member

Staff Members Present: Yvonne K. Fenner, Executive Officer  
 Helen Geoffroy, Board Counsel  
 Steven Vong, Regulations Counsel  
 Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Priscilla Gwaltney, CSR, on behalf of the California Court Reporters Association (CCRA), requested the Board consider reciprocity with National Court Reporters Association (NCRA) and National Verbatim Reporter Association (NVRA). Ms. Fenner noted that discussion regarding reciprocity with NVRA would be considered under Agenda Item 7.

2. REVIEW AND APPROVAL DECEMBER 14, 2022, MEETING MINUTES

*Mr. Mnayan moved to approve the minutes. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees  
 Opposed: None  
 Absent: None  
 Abstain: None  
 Recusal: None

**MOTION CARRIED**

### 3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Judie Bucciarelli with the Department of Consumer Affairs (Department/DCA) Executive Office provided a Department update.

#### DCA Diversity, Equity, and Inclusion Steering Committee

The Diversity, Equity, and Inclusion Steering Committee (DEI Committee) met at the end of January and decided to focus on training in the first quarter of 2023. All staff will receive DEI training with regular and recurring training opportunities. Training modules for the DEI Committee, led by DCA's SOLID planning and training unit, included:

- Understanding the value of DEI in the workplace
- Learning to navigate diverse conversations
- Decoding our unconscious biases
- Unleashing the power of generational differences

Additionally, executive officers and bureau chiefs will attend 1.5 hour DEI leadership training as a part of the Director's quarterly meeting. By late April the SOLID trainers will be DEI-certified and will offer DEI-related trainings to all DCA employees by June. The DEI Committee will next meet on May 12, 2023.

#### Strategic Planning

DCA's SOLID team is in the final stages of updating its strategic planning process, which includes an equity analysis. Environmental scan surveys and SWOT analyses will include DEI-related questions to assist boards and bureaus in developing DEI-related goals and objectives as part of their strategic plans. To further assist the boards and bureaus, sample DEI objectives will be provided. A training video and video messages from Business, Consumer Services, and Housing Agency and DCA are in the works to explain their perspectives on DEI and how it relates to the boards' roles as regulators and policymakers. To improve public access, DCA is creating a centralized website page on DCA's website ([dca.ca.gov](http://dca.ca.gov)) that will house all board and bureau strategic plans. Once these new DEI components have been finalized, SOLID will begin working with DCA's boards and bureaus to develop new strategic plans or update existing ones. As new information becomes available, DCA will keep the executive officer informed.

#### Required Board Member Training

All DCA employees and appointees, including board members, are required to complete the sexual harassment prevention training in 2023. This two-hour, online training is required every odd-numbered year.

All those with a DCA email address are required to complete the Information Security Awareness Fundamentals training annually to aid in protecting DCA data and information.

Board members are required to complete the Board Member Orientation Training (BMOT) within the first year of appointment and reappointment. The next offering will be held virtually on March 22, 2023, and possibly in-person on June 20, 2023, and October 10, 2023. Additionally, Ethics Training must be completed within six months of appointment and repeated every two years. Lastly, Defensive Driver Training must be completed within the first year and every four years.

A mandatory trainings page has been created to help members identify, access, and track specified trainings on the Department's website under Board Member Resources. The page includes direct links to mandatory trainings as well as pertinent information and policies specific to these training courses.

#### Form 700 Filing

Board and committee members are required to file a Statement of Economic Interests (Form 700) within 30 days of their appointment, annually, and within 30 days of leaving office. This year's annual filing period covers the prior calendar year (January 1 through December 31, 2022). The official deadline for filing is Friday, April 1, 2023. To ensure compliance, DCA requests that Form 700 filers complete the e-filing by Friday, March 15, 2023. You should have recently received an email from Netfile with instructions on how to file your Annual Form 700.

#### Virtual Meetings and the Bagley-Keene Open Meeting Act

Legislation passed last year amended provisions of the Bagley-Keene Open Meeting Act to extend the ability of state bodies, such as DCA's boards and bureaus, to conduct public meetings virtually through July 1, 2023. Under the current provisions, no physical meeting location is necessary; board members' virtual locations do not need to be open to the public; and members of the public can participate virtually or telephonically, increasing accessibility. Absent legislation to extend these provisions, DCA's boards and bureaus will not be allowed to conduct meetings virtually. After July 1, 2023, boards will have to return to the Open Meeting Act teleconference meeting requirements they were accustomed to before the COVID-19 emergency.

#### BBR Winter Newsletter

In case you missed it, Board and Bureau Relations circulated its Winter board member newsletter at the end of January. The issue includes an introduction of the BBR Team, helpful resources, training details and department updates. Please visit [dca.ca.gov](http://dca.ca.gov) to check it out.

#### Enlighten Enforcement Process

DCA has begun its Enlighten Enforcement Process. Last year the Enlighten Licensing Process Project Team released its report including recommendations on how to improve licensing process specifically for the Board of Registered Nursing, but there were many recommendations that other boards could implement as well to improve their processes. Starting in March, the team is now moving to enforcement, and the Dental Board of California has agreed to be the first board to go through this process. On March 2, the co-chairs on this project led staff through a review of their complaint and investigation process as subject matter experts from all boards were able to ask questions and provide suggestions. This review process will continue until all aspects of the enforcement process have been reviewed. The result will be another report with recommendations, a sample enforcement policies and procedures manual, and a critical review of the process that will be used to update DCA's Enforcement Academy training. This process will also assist in identifying the codes used for reporting to ensure all boards and bureaus are reporting their data accurately.

Ms. Sunkees called for public comment. No comments were offered.

## 4. REPORT OF THE EXECUTIVE OFFICER

### 4.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 16 of the Board agenda packet for the expenditure projections for Fiscal Month 7. Staff continues to keep expenditures minimal, and savings have been realized by holding Board meeting remotely, resulting in a good fiscal position moving to support technology modernization efforts.

Ms. Hurt inquired when the Board would need to return to in-person meetings. Ms. Fenner responded that a bill was circulating to extend the ability to meet remotely.

Ms. Fenner referred to the Board's overall fund condition on page 17 of the Board agenda packet, stating that the months in reserve stands at 9 to 10 months.

### 4.2 Transcript Reimbursement Fund

Ms. Bruning offered information on the background and application processes for perspective. She stated that there are two pathways for access to the Transcript Reimbursement Fund. The first pathway was established in 1981 and assists non-profit legal entities with the transcript costs for their pro bono clients. These applications are generally straightforward, the most helpful aspect being that most of the non-profits submit applications on a regular basis and thus have the process down well. Additionally, most of these applications are for deposition transcripts and are accompanied by an invoice because the transcript has already been produced. This means once the application is reviewed and the invoice processed, staff is done with that application.

The second pathway was established starting in 2011 to help self-represented indigent litigants with their transcript costs. Although the application is relatively straightforward, there is an unfortunate number of the applications that are deficient. They are missing necessary information such as the date of hearing, the name of the court reporter, the estimate or invoice, or the required fee waiver. This results in heavy delays in the process. Staff emails the litigant requesting the missing information to complete the application. The consequences of this are multiple emails and phone calls also weighing down the process.

When a pro per application is complete and accompanied with the required documentation, staff usually provisionally approves the application since the litigant has not yet paid for their desired transcripts. A letter goes to the litigant with a copy to each of the involved court reporters outlining which dates are to be produced. Later, the court reporters send their invoices that we review and approve for payment. As you can see, yet another step in the process.

Ms. Brewer inquired if the application had been altered to try to mitigate deficiencies and decrease staff time. Ms. Bruning responded that all application forms and guidelines were revised with the assistance of DCA's Office of Public Affairs at the time of the reopening of the TRF in November 2020. Unfortunately, there is necessary information required and many pro per litigants are not used to navigating

the courts' systems to obtain the required information. She added that staff was working with the technology modernization group to make the forms part of the online application process.

Ms. Hurt asked how long the application processing takes. Ms. Bruning stated that initial review times have recently been reduced to a 30-day window. She shared that her workload encompasses more than processing TRF applications causing a variation in processing times. She added that training had begun with the Board's receptionist on the initial review process. Ms. Hurt suggested the Board offer a video explaining the application process.

Ms. Brewer inquired about the calendar year and fiscal year limits for each pathway. Ms. Bruning indicated that during the Board's last sunset review, the pro per and pro bono program were aligned to both be on a fiscal year basis. Additionally, the pro per program is no longer limited to \$75,000 for all cases and were integrated into the main fund. She credited the Legislature for their \$500,000 transfer to the TRF from the General Fund in fiscal year 2021/22.

Ms. Bruning provided statistics for each pathway for the current fiscal year: More than \$115,000 had been paid thus far for pro bono applications, and two applications had been provisionally approved for a total of \$708. Provisional approval had been provided for more than 200 pro per applications of which more than \$35,000 had already been paid. The Board awaits 113 invoices of those provisionally approved for nearly \$40,000.

At the time of the meeting, there were 24 pending pro bono applications of which 16 were deficient. There were 91 pro per application pending of which 80 were deficient. Applications are reviewed in the order they are received.

#### 4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on pages 19 and 20 of the Board agenda packet. She indicated that data included complaints against licensees and firms.

#### 4.4 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 21 of the Board agenda packet. She stated that 100 candidates applied for the most recent skills exam. There were 91 who actually took the test of which 29 were first-timers.

Ms. Fenner strongly encouraged candidates to schedule early in the exam cycle. More than half of the candidates waited to schedule until the last three days of the exam. If they have any issues with the exam, it does not give them time for a re-test because 72 hours is required to schedule a proctor.

She reported that the Board recently licensed its first voice writer.

Ms. Hurt expressed concern over the decrease in the number of candidates taking the test. Ms. Fenner stated there may be an uptick as word of the shortage gets out. She

added that the allowance of voice writers will also increase the number of candidates. Voice writing has been added to the curriculum at more than one recognized school, which is shorter than the machine writing program. Ms. Hurt urged the associations to do everything they can to mentor individuals so they may make it through the testing process. Ms. Fenner responded that CCRA has been working diligently to increase the number of candidates.

Ms. Brewer mentioned that courts are offering very attractive packages to draw interest to a career as an official court reporter. Ms. Sunkees indicated that the Legislature gave the courts \$30 million for the purpose of recruiting and retaining court reporters.

Ms. Fenner stated that the results for the two written portions of the license exam, English and Professional Practice, appeared on pages 23 through 26.

Ms. Fenner requested volunteers for subject matter experts to assist in development of the written licensing exams.

#### 4.5 Technology Modernization

Ms Fenner indicated that staff is meeting twice weekly with the project manager to develop scope documents and learn the management system that will be used to manage the workflow. Staff is working to have as much background work done as possible so that we can move quickly once the contracts are executed between Department of Technology and DCA. The online enforcement complaint form will be first, followed by the TRF online application, and finishing with exam and licensing. After the structure is in place, back-office functions will be built.

She noted that this is big commitment of staff time and the Board's budget. The essential services are being targeted with the grant money received, but as the rest of the business services are built out, it is anticipated that there will be additional expenditures in future years. She thanked staff for carving out time to take on this huge project around their existing duties.

The Board echoed appreciation to staff for taking on this time-intensive process.

Ms. Sunkees called for public comment.

Ms. Gwaltney stated that CCRA will continue to pursue an in-person exam due to their belief it will result in more licensees. She also requested the Board resume providing candidates their exams for corrections or a summary of the problem areas. She invited Board members to attend and promote the "Find Your Voice" webinar put on by the Los Angeles Court Reporters Association (LACRA), which provides information about voice writing careers.

Ms. Hurt and Ms. Fenner provided input on the lack of cost-effectiveness for holding in-person tests. The meeting space for one test may run approximately \$20,000 in Southern California, in addition to travel costs for readers and staff. The Board may wish to consider the number of candidates who would be present to take the test when deciding if in-person tests would be resumed.

Ms. Fenner stated that she reviews every test that is within 15 errors of passing and finds that the majority are just not fast enough or accurate enough and include too many drops to pass the test. She is not aware of a way to provide feedback without compromising the tests.

Ms. Brewer stated that NCRA has moved to all online exams partly because its more accessible to candidates. She inquired if NVRA also provided online exams. Ms. Fenner commented that NVRA tests in person because part of what they are testing voice writers for is how audible the candidate is.

Ruby requested the Board bring back the appeal process to not only see errors, but in the name of transparency and to know the test was successfully received. She asserted that there is a right to appeal and stated that there might be more candidates who are successful through an appeal. She questioned why the Board would deny appeals.

Ms. Fenner stated that the Board voted to repeal the regulatory language that allowed appeals on the skills exam due to security of the online test bank. She indicated that one test was given to all individuals during in-person dictation exams resulting in no reason for the test to not be shared. However, there is now a bank of tests for the online skills exam, and there is no way to share the test without breaching security of that test for other users. She confidently stated that no one is failing the exam by one or two errors.

***The Board took a break at 10:07 a.m. and returned to open session at 10:18 a.m.***

## 5. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board tracked during the last legislative session could be found beginning on page 27 of the Board agenda packet.

- 5.1 AB 709 (McKinnor) – Ms. Fenner reported that the bill deals with allowing a prosecutor with possession of a transcript that contains potentially exculpatory or impeaching material involving a peace officer witness to provide an unofficial copy of the transcript to defense counsel or a defendant appearing in pro per. It would allow defense counsel to reproduce a copy of the transcript as an exhibit. She added that existing law typically prohibits the sharing of any transcripts.

Ms. Tugade stated that the text of legislation is a very specific scenario involving law enforcement cases. She asked for feedback on the number of transcripts this might involve and how it might affect court reporters. Ms. Sunkees expected that it would be a very minimal number of transcripts.

Ms. Hurt asked what impact this bill may have on consumer protection. Ms. Fenner indicated that it would benefit the defendant because they would not have to pay for a copy. Ms. Sunkees added that defendants receive preliminary hearing transcripts in due course free of charge.

Ms. Hurt suggest the Board take a neutral position on the bill. Mr. Mnayan agreed with the neutral position as things develop. He added that it may set a precedent for

additional exceptions, so he was cautious in looking at future impact on licensees. Ms. Brewer concurred.

*Ms. Tugade moved to take a neutral position on AB 709 (McKinnor). Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.*

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

5.2 AB 1070 (Low) – No discussion.

5.3 SB 21 (Umberg) – No discussion.

5.4 SB 22 (Umberg) – Ms. Fenner state that the bill includes several provisions for extending the provisions for remote reporting from January 1, 2024, until January 1, 2028. She added that the provisions are generally for people involved in the litigation, not the court reporter, to appear remotely.

Ms. Hurt asked if there is any opposition to the bill. Ms. Sunkees called for public comment.

Janice O'Malley, spoke on behalf of the American Federation of State, County and Municipal Employees (AFSCME), who represent court reporters across the state. She stated that AFSCME has taken an opposed unless amended position on the bill. They have worked with the author's office who she believes has committed to remove the part of the bill that would allow for remote court proceedings in criminal proceedings. However, there are still outstanding items that they are concerned about. They have requested: judicial officer be physically present in the same room as the court reporter and the court interpreter during remote proceedings; the Judicial Council of California (JCC) standards for what technology is minimally required to conduct remote proceedings; and a way for interested parties to provide feedback on remote proceedings on the court's website with a compilation made by the JCC and submitted to the Legislature.

Ms. Tugade indicated that it would be appropriate to defer until July or August to take a position on a bill.

Ms. Fenner shared that she testified at an informational hearing that Senator Umberg held on remote proceedings. She heard testimony from a lot of different stakeholders and provided feedback and concerns that the Board has heard of court reporters. There are licensees who say that they've had excellent experiences with remote trials, typically civil trials where remote depositions have been held and good quality equipment and bandwidth are involved. Contrarily, we've had feedback from officials who have not been able to hear the witness or notify anyone that they are not able to



make a record. Ms. Hurt thanked her for having that exchange and stressed the need to continue to be proactive in protecting consumers by ensuring court reporters are able to protect the record.

#### 5.5 SB 331 (Rubio) – No discussion.

SB 662 (Rubio) (Courts: court reporters) – Ms. Fenner stated that the bill is a latecomer and did not make the Board agenda or packet. The bill would authorize the Board to issue a provisional license that would be valid for three years to RPRs or anyone who is eligible to take the CSR exam. It would also permit courts to use electronic recording in any civil case and would offer CSRs first right of refusal to transcribe those recordings. The bill also includes language that the Board should allocate funding toward recruitment and retention by publicizing the profession to high schools, vocational schools, and higher education institutions.

Ms. Brewer liked the idea of provisional licensing for RPRs and out-of-state licensees but could not support provisionally licensing people who have qualified to take the test. She believed the electronic recording provisions in the bill need a lot of work.

Ms. Tugade stated that provisionally licensing is commonly used across the healthcare professions. She shared concern that there is no structure of consumer protection to the provisional license format as it stands in the bill, such as a supervisor, facility, or licensee that is liable. She encouraged an opposed unless amended stance on the bill.

Ms. Sunkees supported provisional licensing of RPR and CVR certificate holders and out-of-state licensees. She did have concerns about the language surrounding electronic recording as described in the bill.

Ms. Fenner clarified that the bill is contemplating provisional licensing only for official court reporters.

Ms. Geoffroy reminded the Board that since the bill was not included on the meeting agenda, they may discuss it to determine if another meeting needs to be set, but they could not take an official position on the bill.

Ms. Hurt expressed concern that individuals who have not been able to pass the Board's examinations for 10 years may be able to obtain the provisional license. She believed this would jeopardize consumers. She suggested the Board consider provisional licensing in ways that expand consumer protection during the Board's strategic planning. She also shared concern in using Board funds toward recruitment or retention of the profession.

Ms. Sunkees called for public comment.

Janet Harris, President of American Association of Electronic Reporters and Transcribers (AAERT), and Vice-President of Enterprise Sales at Stenograph, shared that AAERT offers certification and continuing education requirements for certified electronic reporters (CER) and certified electronic transcribers (CET). They do not support unmonitored electronic recording systems making a record but support a trained professional responsible for the capture of the record and production where a record needs to be made. She asked the

Board to consider AAERT certification along with granting provisional licenses to someone who has already passed the CER or CET exams.

Ms. O'Malley, AFSCME, stated that SB 331 (Rubio) had been changed and no longer had the electronic recording language that is now SB 662 (Rubio). She shared that AFSCME, Service Employees International Union, California Labor Federation, and others met with the Senator on the bill regarding their concerns that everything outside of criminal would be recorded with court reporters acting merely as transcribers. AFSCME has taken an opposed unless amended position.

Ms. Fenner suggested the Board consider supporting provisional approval for out-of-state licensees only if the out-of-state license is in good standing.

Ms. Hurt believed the topic required more in-depth discussion and understanding than could be accomplished at this time.

Ms. Sunkees and Ms. Brewer expressed that supervision of provisional licensees was not necessary. Ms. Tugade clarified that the format of these types of licenses can vary significantly and include tiers of independence and layers of oversight within the learning process.

Ms. Tugade raised concern over the findings and declarations in the language. If the Board takes a position in the future, she suggested the problematic inaccuracies be addressed with the author's office. Additionally, she would like to see results of the recent addition of firm registration and voice writer licensure before any new license types are created.

Ms. Sunkees called for public comment.

Ms. Gwaltney, CSR, agreed that a candidate should hold a national certificate to be considered for a provisional license. She added that each county should provide training and handbooks to new hires to help them be successful in the hands-on portion of their provisional licensing.

Ruby suggested the Board offer a provisional approval to candidates who have passed five or ten qualifiers. She acknowledged that its too expensive to offer the test in person each cycle, but suggested the Board offer an in-person exam at a school or alternative location every few cycles.

Stephanie Whitehead, CSR, agreed that RPR, CVR, and out-of-state licensees are good candidate for provisional licensure. She questioned if the complaint process would be the same for provisional licensees. She strongly opposed the comments offered by AAERT regarding electronic recordings. She asserted that the standards for skills should be kept high, but at the same time the test should be for entry level skills. She asked if the Legislature had offered funding for recruitment or testing.

Ms. Sunkees suggested the Board discuss this topic further at its next meeting.

## 6. REGULATIONS

### Title 16, Section 2403, 2411, and 2414 – Voice Writing Skills Curriculum

Ms. Fenner introduced Betsy Figueira as the Board's new regulations manager. Ms. Figueira is a part-time retired annuitant in a two-year limited-term position who has many years of experience working in regulations at the Contractors State License Board. She previously worked as a consultant to the Board and is familiarizing herself with the Board's current issues. Ms. Fenner commented that having a dedicated regulations manager will enable the Board to move forward more efficiently with its many pending regulatory packages.

Ms. Fenner also welcomed Steven Vong, regulations attorney for the Department of Consumer Affairs. Mr. Vong indicated that he has been practicing law and working for the State of California for approximately six years.

Mr. Vong reiterated that the passage of AB 156 allowed for the licensure of voice writers in California. At its December 14, 2022, meeting, the Board voted to approve proposed regulatory language to amend school curriculum to cover voice writing. Since then, DCA Legal Affairs staff determined that use of the word "device" instead of "computer" on pages 38 and 41 of the Board agenda packet may be interpreted as vague under the Office of Administrative Law (OAL) standards for clarity and specificity. Legal Affairs staff encourages the Board to further clarify the word "device" with a parenthetical explaining the potential types of devices that may be included.

Ms. Brewer requested a correction to page 37 of the Board agenda packet under Section 2411(i)(3) wherein "and/or voice" should be before the word "notes".

Ms. Hurt expressed concern that listing all currently possible devices could become troublesome in the future with constant-changing innovation. Ms. Brewer agreed that spelling out all devices becomes a problem as hardware changes.

Ms. Geoffroy suggested using the term "computer or similar device." Mr. Vong stated that the Board needs to clarify whether it's referring to a desktop computer, tablet, laptop, cell phone, etc., in parentheses. Otherwise OAL may ask what devices are acceptable. Alternatively, a definition for device may be included in Section 2414 for universal application to these sections.

*Mr. Mnayan moved to use the word "device" with a parenthetical stating "including but not limited to a computer, mobile phone, tablet, and the like." Ms. Brewer seconded the motion.*

Ms. Hurt expressed concern that there would be room for "device" to include a tape recorder.

Ms. Brewer indicated that she previously suggested the word "device" in an effort to simplify and make it less specific. In light of the need for specificity, she suggested the Board revert to "computer" in the language. Mr. Vong confirmed that the Board could choose to go back to the work "computer" instead of attempting to define "device".

Ms. Tugade questioned whether the Board could specify the function of the device rather than which device.

Ms. Sunkees stated that the section pertains to the live feed of what is being said on some type of computer, therefore, reverting the language to “computer” may be the simplest resolution. Ms. Brewer agreed that “computer” would be appropriate in the display of the realtime application.

***Motion Amended***

*Mr. Mnayan moved to revert the word “device” back to “computer.” Ms. Brewer seconded the motion.* Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees  
Opposed: None  
Absent: None  
Abstain: None  
Recusal: None

***MOTION CARRIED***

*Ms. Hurt moved to correct Section 2411(i)(3) wherein “and/or voice” should be before the word “notes.” Ms. Brewer seconded the motion.* Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees  
Opposed: None  
Absent: None  
Abstain: None  
Recusal: None

***MOTION CARRIED***

*Ms. Hurt moved that the Board rescind prior proposed text approved December 14, 2022, and approve the newly proposed regulatory text and changes to Sections 2403, 2411, and 2414 as provided in the materials and as amended during this meeting and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. 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 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 for Sections 2403, 2411, and 2414 as noticed and amended.* Ms. Tugade seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees  
Opposed: None  
Absent: None  
Abstain: None  
Recusal: None

***MOTION CARRIED***

***The Board took a break at 12:09 p.m. and returned to open session at 12:56 p.m.***

7. LICENSE/CERTIFICATE RECIPROCITY

Ms. Fenner reminded the Board that it previously looked at reciprocity with Texas and with NCRA's RPR certificate. Although those efforts were unsuccessful, before the Board was a proposal to evaluate the equivalent certificate, CVR, issued by NVRA. The NVRA tests both voice writers and steno writers.

She indicated that the first step in this process would be for the Office of Professional Examination Services (OPES) to evaluate the CVR. As a reminder, the evaluation is comprehensive, looking at the underlying occupational analysis, test development, and administration. The cost of an interagency agreement with OPES is approximately \$24,000. It was staff's recommendation to enter into this agreement.

Ms. Sunkees called for public comment.

Ms. Gwaltney inquired why reciprocity did not go through with Texas. Ms. Fenner responded that the OPES was not able to validate the Texas exam because they do not use an occupational analysis in developing their test.

Ruby asked why reciprocity did not work with NCRA. Ms. Fenner indicated that OPES also evaluated the RPR, however, their occupational analysis did not include the skills portion of the exam.

Ms. Hurt asked if there would be a task force assigned to evaluate reciprocity with NVRA. Ms. Sunkees did not see a need to for a task force if the Board agreed with pursuing this as part of the solution for increasing licensees. The Board would instead assign the matter to OPES, who would report back to the full Board. Ms. Hurt supported taking this step to grow its licensee base.

Ms. Brewer inquired if it is known yet if NVRA has an occupational analysis. Also, she asked if there was a way to work with the national associations on getting an appropriate occupational analysis for their exam. Ms. Fenner did confirm that NVRA does have an occupational analysis, which OPES will include in their evaluation. She indicated that feedback was given to the Texas license board and NCRA regarding the deficiencies.

*Ms. Tugade moved to instruct staff to enter into an interagency agreement with the Office of Professional Examination Services to evaluate the National Verbatim Reporters Association Certified Verbatim Reporter certification for possible reciprocity with the skills portion of the California license exam. Ms. Brewer seconded the motion. Ms. Sunkees called for public comment.*

Ms. Gwaltney asked if the Board was seeking reciprocity for just the skills portion of the exam. Ms. Sunkees reiterated that the motion is to enter into an agreement with OPES to evaluation the NVRA exam.

A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

8. 2019-2023 STRATEGIC PLAN

Ms. Fenner reiterated information provided by the Department regarding the guidance issued by the Governor's Office for its Diversity, Equity, and Inclusion program. This has allowed DCA's SOLID to incorporate it into its strategic planning facilitation, and they have begun scheduling strategic planning sessions for boards and bureaus in late summer and early fall. She asked Board members to provide staff with availability for July or August for an in-person strategic planning meeting in Sacramento, potentially followed by a Board meeting the next day.

She referred to action plan for the Board's outgoing strategic goals on page 44 of the Board agenda packet.

Ms. Sunkees called for public comment. No comments were offered.

9. FUTURE MEETING DATES

Ms. Sunkees stated staff would poll the Board members offline for calendar availability for the next meeting.

Ms. Sunkees called for public comment. No comments were offered.

***The Board convened into closed session at 1:16 p.m.***

10. CLOSED SESSION

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

***The Board returned to open session at 1:26 p.m.***

11. SUNSET REVIEW

Ms. Sunkees reported that the draft sunset review form, which shapes the backbone of the Board's sunset review report, had been received from the Legislature. Additionally, questions specific to this Board will be coming from the oversight committees at some point

during the summer. In the meantime, the Board can discuss the material and make decisions to give to Ms. Fenner to draft the responses and bring back at the next meeting.

Ms. Fenner stated that the form before the Board is the general form that goes to all boards that are up for sunset review. Staff will supply much of the statistical data. As mentioned, the Legislature will also be sending a questionnaire specific to this Board mid-summer along with a specific deadline for submittal of the report. She proposed a target deadline of December 1, 2023.

Ms. Fenner pointed to the Sunset Review Form starting on page 49 of the Board agenda packet and reviewed the report section by section.

*(For reference purposes, this summary is organized by section and not necessarily in the order of the discussion. Ms. Tugade left the meeting at 2:05 p.m.)*

### Sections 1 through 6

Mostly statistical or straight forward background questions for which specific staff would draft the responses.

### Section 7 – Online Practice Issues

Ms. Fenner indicated that she would draft responses to the questions in this section but invited input from the Board.

Ms. Brewer referred to the Board's response to this section from the 2018/19 Sunset Review Report wherein the Board indicated it had no jurisdiction over out-of-state reporters. She asked if this has now been rectified with firm registration. Ms. Fenner confirmed that this issue is now under control with firm registration.

### Section 8 – Workforce Development and Job Creation

Ms. Fenner stated that this section mostly pertained to historical work for which she can draft responses work from Board artifacts. She asked for feedback from the Board pertaining to any perceived barriers to licensure.

Ms. Sunkees recommended the Board include information pertaining to its efforts toward license reciprocity.

Ms. Tugade suggested the numerous actions taken related to firm registration and voice writer licensure be included. Ms. Fenner agreed with detailing the voice writer licensure for this section but believed firm registration would be described in the sections related to new license category and new enforcement efforts.

Ms. Hurt acknowledged the high standards and difficultly level of passing the Board's examinations. She raised the issue of institutional barriers and inequities making it difficult for some people to jump into licensure. She encouraged the Board to expand on diversity, equity, and inclusion with its work toward reducing barriers.

Ms. Tugade would like the Board to collect and review data regarding its licensee base in terms of diversity to use for workforce development.

## Section 9 – Current Issues

Ms. Fenner indicated that some of terms may not be up to date. For example, Consumer Protection Enforcement Initiative has been replaced by Enlighten Enforcement Process. She said that staff would put together a draft for the Board to review on what is currently being done in each of the areas.

## Section 10 – Board Actions and Responses to COVID-19

Ms. Fenner indicated that report have been made at each meeting of the Board. She invited the members to bring forward anything they want highlighted.

Ms. Sunkees suggested the Board highlight the advancement of its online testing plans as a response to COVID-19 restrictions.

Ms. Fenner stated that she would include information pertaining to emergency orders that were specific to court under Question 69. She will also add information regarding budget impacts and participation of Board members and the public during remote meetings.

Ms. Brewer requested inclusion of information about the limits faced by the Board in completing its strategic plan actions as a result of COVID-19. Ms. Fenner indicated that if it is not somewhere earlier in the report, she would include it in this section.

Ms. Sunkees mentioned the move to remote reporting because of COVID-19. Ms. Fenner stated that it may be split between this section and Section 12 – New Issues. Ms. Brewer stated that there should be minimum audio and technology requirements related to remote reporting implementation. Mr. Mnayan stated that bandwidth is also an important factor. Ms. Brewer expressed that this may be a good place for consideration of diversity, equity, and inclusion issues.

Ms. Sunkees would like to inform the Legislature about the Board's expedient manner to meet and develop best practices for remote reporting.

## Section 11 – Board Action and Response to Prior Sunset Issues

Ms. Fenner referred to the 2018/19 Sunset Review Report regarding new issues raised in the last report.

### *Issue 1 – Foreign corporations violating court reporting statutes and regulations*

Ms. Fenner reported that firm registration should address any concerns laid out regarding out-of-state firms. She stated that complaints thus far against firms have been minimal without any significant trends. The Enforcement Unit has put a lot of effort into education as it resolves complaints.

### *Issue 2 – Low pass rate for skills portion of licensing exam*



Ms. Fenner stated that the Legislature tasked the Board with developing an entry-level skills test, for which it has put a lot of time and resources into making sure the test is as fair as it can be. She finds it difficult to offer any alternatives to the issue as it is the Board's responsibility administer a fair test.

Ms. Brewer suggested the Board may want to change the format of the skills exam to be more like the RPR format. She added that part of the difficulty the Board has faced in reaching reciprocity with other states is that its skills test is different, but not necessarily better. Ms. Fenner agreed that aligning the format to what other states are teaching may reduce the barrier that some have faced with even the unfamiliarity factor. Ms. Sunkees supported this idea, noting the benefit of shorter exam files and alignment with other testing authorities.

Ms. Hurt noted that there are fewer schools who offer court reporting programs in California. She suggested the Board coordinate with the California Department of Education to help spur more schools to offer court reporting.

### *Issue 3 – Shortage or perceived shortage of court reporters*

Ms. Fenner pointed to some of the Board's solutions and attempts at solutions to the shortage, such as licensure of voice writers and efforts at reciprocity.

Ms. Sunkees noted the influx of court reporting students since voice writing licensure was enacted.

Ms. Brewer suggested the Board participate in outreach to help the courts coordinate to be more efficient with the scarce resource of reporters. Mr. Mnayan added that the outreach should include the licensees and stakeholders. It would be vital to glean feedback as well.

Ms. Sunkees credited the state and local associations with their active efforts of outreach and recruitment. Mr. Mnayan suggested the Board work to unite the recruitment efforts of the associations by providing intellectual resources and guidance. Ms. Fenner shared that the Board has a student career brochure, which she could request be updated by working with the DCA Office of Public Affairs (OPA). Mr. Mnayan volunteered to work with OPA on efforts to create digital marketing materials for distribution to social media, college career coordinators, and associations.

Ms. Hurt reminded the Board that staff time is already limited, so some of the tasks may be difficult to accomplish. She also suggested the Board consider its fiscal responsibility and make goals of what it can accomplish in the short term versus things it needs to do in the long term while stretching its pennies.

### *Issue 4 – Licensees not staying current on legislative changes*

Ms. Fenner provided examples of efforts to keep licensees current with legislative changes. She stated that she and Ms. Sunkees have spoken at numerous conferences. In addition, she and Enforcement Analyst Ms. Conkle have participated in online seminars. Also, the Board has issued newsletters and social media posts.

Ms. Brewer suggested the Board mandate the collection of email addresses for its licensees so that email blasts may provide updates on significant changes.

## Section 12 – New Issues

### *Artificial Intelligence (AI)*

Ms. Hurt believed the Board would need to consider and understand the future of court reporters working alongside the evolving technology of AI. Mr. Mnayan and Ms. Tugade agreed that AI is an important issue to monitor.

Ms. Fenner stated that AI currently has a broad spectrum. It may be added into the traditional role of court reporting with the software improving on and incorporating every technology change that comes along to make the user's job easier, faster, and better. She reported that there is at least one software program that incorporates AI as a feature into their court reporting software that can be turned on or off and can help a lot or a little. It may suggest a word to the user based on what it thinks it heard. Alternatively, there is AI that is used to capture the entire transcript with support of a human to guard the record by ensuring the recording is happening, that people not talking on top of one another, et cetera.

Ms. Brewer stated that the job of court reporting would clearly be different in 40 to 50 years. However, in the interim period where AI is gaining public usage, it is creating a recruitment barrier for court reporting where people do not want to enter what is perceived as an antiquated field. There's also a perception of that its easy enough to capture a record with a recording, but even some attorneys do not realize that reporters are the most efficient at capturing an accurate record.

Ms. Fenner mentioned that the diverse accents encountered in this state may limit the use of AI in court until it has been developed much further.

Ms. Sunkees added that AI has crept in more so with the use of remote platforms due to the captioning abilities and potentially a feed or transcript from those captions. Ms. Brewer stated that she provides a realtime captioning feed and the auto-captions may at time be very good when participants are speaking clearly and not too fast. Unfortunately, that contributes to the perception that it is the same product as that provided by a court reporter. She stated that creating transcripts from audio is more difficult and much less pleasant.

### *Remote Reporting*

Ms. Sunkees stated that the industry is still trying to figure out how they can accommodate the different stakeholders during remote proceedings. There is not a universal fit, and each jurisdiction has its own issues. Ms. Fenner stated that it would be key to identify common denominators where successes and failures lie to lay out those factors to the Legislature for future consideration.

### *Fiscal Solvency*

Ms. Hurt also would like to include long-term fixes to the Board's fiscal solvency.

Ms. Fenner remarked that the Board should have more data in the near future regarding the total number of firms it will have to renew annually, which should have a positive impact on the Board's bottom line. There is not enough data yet to determine what impact the licensure of voice writers will have on the Board's revenue.

### *Digital Recording*

Ms. Sunkees stated that there has definitely been a trend of electronic digital recording in the deposition field. She asserted that the Board needs to explore the issue as a consumer protection issue. Ms. Fenner indicated that the Board would want to consider if there is a place for digital recordings to be used appropriately and if there are adequate standards in place for consumer protection.

### *Captioning*

Ms. Hurt suggested consideration of realtime captioning standards.

Ms. Fenner indicated that she will take all of the Board's comments and develop a draft for it to review at its next meeting. She thanked the Board for its hard work and ideas in consideration of the big issues.

Ms. Sunkees called for public comment.

Carolyn Dasher thanked the Board for its commitment in looking into the aforementioned issues. She welcomed input from the Board on issues the associations are working on. She asked the Board to consider allowing candidates to take the skills exam more than once during the exam cycle. She referenced the idea of coordinating with the courts to improve their efficiency in using court reporters. She suggested the courts require official reporters in certain types of proceedings, which may open up more of the freelancers to take official positions. She added that CCRA and LACRA are working on voice writing webinars for which they have advertised with flyers and information to legislators.

Ms. Gwaltney thanked the Board for everything it is doing. She requested to contact Mr. Mnayan. She was directed to contact Ms. Fenner.

### ADJOURNMENT

Ms. Sunkees adjourned the meeting at 3:00 p.m.

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

\_\_\_\_\_  
DATE

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

\_\_\_\_\_  
DATE

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 5 – Department of Consumer Affairs Update**

=====  
Agenda Description: Report from the DCA Executive Office  
=====

=====  
Support Documents: None  
=====

=====  
Fiscal Impact: None  
=====

=====  
Recommended Board Action: Informational.  
=====

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 6 – Report of the Executive Officer**

=====

Agenda Description: Report on:

- 6.1 CRB Budget Report
- 6.2 Transcript Reimbursement Fund
- 6.3 Enforcement Activities
- 6.4 License Exam
- 6.5 Technology Modernization

=====

Support Documents:

- Attachment 1, Item 6.1 – FM12 Expenditure Projections FY2022-23
- Attachment 2, Item 6.1 – CRB Fund Condition
- Attachment 3, Item 6.2 – TRF Fund Condition
- Attachment 4, Item 6.3 – Enforcement Statistics
- Attachment 5, Item 6.4 – Exam Statistics

=====

Fiscal Impact: None

=====

Recommended Board Action: None

Department of Consumer Affairs  
 Expenditure Projection Report  
 Court Reporters Board of California  
 Reporting Structure(s): 11113110 Support  
 Fiscal Month: 12  
 Fiscal Year: 2022 - 2023  
 Run Date: 08/1/2023

**PERSONAL SERVICES**

Fiscal Code	Line Item	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$376,885	\$392,000	\$410,233	\$411,533	-\$19,533
5100	TEMPORARY POSITIONS	\$0	\$11,000	\$13,492	\$16,058	-\$5,058
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$9,285	\$14,000	\$9,983	\$9,983	\$4,017
5150	STAFF BENEFITS	\$228,655	\$231,000	\$259,647	\$262,016	-\$31,016
<b>PERSONAL SERVICES</b>		<b>\$614,824</b>	<b>\$648,000</b>	<b>\$693,355</b>	<b>\$699,590</b>	<b>-\$51,590</b>

**OPERATING EXPENSES & EQUIPMENT**

Fiscal Code	Line Item	PY FM13	Budget	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$4,615	\$9,000	\$5,202	\$5,202	\$3,798
5302	PRINTING	\$10,046	\$1,000	\$9,646	\$9,646	-\$8,646
5304	COMMUNICATIONS	\$8,314	\$2,000	-\$2,049	\$3,124	-\$1,124
5306	POSTAGE	\$1,561	\$0	\$3,132	\$3,382	-\$3,382
5308	INSURANCE	\$8	\$0	\$6	\$6	-\$6
53202-204	IN STATE TRAVEL	\$841	\$18,000	\$2,178	\$2,178	\$15,822
5322	TRAINING	\$0	\$0	\$0	\$0	\$0
5324	FACILITIES	\$54,266	\$49,000	\$55,411	\$55,411	-\$6,411
53402-53403	C/P SERVICES (INTERNAL)	\$23,012	\$278,000	\$17,721	\$23,826	\$254,174
53404-53405	C/P SERVICES (EXTERNAL)	\$30,308	\$89,000	\$63,794	\$64,894	\$24,106
5342	DEPARTMENT PRORATA	\$154,947	\$159,000	\$155,025	\$155,025	\$3,975
5342	DEPARTMENTAL SERVICES	\$39,250	\$0	\$118,356	\$118,356	-\$118,356
5344	CONSOLIDATED DATA CENTERS	\$26	\$3,000	\$2,401	\$2,401	\$599
5346	INFORMATION TECHNOLOGY	\$0	\$2,000	\$0	\$0	\$2,000
5362-5368	EQUIPMENT	\$7,050	\$2,000	\$0	\$0	\$2,000
5390	OTHER ITEMS OF EXPENSE	\$31,200	\$0	\$0	\$0	\$0
54	SPECIAL ITEMS OF EXPENSE	\$422	\$0	\$659	\$659	-\$659
<b>OPERATING EXPENSES &amp; EQUIPMENT</b>		<b>\$365,866</b>	<b>\$612,000</b>	<b>\$431,484</b>	<b>\$444,111</b>	<b>\$167,889</b>
<b>REIMBURSEMENTS</b>			<b>-\$18,000</b>	<b>-\$2,999</b>	<b>-\$2,999</b>	<b>-\$15,001</b>

<b>OVERALL TOTALS</b>		<b>\$980,690</b>	<b>\$1,242,000</b>	<b>\$1,121,840</b>	<b>\$1,140,702</b>	<b>\$101,298</b>
-----------------------	--	------------------	--------------------	--------------------	--------------------	------------------

8.16%

0771 - Court Reporter's Board Fund Analysis of Fund Condition  
(Dollars in Thousands)  
2023 Budget Act with 2022-23 FM 12 Projections

Prepared 8.14.2023

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 1,068	\$ 1,225	\$ 1,212	\$ 1,163	\$ 999
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,068	\$ 1,225	\$ 1,212	\$ 1,163	\$ 999
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 25	\$ 20	\$ 20	\$ 20	\$ 20
4127400 - Renewal fees	\$ 1,267	\$ 1,265	\$ 1,265	\$ 1,265	\$ 1,265
4129200 - Other regulatory fees	\$ 4	\$ -	\$ -	\$ -	\$ -
4129400 - Other regulatory licenses and permits	\$ 83	\$ 25	\$ 25	\$ 25	\$ 25
4163000 - Income from surplus money investments	\$ 21	\$ 16	\$ 17	\$ 16	\$ 13
4171400-Canceled Warrants Expenditures	\$ 1	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,401	\$ 1,326	\$ 1,327	\$ 1,326	\$ 1,323
Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2C	\$ -	\$ -	\$ -	\$ -100	\$ -200
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ 0	\$ -100	\$ -200
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 1,401	\$ 1,326	\$ 1,327	\$ 1,226	\$ 1,123
TOTAL RESOURCES	\$ 2,469	\$ 2,551	\$ 2,539	\$ 2,389	\$ 2,122
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,141	\$ 1,244	\$ 1,281	\$ 1,320	\$ 1,359
9892 Supplemental Pension Payments (State Operations)	\$ 25	\$ 25	\$ 25	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 78	\$ 70	\$ 70	\$ 70	\$ 70
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 1,244	\$ 1,339	\$ 1,376	\$ 1,390	\$ 1,429
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,225	\$ 1,212	\$ 1,163	\$ 999	\$ 693
Months in Reserve	11.0	10.6	10.0	8.4	5.8

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.

0410 - Transcript Reimbursement Fund Analysis of Fund Condition  
(Dollars in Thousands)  
2023 Budget Act

Prepared 8.17.2023

**Based on Estimated 2022-23 Actuals through FM 12**

	PY 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
<b>BEGINNING BALANCE</b>	\$ 570	\$ 404	\$ 258	\$ 110	\$ 60
Prior Year Adjustment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 570	\$ 404	\$ 258	\$ 110	\$ 60
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4163000 - Income from surplus money investments	\$ 7	\$ 4	\$ 2	\$ 0	\$ 0
Totals, Revenues	\$ 7	\$ 4	\$ 2	\$ 0	\$ 0
Revenue Transfer from Court Reporters Fund per B&P Code Section 8030.2(d)	\$ 0	\$ 0	\$ 0	\$ 100	\$ 200
Totals, Transfers and Other Adjustments	\$ 0	\$ 0	\$ 0	\$ 100	\$ 200
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 7	\$ 4	\$ 2	\$ 100	\$ 200
<b>TOTAL RESOURCES</b>	\$ 577	\$ 408	\$ 260	\$ 210	\$ 260
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 173	\$ 150	\$ 150	\$ 150	\$ 150
Less Funding Provided by the GF	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 173	\$ 150	\$ 150	\$ 150	\$ 150
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 404	\$ 258	\$ 110	\$ 60	\$ 110
Months in Reserve	32.3	20.6	8.8	4.8	8.8

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing Expenditure growth projected at 3% beginning BY +1.



**Consumer Protection Enforcement Initiative  
Fiscal Year 2022-2023 Enforcement Report --CSR  
July 1, 2022 - June 30, 2023 (Final)**

**Consumer Complaints - Intake**

Complaints (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	7	8	10	7	9	4	6	13	9	15	16	9	113
Closed without Referral for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	7	8	10	7	9	4	6	13	9	15	16	9	113
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1	1	1	1	1	1	1	1	1	1
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

**Convictions/Arrests Reports (Intake)**

Convictions/Arrests Reports (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed without Referral for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close (from receipt of conviction to closure or referral for investigation)	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

**Consumer Protection Enforcement Initiative  
Fiscal Year 2022-2023 Enforcement Report --CSR  
July 1, 2022 - June 30, 2023 (Final)**

**Investigation**

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened *	7	8	10	7	9	4	6	13	9	15	16	9	113
Closed *	10	6	7	9	3	5	10	11	9	14	16	14	114
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	47	30	56	38	115	116	70	72	55	30	27	31	49
Pending *	15	17	20	18	24	23	19	21	21	22	22	17	20 ^

Field Investigation (Sworn)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation*	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed*	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close (from start of investigation to investigation closure or referral to AG) *	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending*	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

All Investigations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened **	7	8	10	7	9	4	6	13	9	15	16	9	113
Closed **	10	6	7	9	3	5	10	11	9	14	16	14	114
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	48	31	57	39	116	117	71	73	56	31	28	32	50
Pending **	15	17	20	18	24	23	19	21	21	22	22	17	20 ^

\* Complaints assigned from intake.

\*\* Complaints from desk and sworn.

^ Average number of cases pending.

**Consumer Protection Enforcement Initiative  
Fiscal Year 2022-2023 Enforcement Report --CSR  
July 1, 2022 - June 30, 2023 (Final)**

**Enforcement Actions**

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Opened/Initiated	0	1	0	0	0	0	0	0	1	0	0	0	2
AG Cases Pending	0	1	1	1	1	1	1	1	2	2	2	2	1^
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
SOIs Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete SOIs (from AG referral to SOI filed)	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Filed	0	0	0	0	1	0	0	0	0	0	1	0	2
Accusations Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Dismissed	0	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Declined	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete Accusations (from AG referral to accusation filed)	0	0	0	0	104	0	0	0	0	0	65	0	85
Petition to Revoke Probation (PRP)	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete PRP	0	0	0	0	0	0	0	0	0	0	0	0	0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0	0	0	0	0	0	0	0	0	0	0
Stipulations	0	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	1	0	0	0	0	0	0	0	0	0	0	0	1
Average Days to Complete (from complaint receipt to imposing formal discipline) [straightline]	180	0	0	0	0	0	0	0	0	0	0	0	180
Interim Suspension Orders	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	2	0	1	0	0	1	3	1	0	0	1	0	9
Average Days to Complete (from complaint receipt to citation issued) [straightline]	48	0	37	0	0	143	72	154	0	0	89	0	82

**Consumer Protection Enforcement Initiative  
Fiscal Year 2022-2023 Enforcement Report -- CRF  
July 1, 2022 - June 30, 2023 (Final)**

**Consumer Complaints - Intake**

Complaints (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	12	3	1	7	3	4	1	1	2	0	4	3	41
Closed without Referral for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	12	3	1	7	3	4	1	1	2	0	4	3	41
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1	1	1	1	1	1	1	1	1	1
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

**Convictions/Arrests Reports (Intake)**

Convictions/Arrests Reports (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed without Referral for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred for Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close (from receipt of conviction to closure or referral for investigation)	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

**Consumer Protection Enforcement Initiative  
Fiscal Year 2022-2023 Enforcement Report -- CRF  
July 1, 2022 - June 30, 2023 (Final)**

**Investigation**

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened *	12	3	1	7	3	4	1	1	2	0	4	3	41
Closed *	0	1	12	4	4	3	5	0	3	2	1	3	38
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	0	10	60	36	40	29	48	0	66	37	10	31	45
Pending *	12	14	3	6	5	6	2	3	2	0	3	3	5 ^

Field Investigation (Sworn)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation*	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed*	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Close (from start of investigation to investigation closure or referral to AG) *	0	0	0	0	0	0	0	0	0	0	0	0	0
Pending*	0	0	0	0	0	0	0	0	0	0	0	0	0 ^

All Investigations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened **	12	3	1	7	3	4	1	1	2	0	4	3	41
Closed **	0	1	12	4	4	3	5	0	3	2	1	3	38
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	0	11	61	37	41	30	49	0	67	38	11	32	46
Pending **	12	14	3	6	5	6	2	3	2	0	3	3	5 ^

\* Complaints assigned from intake.

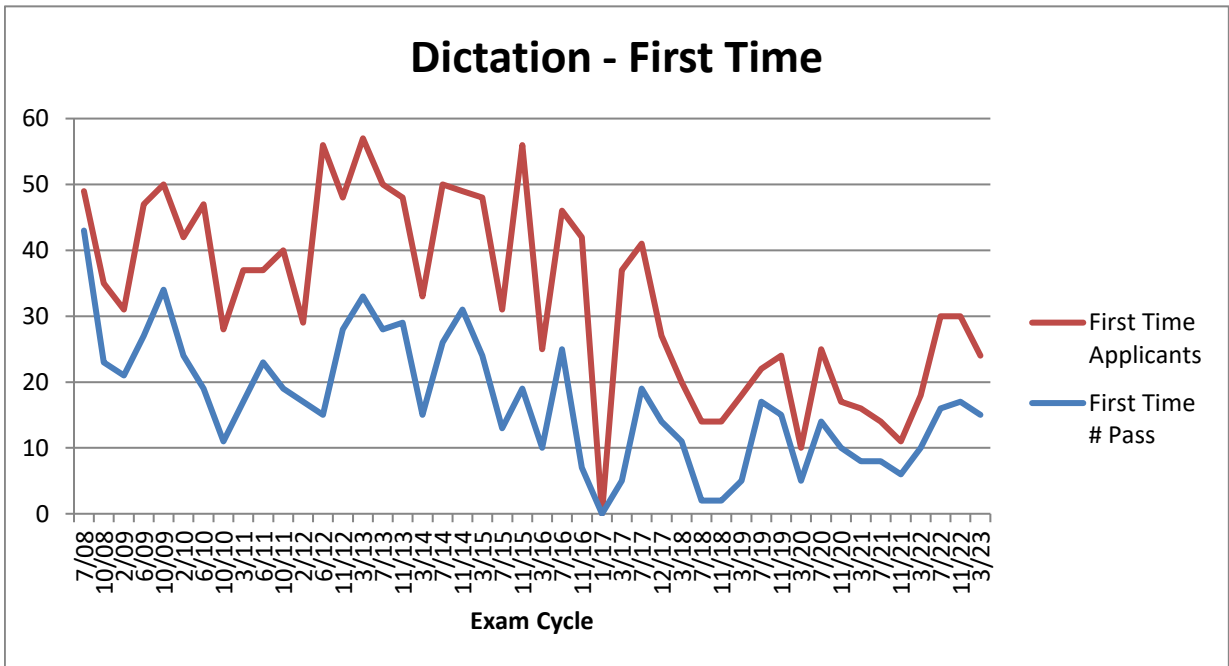
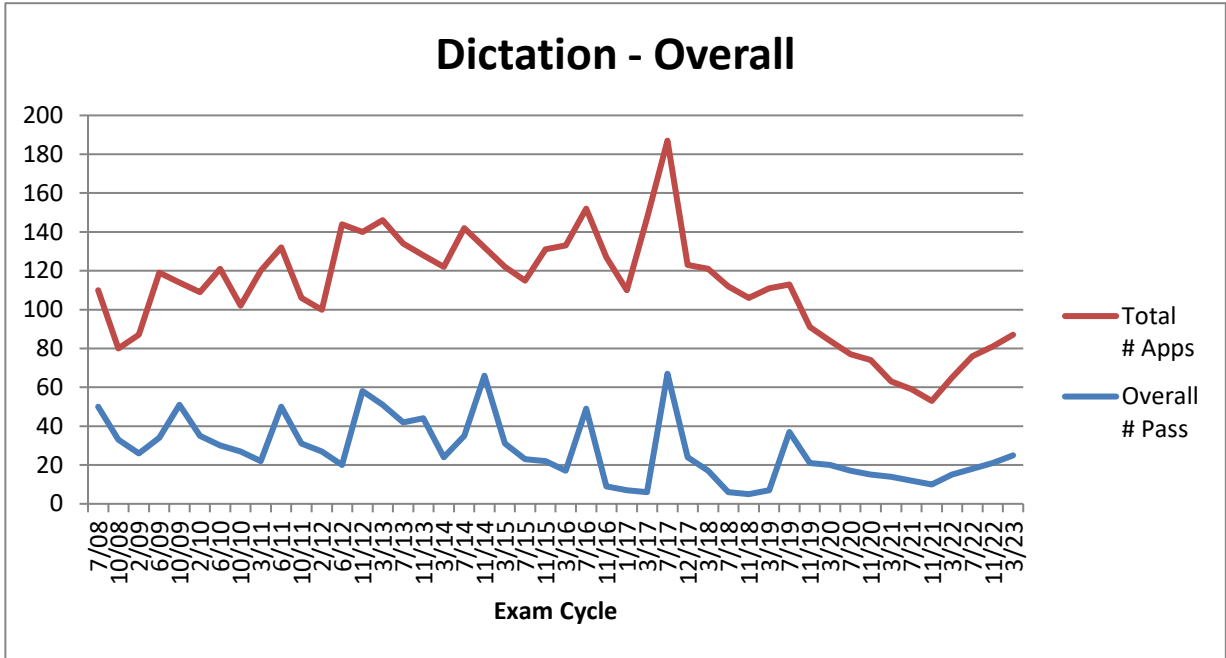
\*\* Complaints from desk and sworn.

^ Average number of cases pending.

## 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%
Mar 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%
Mar 2022	65	15	23.1%	18	10	55.6%
Jul 2022	76	18	23.7%	30	16	53.3%
Nov 2022	81	21	25.9%	30	17	56.7%
Mar 2023	87	25	28.7%	24	15	62.5%

# Dictation Exam

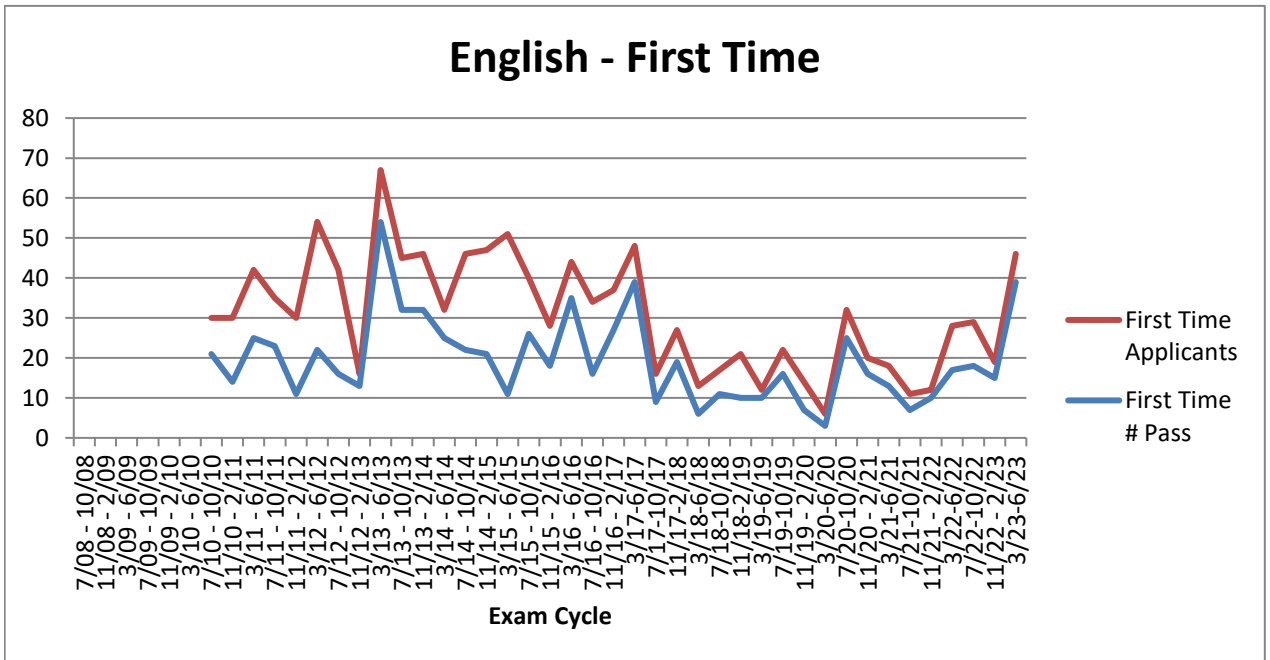
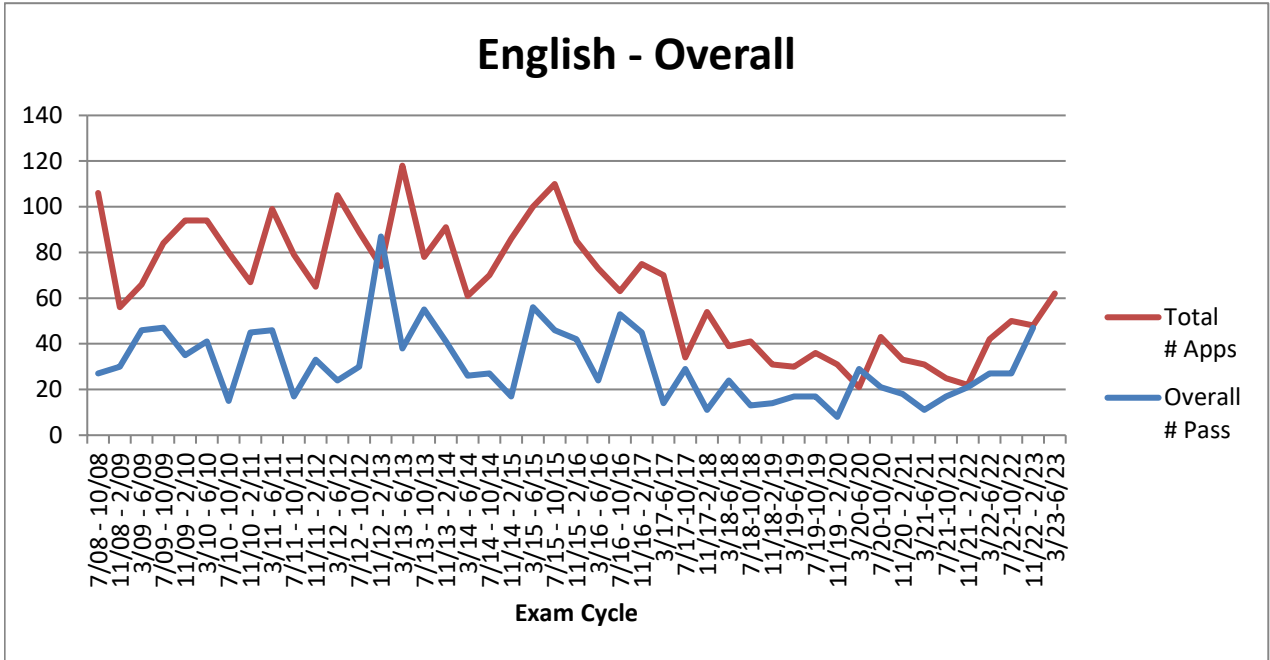


## English Exam

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 - Jun 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%
Nov 2021 - Feb 2022	22	17	77.3%	12	10	83.3%
Mar 2022 - Jun 2022	42	21	50.0%	28	17	60.7%
Jul 2022 - Oct 2022	50	27	54.0%	29	18	62.1%
Nov 2022 - Feb 2023	48	27	56.3%	19	15	78.9%
Mar 2023 - Jun 2023	62	40	75.8%	46	39	84.8%



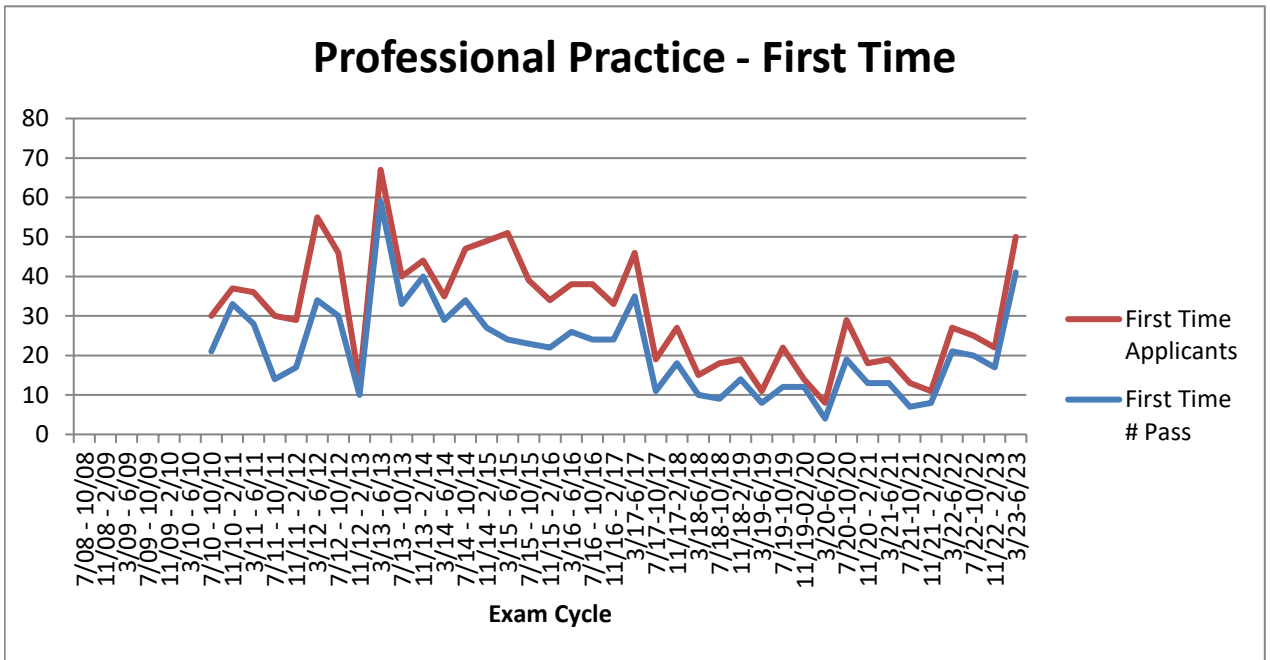
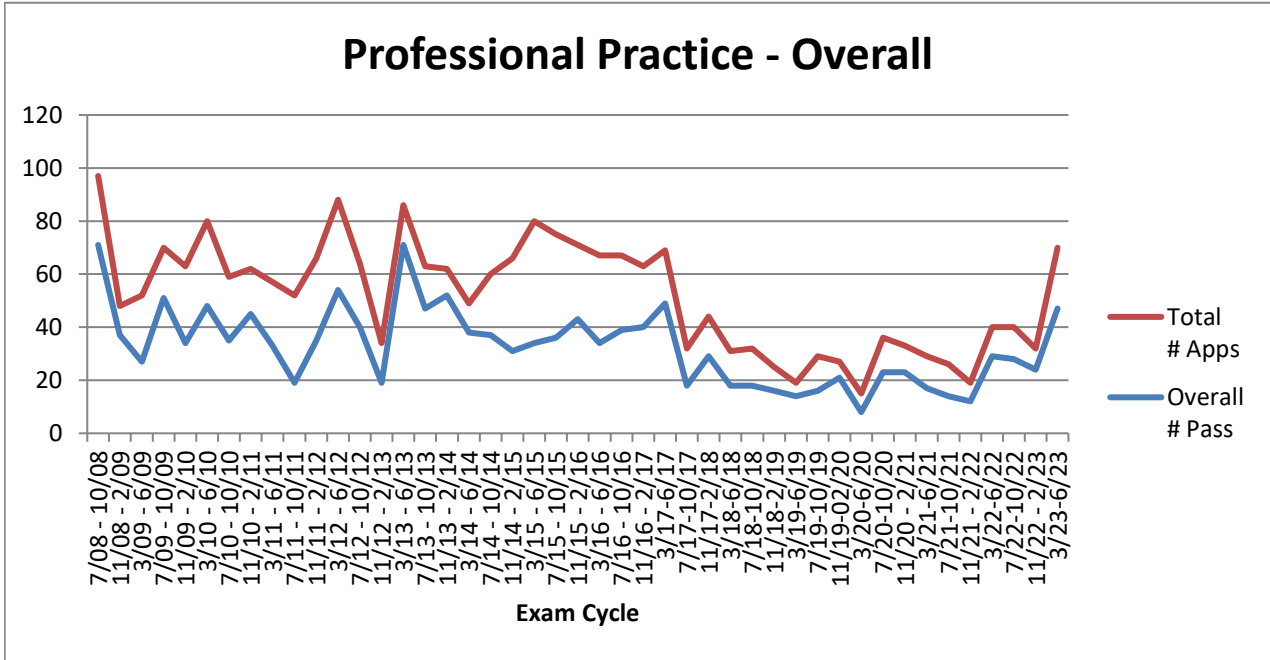
# English Exam



## 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 - Jun 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%
Nov 2021 - Feb 2022	19	12	63.2%	11	8	72.7%
Mar 2022 - Jun 2022	40	29	72.5%	27	21	77.8%
Jul 2022 - Oct 2022	40	28	70.0%	25	20	80.0%
Nov 2022 - Feb 2023	32	24	75.0%	22	17	77.3%
Mar 2023 - Jun 2023	70	42	67.1%	50	41	82.0%

## Professional Practice Exam



COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 7 – Legislation**

=====

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

=====

Brief Summary: (Bills with a notation of \*\*\* are of particular interest or impact to court reporting or the Court Reporters Board specifically)

7.1 [SB 21](#) (Umberg) – Civil actions: remote proceedings. (Assembly Appropriations Committee) – Existing law authorizes, until July 1, 2023, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology. This bill would extend these provisions until January 1, 2026. The bill would exempt specific types of proceedings from these provisions. The bill would authorize, until January 1, 2026, a court to conduct an adoption finalization hearing, in whole or in part, through the use of remote technology, without the court making specific findings and would prohibit a court from requiring a party to appear through the use of remote technology. The bill would require each superior court to report to the Judicial Council on or before October 1, 2023, and annually thereafter, and would require the Judicial Council to report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting civil remote proceedings and purchases and leases of technology and equipment to facilitate civil remote conferences, hearings, or proceedings.

This bill would declare that it is to take effect immediately as an urgency statute.

7.2 [SB 22](#) (Umberg) – Civil actions: remote proceedings. (Assembly Judiciary Committee) – Existing law authorizes, until July 1, 2023, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology. This bill would authorize, until January 1, 2026, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in specific types of proceedings, including, among others, a juvenile court proceeding and an extension of a juvenile commitment, 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. The bill would also require each superior court to report to the Judicial Council on or before October 1, 2023, and annually thereafter, and would require the Judicial Council to report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting civil remote proceedings and purchases and leases of technology and equipment to facilitate civil remote conferences, hearings, or proceedings.

Existing law prohibits, until January 1, 2024, a trial court from retaliating against an official court reporter or official court reporter pro tempore for notifying a judicial officer that technology or audibility issues are interfering with the creation of the verbatim record for a remote proceeding. This bill would extend this provision until January 1, 2028.

Existing law allows a defendant in a misdemeanor case to appear by counsel, except as specified. Until January 1, 2024, existing law allows a court to conduct all proceedings, except jury and court trials, remotely through the use of remote technology if a defendant agrees. Existing law requires a defendant in a felony case to be physically present at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. Existing law allows, until January 1, 2024, a defendant to be physically or remotely present at all other proceedings, unless the defendant waived their right to be physically or remotely present with leave of the court and approval by defendant's counsel. This bill would extend the provisions that would expire on January 1, 2024, until January 1, 2028.

Existing law generally allows, until January 1, 2024, upon a defendant's waiver of the right to be physically present, criminal proceedings to be conducted through the use of remote technology. Commencing on January 1, 2024, existing law authorizes a court to permit the initial court appearance and arraignment of a defendant held in any state, county, or local facility, under specified circumstances, to be conducted by 2-way electronic audiovideo communication between the defendant and the courtroom in lieu of the defendant's physical presence. This bill would extend the provisions that would expire on January 1, 2024, until January 1, 2028, and extend the implementation of provisions that would commence on January 1, 2024, until January 1, 2028.

Existing law authorizes the court, until January 1, 2024, to direct the defendant to be physically present at any particular felony proceeding, prohibits a defendant charged with a felony to appear remotely for sentencing, except as specified, and prohibits a defendant charged with a felony or misdemeanor to appear remotely for a jury or court trial, except as specified. This bill would extend the provisions that would expire on January 1, 2024, until January 1, 2028.

Existing law, until January 1, 2024, authorizes the court to allow a prosecuting attorney or defense counsel to participate in a criminal proceeding through the use of remote technology, requires a court to require a prosecuting attorney, defense counsel, defendant, or witness to appear in person at a proceeding under specified circumstances, and requires a reporter to be physically present in the courtroom when the court conducts a remote proceeding that is reported. This bill would extend the provisions that would expire on January 1, 2024, until January 1, 2028.

Existing law authorizes, until January 1, 2024, a witness in a criminal proceeding to testify using remote technology, as provided by statutes regarding the examination of victims of sexual crimes and conditional examinations of witnesses. This bill would extend these provisions until January 1, 2028, and broaden the provisions to testifying remotely as otherwise provided by any law.

Existing law requires a defendant to be personally present in a preliminary hearing unless otherwise specified. Existing law prohibits these provisions from limiting the right of a defendant to waive the right to be present. Existing law, until January 1, 2024, includes the defendant's right to waive the right to appear through the use of remote technology from being limited by these provisions. This bill would extend the provisions that would expire on January 1, 2024, until January 1, 2028.

This bill would declare that it is to take effect immediately as an urgency statute.

7.3 [SB 372](#) (Menjivar) – Department of Consumer Affairs: licensee and registrant records: name and gender changes. (Assembly Appropriations Committee) This bill would require a board to replace a licensee's former name or gender on their license, and on any board-operated website, upon request, when the licensee's name or gender has been changed, or upon the licensee's participation in the Safe at Home address confidentiality program, and make documentation to support that request exempt from public disclosure. This bill would also require that a board not post records of a licensee's enforcement actions online that reference the individual's former name, but instead post a statement that individual previously was subject to enforcement action and directing the public to contact that board for more information.

7.4 \*\*\*[SB 544](#) (Laird) – Bagley-Keene Open Meeting Act: teleconferencing. (Assembly Appropriations Committee) This bill would, among other things, remove existing teleconference requirements within the Bagley-Keene Open Meeting Act (Act) and instead require a state body to provide a means for the public to remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda: a teleconference phone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. This bill would also revise the Act to no longer require members of the public to have the opportunity to address the state body directly at each teleconference location and instead require the specific means of access to the meeting to be included in the meeting notice.

7.5 \*\*\*[SB 662](#) (Rubio) – Courts: court reporters. (Senate Appropriations Committee – Suspense File – dead for 2023) This bill would require the Court Reporter's Board to review, and submit a report to the Legislature, determining whether the California-specific examination required for licensure as a shorthand reporter is necessary to establish competency, or if it is a barrier to licensure. It would also allow the court to electronically record any civil case if approved electronic recording equipment is available, and the court has made every effort to hire a court reporter.

7.6 [SB 802](#) (Roth) – Licensing boards: disqualification from licensure: criminal conviction. (Assembly Business & Profession Committee. This is a two-year bill and dead for 2023.)

This bill would require a board to notify the applicant, in writing within 30 days, if they decide to deny their application for licensure based on the applicant's conviction history.

=====

=====  
Support Documents: None.

=====  
Recommended Board Action: Board may take a position of support, opposition,  
or remain neutral.

**AGENDA ITEM 8 – Regulations**

=====
Agenda Description: Update on California Code of Regulations, Title 16:

8.1 Sections 2403, 2411, and 2414 – Voice Writing Skill Curriculum

=====
Brief Summary:

At the March 28, 2023, meeting, the Board approved regulatory text to sections 2403, 2411, and 2414 of the California Code of Regulations, Title 16, with instructions to the executive officer to complete the rulemaking process. The regulations package is currently under the pre-review process before submittal to the Office of Administrative Law.

=====
Support Documents: None

=====
Recommended Board Action: Informational only

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

8.2 Sections 2420, 2422, and 2473 – Examination Results & Transcript Format

=====
Brief Summary:

At the November 20, 2020, meeting, the Board approved language to amend section 2420 of the California Code of Regulations, Title 16. Revised language is attached for the Board’s review.

As part of the same regulations package, changes to section 2473 is included for the Board’s review.

=====
Support Documents:

Attachment – Proposed Regulatory Language

=====
Fiscal Impact: None

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

I move that the Board rescind prior proposed text approved November 20, 2020, and approve the newly proposed regulatory text for sections 2420, 2422, and 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 sections 2420, 2422, and 2473 as noticed.

DEPARTMENT OF CONSUMER AFFAIRS  
**TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA**

**PROPOSED REGULATORY LANGUAGE**  
**Examination Results & Transcript Format**

**LEGEND FOR BOARD REVIEW**

**Green highlighted text** – amended revisions that were identified and approved by the Board at its November 20, 2020, (CCR section 2422) and January 26, 2022, (CCR section 2473) meetings.

**Blue highlighted text** – revisions that were included in the January 26, 2022, Board meeting packet, but that were not marked as revisions in the text.

**Yellow highlighted text** – new revisions for Board review and approval.

**Legend:** Added text is indicated with an underline.  
Omitted text is indicated by (\* \* \* \*)  
Deleted text is indicated by ~~strikeout~~.

**Article 3**

**Amend section 2420 of Division 24 of Title 16 of the California Code of Regulations to read as follows:**

**§ 2420. Examination Required; Passing Grades; Results Notification; and Conditional Examination Credit.**

(a) The examination shall consist of three divisible parts:

(1) English,

(2) Professional Practice, and

(3) Dictation/Transcription (Machine/Skill).

The passing grades for the Dictation/Transcription part of the examination is 97.5%. The passing grades for the two written knowledge parts of the examination (English and

Professional Practice) shall be determined by the Angoff criterion-referenced method. Such passing scores may vary moderately with changes in test composition. Any examinee who obtains a grade which equals or exceeds the passing score determined by the Angoff method will be deemed to have passed the applicable portion of the examination, assuming the other requirements of this section are met.

**(b) The board shall notify each examinee in writing of their pass/fail examination results.**

**(bc)** An applicant must take and pass all three parts of the examination within three (3) consecutive years to have passed the examination. The three (3) year period shall begin from the date of the examination or any part of the examination for which the applicant is first scheduled.

**(ed)** After a period of three months has elapsed, an applicant may repeat any part of the examination. However, no applicant may repeat any part of the examination unless or until a new version of the examination has been introduced.

**(de)** Notwithstanding subsection **(bc)**, an applicant who passes a part of the examination shall receive conditional credit for passing that part and may retake the remaining part(s).

**(ef)** The period of time designated in subsection **(bc)** may be extended by the board for a period of time not to exceed one (1) year upon the showing of extraordinary extenuating circumstances.

NOTE: Authority cited: Section 8007, Business and Professions Code. Reference: Sections 135, 8020, and 8023, Business and Professions Code.

**Repeal section 2422 of Division 24 of Title 16 of the California Code of Regulations in its entirety:**

**~~§ 2422. Inspection Reconsideration of Examination Papers; Notification.~~**

~~(a) Each examinee shall be notified in writing whether he/she has passed or failed the examination.~~

~~(b) An examinee who has failed the examination may inspect his/her transcript by so requesting in writing sent to the board at its principal office within 30 days of the date appearing on the notification of the examination results. An examinee will be permitted to inspect only his/her transcript and a copy of the board's official transcript.~~

~~(cb) An examinee may request the board to reconsider his/her examination results. Such request for reconsideration shall be filed with the board at its principal office no later than 45 days following the date appearing on the notification of the examination results. It shall be in writing and shall specify the grounds upon which it is based.~~

NOTE: Authority cited: Section 8007, Business and Professions Code. Reference: Section 8005, Business and Professions Code.

## Article 8

**Amend section 2473 of Division 24 of Title 16 of the California Code of Regulations to read 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 ~~time-stamping~~

(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 shall be~~ defined as the first character of a line of text;

(5) Each question and answer ~~is to shall~~ begin on a separate line;

(6) Text ~~is to shall~~ begin no more than 10 spaces from the left margin. "Q" and "A"

(7) Carry-over "Q" and "A" lines ~~to shall~~ begin at the left-hand margin;

(8) Colloquy and paragraphed material ~~to shall~~ begin no more than 10 spaces from the

(9) Quoted material ~~to shall~~ begin no more than 14 spaces from the left-hand margin with carry-over lines ~~to~~ beginning 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.

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 9 – Sunset Review**

=====  
Agenda Description: Review and approval of draft sunset report.  
=====

Brief Summary:

The Court Reporters Board is scheduled for sunset January 1, 2025. At the March 28, 2023, meeting, the Board discussed issues to be included in the draft report. The final report will be due to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions on January 4, 2024. Public hearings are anticipated to be held early in 2024.

=====  
Support Documents:

Attachment – Draft Sunset Review Report

=====  
Recommended Board Action: Staff recommends the Board review the draft sunset review report for finalization.

# **COURT REPORTERS BOARD**

## **BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM**

### **As of September 1, 2023**

#### **Section 1 – Background and Description of the Board and Regulated Profession**

##### **Brief History of the Court Reporters Board**

Established in 1951 by the Legislature to protect consumers from incompetent practitioners, the Certified Shorthand Reporters Board, now known as the Court Reporters Board of California (Board), tests, licenses, regulates, investigates, and disciplines members of the court reporting profession.

Court reporters are highly-trained professionals who stenographically preserve the words spoken in a wide variety of official legal settings such as court hearings, trials, and other pretrial litigation-related proceedings, namely depositions.

Judicial court reporters work either in courtrooms as official reporters or in the private sector as freelance reporters who provide deposition services as well as reporting civil proceedings in court and arbitrations. These court reporters are officers of the court, and their competence, impartiality and professionalism must be beyond question. A complete and accurate transcript of the proceedings made by an impartial third party is the cornerstone for all appeal rights. It is relied upon by the consumer as an accurate source of information, which includes testimony given under oath.

Particular to criminal cases, courts of appeal rely exclusively upon written briefs and written transcripts of court proceedings to determine whether there were errors in a trial's procedure or errors in the judge's interpretation of the law. A conviction – and thus an accused's freedom or, in some instances, an accused's life – can stand or fall based entirely upon what was said by a witness, a lawyer, a juror, or a judge solely reflected in the written transcript.

In civil cases, millions of dollars, lifelong careers, and the fate of business enterprises can hinge on what was said or what was not said in a deposition or at trial.

Additionally, the testimony in civil and criminal cases is often filled with technical terminology. A medical malpractice case, in which specialist experts on both sides commonly contradict one another, can involve complex technical medical terminology; criminal cases can involve scientific language related to DNA identification; anti-trust cases can involve expert testimony related to complex economic analyses, and so on. No matter how obscure or technical, such jargon must be verbatim in the written transcript, and court reporters must ensure the accuracy of the transcript.

Not only are there complex skills involved in the actual reporting of legal proceedings, but the practice of court reporting is dictated by a multitude of statutes and regulations. In the private sector, freelance court reporters are faced with numerous and increasingly complex ethical issues as these licensees seek to maintain their strict neutrality while working in private settings which frequently involve contentious, high-stakes litigation.

In addition to judicial court reporters, who must be licensed to practice, another field serviced by court reporters is captioning and communication access realtime translation (CART). Broadcast captioners provide translations for television, sometimes pre-recorded but often realtime as in the case of news and emergency reports. CART reporters provide realtime translation for the hard-of-hearing community in a variety of settings from the classroom to sporting events, church services, and theater performances.

Prior to January 1, 1983, state courts had been allowed to use noncertified reporters if they could demonstrate that a certified reporter was not available. Seeing the folly of this practice and serious consumer protection implications, in 1983 B&P Code section 8016 was enacted to require all court reporters working in state court to be licensed. Court reporters hired prior to 1983 can still maintain an exemption to the licensing requirement.

Until the 1960s, the Board allowed only licensed court reporters, known as certified shorthand reporters (CSRs), to own and operate companies offering court reporting services. The practice ceased, and in 1972, the Board began registering shorthand-reporting corporations. That process was rescinded by Assembly Bill 2743 (Chapter 1289, Statutes of 1992) when the Board decided that the registration duplicated the filing required by the Secretary of State's Office. (See Corporations Code section 13401(b) exempting "professional corporations" regulated by the Board from having to register.) Additionally, Corporations Code section 13410(a) requires "professional corporations" (those that provide services for which a license is required) to be "subject to the applicable rules and regulations adopted by, and all the disciplinary provisions of the Business and Professions Code expressly governing the practice of the profession in this state, and to the powers of, the governmental agency regulating the profession in which such corporation is engaged[.]"

Also, in 1972, the Board's authority was expanded to give the Board the responsibility to recognize court reporting schools and to set minimum curriculum standards for court reporting programs. Additional authorization to cite and fine schools was passed by the Legislature in 2002. (B&P Code 8027.5)

Beginning in 2022, the Board began registration of all entities offering court reporting services in California, ensuring consumers are protected whether they obtain services from a licensee-owned firm or non-licensee-owned firm.

While litigants may hire individual court reporters directly to report their proceedings, more typically court reporting services are arranged through firms. Firms act much like temporary agencies where they receive the job information from the litigant and subcontract the reporting to individual court reporters. The licensee reports the proceedings, produces the transcript, and provides the transcript to the firm. The firm then distributes the transcript to any parties that ordered the transcript and bills accordingly.

In the past, the rates that freelance reporters (those not employed by courts) could charge were set by statute. In a 1981 compromise package with the profession, the Legislature eliminated the regulation of rates and created the Transcript Reimbursement Fund (TRF), a special fund fully funded by a portion of the court reporters' licensing fees to ensure that the deregulation of rates did not result in harm to indigent litigants who otherwise could not afford the services of freelance court reporters. The TRF allows indigent litigants in civil cases access to reporter transcripts by reimbursing reporters for transcripts through the Transcript Reimbursement Fund.



In 2011, the TRF was expanded to allow qualified pro per litigants, those representing themselves without benefit of counsel, to apply for reimbursement. It started out as a two-year pilot program, and in 2013 it was made a permanent part of the fund.

Under the TRF program, the Board has paid more than \$9.5 million to licensed reporters. By law, the TRF may fund up to \$300,000 as long as the Board maintains a minimum of six months' operating expenses.

In 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF. The TRF is otherwise funded solely from new application and renewal fees.

### **Description and Responsibilities**

The Board regulates the court reporting profession through testing, licensing, and disciplining court reporters, who use the title designation Certified Shorthand Reporter (CSR). By statute, the use of the acronym CSR is restricted to those individuals who have a Board-issued license. In California, a person must be licensed to work as a court reporter in state courts (official reporter) or to act as a deposition officer (freelance reporter). Freelance reporters provide services as individual contractors or subcontracted through court reporting firms. Codes governing deposition/freelance reporters can be found in the Code of Civil Procedure 2025, et al. As of July 1, 2023, there were 6562 licensed CSRs in California, of which 5584 licensees are active and in good standing. As of the same date, there are 213 registered firms.

The Board also has oversight for schools offering court reporting education. Although the Board "recognizes" schools, there is no statutory authority for licensure of the schools. However, only court reporting schools recognized by the Board can certify students to qualify to sit for the CSR license examination. There are eight schools of court reporting recognized by the Board – six public schools and two private schools (Attachment A). The Board can discipline schools up to and including removing recognition. The Board can also issue citations and can issue fines to schools not in compliance with Board rules.

#### **1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment – Not Applicable).**

To conserve resources and funds, the Board currently has no active standing committees, but rather appoints task forces to work on specific issues as they arise. A specific example is the License Reciprocity Task Force, which was appointed in 2021 and finished its work in 2022. The Best Practice Pointers Task Force also met and developed additional pointers for publication, (Attachment C)

An organizational chart does not exist showing the relationship of committees to the Board and the membership of each committee because it doesn't apply to the Board's current structure. Table 1a. shows Board member participation in the various task forces.

The Board itself is comprised of five members, two of whom are licensed CSRs and three of whom are public members. The Governor appoints the two licensees and one of the public members. These three appointments require Senate confirmation. Of the two remaining public members, one is appointed by the Speaker of the Assembly, and the second is appointed by the Senate Rules Committee. All serve four-year terms. The members appointed by the Governor may serve up to a

60-day grace period at the end of their term. The members appointed by the Speaker of the Assembly and the Senate Rules Committee have up to a one-year grace period at the end of their term. There is a maximum of two consecutive full terms for appointments. There are currently no vacancies.

<b>Table 1a. Attendance</b>	<b>Elizabeth Lasensky</b>	Date Appointed: 10/15/2007, 6/6/2011 & 3/9/2016	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Toni O'Neill</b>	Date Appointed: 8/7/2010, 8/4/2011, 7/3/2013 & 7/27/2017	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	Yes
Task Force Meeting	6/26/2020	Remote	Yes
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	Yes
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	Yes
Board Meeting	8/20/2021	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Davina Hurt</b>	Date Appointed: 2/26/2013, 7/9/2015 & 5/19/2020	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	N/A
Task Force Meeting	6/26/2020	Remote	N/A
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	N/A
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	N/A
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	Yes
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Rosalie Kramm</b>	Date Appointed: 7/3/2013 & 7/27/2017	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/19/2018	Los Angeles	No

<b>Table 1a. Attendance</b>	<b>Carrie Nocella</b>	Date Appointed: 6/17/2016	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	No
Board Meeting	2/4/2019	Sacramento	No
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	No
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	N/A
Task Force Meeting	6/26/2020	Remote	N/A
Board Meeting	11/20/2020	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Robin Sunkees</b>	Date Appointed: 11/20/2019 & 7/21/2021	
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	Yes
Task Force Meeting	6/26/2020	Remote	Yes
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	Yes
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	Yes
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	Yes
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Denise Tugade</b>	Date Appointed: 5/5/2021	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Laura Brewer</b>	Date Appointed: 11/20/2021	
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	No
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Arteen Mnayan</b>	Date Appointed:	6/14/2022 & 7/6/2023
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

<b>Table 1a. Attendance</b>	<b>Michael Dodge-Nam</b>	Date Appointed:	6/28/2023
<b>Meeting Type</b>	<b>Meeting Date</b>	<b>Meeting Location</b>	<b>Attended?</b>
<i>Appointed after last meeting of FY 2022/23</i>			

**Table 1b. Board/Committee Member Roster**

Member	First Appointed	Re-appointed	Term Expires	Appointing Authority	Appointment Type
<p><b>Elizabeth Lasensky</b> Ms. Lasensky has a BA in English and a Masters in Library Science. She worked for 20 years as an administrator at Stanford University. She is active with Yolo MoveOn, Yolano Climate Action, the University Farm Circle, a member of the Davis Odd Fellows Lodge, and serves on the board and Advocacy Committee for the Yolo County Healthy Aging Alliance.</p>	10/15/2007	6/6/2011; 3/9/2016	6/1/2019 [Grace Period Ended 6/1/2020]	Senate Rules Committee	Public
<p><b>Toni O'Neill</b> Ms. O'Neill is freelance reporter focusing on pro tem work for the courts. She previously worked in the positions of official reporter, senior reporter, and supervising reporter during her 27-year tenure with Riverside County Superior Court. Prior to that, she worked as freelance court reporter and as an owner/partner of a deposition agency. She is a member of the National Court Reporters Association and past president of the California Court Reporters Association and has served on various committees for both professional associations.</p>	8/7/2010	8/4/2011; 7/3/2013; 7/27/2017	6/1/2021	Governor	Professional
<p><b>Davina Hurt</b> Ms. Hurt is a two-term councilwoman and past mayor of the City of Belmont. She serves as the San Mateo County cities representative to Bay Area Air Quality Management District Board. She was appointed to the California Air Resources Board in 2020. She has practiced law in California since 2005 after earning her J.D. at Santa Clara University School of Law with a specialized certificate in International Public law. She studied at the University of Strasbourg's International Institute of Human Rights and has a BA in History and Political Science with a minor in Biology from Baylor University.</p>	2/26/2013	7/9/2015; 5/19/2020	6/1/2023	Speaker of the Assembly	Public

<p><b>Rosalie Kramm</b> Ms. Kramm is a Certified Realtime Reporter and Registered Professional Reporter from San Diego, California, and President of Kramm Court Reporting. She has been working as a freelance deposition reporter in Southern California since September 1981, and specializes in technical, complex business, and realtime court reporting. She has been active in numerous industry associations, including being president of the Deposition Reporters Association of California, president of the Society for the Technological Advancement of Reporting, and serving on various committees for the National Shorthand Reporters Association.</p>	7/3/2013	7/27/2017	6/1/2021 [Resigned 8/17/2018]	Governor	Professional
<p><b>Carrie Nocella</b> Ms. Nocella is the Director of External Affairs at the Disneyland Resort. She is active in the community and represents the resort on multiple association boards and committees. Prior to joining Disney, she was an attorney in Sacramento having obtained her Juris Doctorate from University of the Pacific- McGeorge School of Law. She has served as an adjunct law professor at Chapman University School of Law where she received her Bachelor of Arts in Legal Studies and a minor in Spanish. She served as an intern for the United States Supreme Court and Congresswoman Loretta Sanchez.</p>	6/17/2016	N/A	6/1/2020 [COVID Extension to 11/3/2020]	Governor	Public
<p><b>Robin Sunkees</b> Ms. Sunkees of Carlsbad is freelance reporter focusing on pro tem work for the court. She was an official court reporter for the San Diego County Superior Court from 1991 to 2022, and an official court reporter for the Maricopa County Superior Court from 1986 to 1991. She was a court reporter for M.L. Spicer Reporting from 1985 to 1986. Ms. Sunkees is a member of the San Diego Superior Court Reporters Association, California Court Reporters Association, and the National Court Reporters Association.</p>	11/20/2019	7/1/2021	6/1/2025	Governor	Professional

<p><b>Denise Tugade</b></p> <p>Ms. Tugade is a Government Relations Advocate for SEIU United Health Workers (UHW) West. She previously served as staff in the California State Assembly from 2017 to 2020, most recently as Legislative Director for California State Assemblymember Christy Smith (D-Santa Clarita). She was the Assembly Democrats Volunteer and Mail Tree Program Coordinator for the Christy Smith for State Assembly Campaign in 2018. Tugade was a Legislative Aide for Assemblymember Lorena Gonzalez (D-San Diego) and was Communications Director and a Legislative Assistant for then-California State Assemblymember Monique Limón. She was a Senior Associate, AGILE and Human Centered Designed Lead, and Social Media Manager at Cambria Solutions, Inc. from 2015 to 2017. Tugade was a District Coordinator for the Tubehe Neza (Live Well) program at DelAgua Health Ltd. Rwanda in 2014. She is a graduate of the California Asian Pacific Islander Staff Academy. She is the immediate past president of the Feminist Democrats (Fem Dems) of Sacramento, and serves on the executive boards of the Young Asian American Pacific Islander Sacramento Democrats, New Leaders Council Sacramento, and Barkada Sacramento.</p>	5/5/2021	N/A	6/1/2024	Governor	Public
--	----------	-----	----------	----------	--------

<p><b>Laura Brewer</b></p> <p>Ms. Brewer, of Nevada City, has been a court reporter since 1981, working as a freelance deposition reporter, a conference reporter. She has worked as a Communication Access Realtime Translation (CART) captioner and as a realtime reporter since 1992. She is a member of the National Court Reporters Association (NCRA), the Deposition Reporters Association of California, and Intersteno. She has been recognized as a Fellow of the Academy of Professional Reporters (NCRA) and holds the highest levels of certification available. She has served on committees and in other volunteer roles for all three organizations and has successfully competed in steno competitions sponsored by each association.</p>	11/20/2021	N/A	6/1/2025	Governor	Professional
--	------------	-----	----------	----------	--------------

<p><b>Arteen Mnayan</b> Mr. Mnayan of Los Angeles is an attorney in the Land Use and Public Policy, Regulatory &amp; Political Law practice of Mayer Brown LLP's Los Angeles office. He primarily represents investors and developers in all aspects of the real estate entitlement and development process, focusing on land use entitlement matters, helping developers navigate state and local regulations and authorities, government outreach, and California Environmental Quality Act compliance. As an active member of the policy and land use community, he serves on the Los Angeles Business Council's Legislative Affairs Committee and the Valley Industry and Commerce Association's Land Use Committee and serves on the boards and committees of several non-profit organizations. During law school, he externed for the Central District of California Bankruptcy Court for the Honorable Victoria S. Kaufman. He earned his law degree from Loyola Law School, Los Angeles, and his undergraduate degree from the University of Southern California.</p>	6/14/2022	7/6/2023	6/1/2027	Senate Rules Committee	Public
<p><b>Michael Dodge-Nam</b> Mike Dodge-Nam of Los Angeles was appointed in 2023 to the Court reporters Board by the Speaker of the Assembly. Mr. Dodge-Nam currently serves as the Chief Business Officer of Roar Social. With over two decades of success, he has a track record of building and growing companies at the intersection of media and technology. Prior to Roar Social, he was Chief Operating Officer of Care Solace, where he focused on improving mental healthcare for school systems and their families. He has served in C-level roles at a wide variety of media and technology ventures and online publishing giants and has also held executive and management positions at Fortune 500 companies. He holds a BA in political science from the University of Chicago and an MBA from the Harvard Business School.</p>	6/28/2023		6/1/2027	Speaker of the Assembly	Public

**2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it affect operations?**

The Board has not had to cancel a meeting for lack of a quorum in the period since the last sunset review.

**3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:**

**Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

**All legislation sponsored by the board and affecting the board since the last sunset review.**

**All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

The Board has had a new chair since the fall of 2020, Ms. Robin Sunkees, a licensee member appointed by the Governor. The Governor appointed a new public board member in May of 2021, Ms. Denise Tugade, and in November of 2021, appointed a new licensee member, Ms. Laura Brewer. The Senate Rules Committee appointed Mr. Arteen Mnayan in June of 2022. The Speaker of the Assembly appointed Mr. Michael Dodge-Nam in June of 2023.

Strategic planning is conducted every three to five years. The prior strategic plan for 2019-2023 was adopted February 4, 2019, and is included in this report as Attachment D. The Board conducted its latest strategic planning session on August 31, 2023. Board staff will work with SOLID, DCA's training agency and facilitator for the strategic planning session, on completing the report for the Board's review at its spring meeting.

There have been a number of legislative changes affecting the court reporting industry since the last sunset review. In 2018, AB 2084 (Kalra) was signed into law, requiring firms that offer court reporting services to follow all the laws and regulations that apply to individual court reporters. This was another step forward on regulating non-licensee-owned firms, an initiative the Board had been pursuing for nearly a decade.

In 2020, SBG 1146 (Umberg) was signed into law. This bill made permanent an emergency measure put into place by the COVID restrictions which allowed court reporters to report depositions without being in the presence of the witness.

Another milestone for the Board occurred in 2021 when SB 241 (Umberg) was signed into law. This bill was a comprehensive firm registration bill. This was a huge benefit for consumers, who now are protected whether they hire a registered firm, regardless of whether or not it is owned by a licensee.

Also in 2021, adjustments were made to the Pro Per portion of the Transcript Reimbursement Bill with the passage of the 2021 Budget Act. The cap per case was changed from \$1500 to \$2500, and the \$75,000 per year cap on the overall Pro Per Program was removed.

The Budget Act of 2021 also included \$30 million in funding for courts to hire and retain court reporters in family and civil law courtrooms. After an initial delay for clarification, many courts are using that funding to offer a variety of hiring and retention incentives.

The Budget Act of 2021 made small but important clarifying amendments to the firm registration statutes, making it clear the law applied to all entities offering court reporting services no matter how the business was formed.

The Board is grateful for the passage of SB 1443 (Roth), which extended the Board's sunset date one year. This bill was signed into law in September of 2022.

Another milestone for the Board was as a result of the Budget Act of 2022. This legislation included the authority for the Board to license voice writers, an alternate form of verbatim reporting. This initiative was something the Board had been working on for five years.

Also included in the Budget Act of 2022 was an expansion of title protection. Prior to the passage of the legislation, only people who had passed the California license exam could use the terms "certified shorthand reporter" or "CSR." That list of terms was expanded to prohibit the use of "stenographer," "reporter," "court reporter," "deposition reporter," or "digital reporter," by non-licensees.



In 2019 regulations were approved to increase the Board's initial license and renewal fee to \$225.00. The current statutory limit is \$250.00. This increase was to solve a fiscal imbalance which did not allow the administration of the TRF.

In 2021 regulations were approved to implement AB 2138, which requires boards to amend their existing regulations governing substantially related crimes or acts as well as rehabilitation criteria.

And finally, in 2022, regulations were approved to set the fee for firm registration at \$500 annually.

#### **4. Describe any major studies conducted by the board (cf. Section 12, Attachment E).**

In 2020, the Board entered into an interagency agreement with the Office of Professional Examination Services (OPES) to have them evaluate the National Court Reporters Association's (NCRA) Registered Professional Reporter (RPR) certification as well as the state license exam of Texas. This review was to further the Board's efforts at exploring license reciprocity. The Texas exam was found to lack an occupational analysis, and the RPR was found to have an inadequate occupational analysis.

In 2022, the Board entered into a similar agreement with OPES to evaluate the National Verbatim Reporters Association's (NVRA) Certified Verbatim Reporter (CVR) certificate. This test is equivalent in speed to the RPR but is specific to voice writers. Work is currently underway on that evaluation.

In 2021, the Board conducted an occupational analysis, facilitated by OPES, to ensure that it is testing candidates on the skills and knowledge that are currently needed to enter the court reporting profession. The purpose was to define the profession in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure and in terms of the knowledge necessary to perform those tasks. The results of the occupational analysis provide the basis for the license examinations. The validation report is attached as Attachment E.

#### **5. List the status of all national associations to which the board belongs.**

**Does the board's membership include voting privileges?**

**List committees, workshops, working groups, task forces, etc., on which the board participates.**

**How many meetings did board representative(s) attend? When and where?**

**If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

The Board does not belong to any national associations.

## Section 2 – Fiscal and Staff

### Fiscal Issues

**6. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.**

The CRB is not continuously appropriated. It is set as an appropriation in the Governor’s budget.

**7. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.**

Per our fund condition reported prepared in August 2023, the Board is operating the current fiscal year of 2023-24 with months in reserve of 10.6. While the Board has been enjoying the benefits of cost-savings from remote meetings and testing, the Board maintains a close eye on the future years’ months in reserve to ensure it will not drop below the six-month operating reserves requirement for funding the TRF.

**8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.**

The Board is not projected to approach the six months’ threshold until FY 26/27. It is likely the Board will need to increase fees to the statutory cap of \$250 annually. Work on the regulations package to effectuate that change would likely begin in 2024.

**Table 2. Fund Condition**

(Dollars in Thousands)	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23 <sup>4</sup>	FY 2023/24 <sup>5</sup>	FY 2024/25 <sup>5</sup>
Beginning Balance <sup>1</sup>	\$435	\$349	\$606	\$818	\$1,068	\$1,225	\$1,212
Total Revenue	\$1,073	\$1,447	\$1,391	\$1,362	\$1,401	\$1,326	\$1,327
Revenue Transfer to Transcript Reimbursement Fund	\$0	\$0	-\$200	\$0	\$0	\$0	-\$100
Transfers to General Fund <sup>2</sup>	\$0	\$0	\$0	-\$39	\$0	\$0	\$0
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues and Transfers	\$1,073	\$1,447	\$1,191	\$1,323	\$1,401	\$1,326	\$1,227
Budget Authority	\$1,129	\$1,160	\$1,152	\$1,224	\$1,242	\$1,244	\$1,281
Expenditures <sup>3</sup>	\$1,143	\$1,185	\$1,027	\$1,073	\$1,244	\$1,339	\$1,376
Fund Balance	\$365	\$611	\$770	\$1,068	\$1,225	\$1,212	\$1,063
Months in Reserve	3.7	7.1	8.6	10.3	11.0	10.6	9.2

<sup>1</sup> Actuals include prior year adjustments

<sup>2</sup> Includes EO transfer to GF (AB 84)

<sup>3</sup> Expenditures include reimbursements and direct draws to the fund

<sup>4</sup> Estimate, based on FM 12

<sup>5</sup> Estimate, based on 2023 Budget Act

**9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?**

There are no outstanding loans at this time.

**10. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.**

A review of the data in Table 3 demonstrates that enforcement costs have increased only slightly since the last sunset review. A significant portion of the enforcement expenses is the Attorney General line item. Matters that are referred to the Attorney General's Office are more serious matters and, therefore, are more costly to resolve. There really is no predicting what type of complaints will be received nor how complicated they will be, which makes forecasting costs virtually impossible, and the, therefore, the Board relies on historical data to project out costs.

Examination expenses went down significantly in FY 2021-22 as the skills portion of the exam was completely online for that year. Expenses increased in FY 22-23 due to the cost of conducting the updated occupational analysis.

The licensing expenditures remain relatively stable with a slight downward trend reflecting the slight downward trend of the number of licensees.

The Board continues to be very conscious of keeping administrative costs as low as possible, and the data in Table 3 reflect those efforts.

<b>Table 3. Expenditures by Program Component</b>										
(Dollars in Thousands)	FY 2018/19		FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$150	\$86	\$150	\$108	\$129	\$79	\$140	\$71	\$161	\$62
Examination	\$120	\$103	\$120	\$133	\$103	\$127	\$112	\$78	\$129	\$186
Licensing	\$120	\$29	\$120	\$30	\$103	\$16	\$112	\$26	\$129	\$18
Administration *	\$250	\$40	\$254	\$38	\$227	\$21	\$251	\$32	\$281	\$23
DCA Pro Rata	\$0	\$152	\$0	\$144	\$0	\$142	\$0	\$155	\$0	\$155
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTALS</b>	\$640	\$410	\$644	\$453	\$562	\$385	\$615	\$362	\$700	\$444

\* Administration includes costs for executive staff, board, administrative support, and fiscal services.

\*\* Projections based on FM 12

**11. Describe the amount the board has contributed to the BreZE program.**

The Board has contributed \$168,389 to the BreZE program through FY 2016-17. It is anticipated the Board will contribute \$49,000 to the BreZE program in FY 2017-18.

*(Awaiting current data from Budgets for final report)*

**12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.**

Licenses are renewed annually, due on the last day of the licensee’s birth month.

In 1981, the profession initiated legislation that created the Transcript Reimbursement Fund (TRF) to fund payment of court transcripts for indigent litigants in civil matters. By law, a minimum of \$300,000 of the Board's total revenue must go to the TRF each July 1. To create this fund, licensing fees were increased from \$40 every two years to \$125 the first year, and \$60 the second year. Subsequently, annual renewal fees were increased to \$80 and then to \$100, in effect since before 1997. Beginning July 1, 2010, the renewal fee increased to \$125, the statutory limit at that time. Effective January 1, 2017, the statutory limit was raised to \$250.

The authority for the fees charged by the Board are found in Business & Professions Code sections 163.5, 8004, 8008, 8031, and section 2450 of Division 24 of Title 16 of the California Code of Regulations.

**Table 4. Fee Schedule and Revenue** (dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2018/19 Revenue	FY 2019/20 Revenue	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23 Revenue	% of Total Revenue
Delinquent Renewal - CSR	\$112.50	\$125	\$16	\$22	\$20	\$24	\$25	2%
Cite and Fine	Various	Various	\$19	\$13	\$10	\$13	\$4	1%
Duplicate Cert	\$5	\$10	\$0	\$0	\$0	\$0	\$0	0%
Initial License 1/2 - CSR	\$112.50	\$125	\$1	\$2	\$1	\$1	\$2	0%
Initial License - CSR	\$225.00	\$250	\$3	\$10	\$6	\$5	\$11	1%
Re-Exam Dictation	\$25	\$75	\$9	\$6	\$6	\$6	\$8	1%
Re-Exam English	\$25	\$75	\$3	\$3	\$3	\$3	\$5	0%
Re-Exam Prof Practice	\$25	\$75	\$2	\$2	\$3	\$3	\$4	0%
Application Fee - CSR	\$40	\$40	\$3	\$3	\$3	\$4	\$6	0%
Initial Ann Reg CRF	\$500	\$500	\$0	\$0	\$0	\$0	\$48	1%
Renewal Fee - CSR	\$225	\$250	\$928	\$1,371	\$1,331	\$1,298	\$1,267	93%
Surplus Money Investments	Various	Various	\$9	\$14	\$5	\$4	\$21	1%
Canceled Warrants	\$25	\$25	\$0	\$0	\$1	\$1	\$0	0%
Dishonored Check Fee	\$25	\$25	\$0	\$0	\$0	\$0	\$0	0%
Misc Revenue	Various	Various	\$80	\$1	\$2	\$0	\$0	1%
<b>Total</b>			<b>\$1,073</b>	<b>\$1,447</b>	<b>\$1,391</b>	<b>\$1,362</b>	<b>\$1,401</b>	<b>100%</b>

### 13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board has submitted no Budget Change Proposals in the interim period from the last sunset review period.

**Table 5. Budget Change Proposals (BCPs)**

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
<i>Not Applicable</i>								

## Transcript Reimbursement Fund

There are two programs under the Transcript Reimbursement Fund (TRF) (B&P Code sections 8030.1. through 8030.10). The first program, known as the Pro Bono Program, was established by the Legislature in 1981 and is available to pro bono attorneys representing indigent litigants. The second program, known as the Pro Per Program, was an expansion of the TRF in 2011 to qualified indigent pro per litigants. Both programs assist indigent litigants in civil matters; however, they differ in who may apply and how much monetary assistance is available to individual cases and all cases overall. The TRF is funded by annual license renewal fees and since its inception has reimbursed transcription costs totaling more than \$9.5 million.

Essentially, the criteria to qualify for reimbursement are:

The applicant must be either an indigent pro per litigant or a qualified legal services project, qualified support center or other qualified project representing an indigent litigant.

The case cannot be fee-generating.

The applicant must certify to refund the full amount of all reimbursements from the TRF from any award of court costs or attorney fees.

The TRF provides reimbursement for costs as outlined in B&P Code 8030.6.

<b>Transcript Reimbursement Fund (Pro Bono)</b>					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
No. of Requests for Reimbursement Received	4	30	164	124	94
No. of Requests Approved	0	0	156	117	84
No. of Requests Denied	4*	30*	8	7	10
Amount of Funds Disbursed	\$0	\$0	\$96,421	\$61,317	\$120,816
Amount of Funds Recovered by Judicial Award of Costs	\$8,331	\$3,737	\$21,475	\$666	\$5,742
<b>Transcript Reimbursement Fund (Pro Per)</b>					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
No. of Requests for Reimbursement Received	38	25	119	310	277
No. of Requests Approved	24	0	77	211	263
No. of Requests Denied	38*	25*	22*	9	12
Amount of Funds Allocations (Provisional Approval)	\$0	\$0	\$2,652	\$10,466	\$28,574
Amount of Funds Disbursed	\$10,139	\$846	\$8,043	\$33,678	\$57,409
Amount of Funds Recovered by Judicial Award of Costs	\$0	\$0	\$0	\$0	\$0

\* Includes applications returned during temporary closure.

Transfers are made from the Court Reporters Board Fund to the TRF in increments of \$100,000 up to \$300,000 per year. The Board must stop transfer to the TRF when the Board's reserve of operating expenses falls below six months. This threshold was reached in FY 2016-17, and the TRF was temporarily closed in April of 2018. The Board took restorative measures to increase its revenue resulting in a budget reserve healthy enough reopen the TRF on November 2, 2020. Part of these measures included an increase of licensing fees from \$125 to \$225 annually effective January 1, 2019.

In 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF. The TRF is otherwise funded solely from new application and renewal fees.

## Staffing Issues

### **14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.**

During the pandemic, the Board lost its half-time TRF Pro Per Staff Services Analyst. Existing TRF staff took on the additional work, which slowed application processing time. In July of 2023, the half-time OA position was increased to full-time with TRF training underway, and the backlog is being reduced.

### **15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment B).**

While recognizing the importance of training and staff development, with such a small staff, having a single staff person out of the office has a significant impact on the provision of services. All of the courses taken have been offered through the DCA at no cost.

Attached as Attachment B are the year-end organizational charts for the Board.

## Section 3 – Licensing Program

### **16. What are the board's performance targets/expectations for its licensing<sup>1</sup> program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

The primary objective of licensing court reporters is to ensure that consumers receive accurate, timely, competent service from court reporters who, through examination, have demonstrated at least a minimum level of competency at the time of the examination. The Board expects license and examination applications to be processed promptly in order to facilitate the entry of as many competent court reporters into the workforce as quickly as possible. Similarly, license renewals are to be processed as promptly as possible since court reporters may not work while their license fee is unpaid. The Board continues to meet these expectations by processing all applications and renewals within two to five business days. License renewals are due on the last day of the licensee's birth month, so staff is very mindful of the time-sensitive nature of payments coming in at the end of the month and works with licensees via phone and e-mail to verify receipt of renewals.

### **17. Describe any increase or decrease in the board's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?**

There has been no increase or decrease in the average time required to process applications or issue licenses. The Board does not have pending applications because they are processed promptly, typically within two to five business days. The Board sees no performance issues with its licensing program.

---

<sup>1</sup> The term "license" in this document includes a license certificate or registration.

**18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.**

There have been no denials for license or registration based on criminal history since the last sunset review.

**Table 6a. Licensee Population**

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
CSR	Active <sup>2</sup>	5686	5441	5169	4937	4752
	Out of State	640	634	675	755	821
	Out of Country	12	10	10	11	11
	Delinquent/Expired	1167	1156	1142	1097	970
	Retired Status <i>if applicable</i>	-	-	-	-	-
	Inactive	-	-	-	-	-
	Other <sup>3</sup>	-	-	-	-	-

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

**Table 6b. Licensee Population**

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
CRF	Active <sup>4</sup>	-	-	-	-	187
	Out of State	-	-	-	-	26
	Out of Country	-	-	-	-	-
	Delinquent/Expired	-	-	-	-	-
	Retired Status <i>if applicable</i>	-	-	-	-	-
	Inactive	-	-	-	-	-
	Other <sup>5</sup>	-	-	-	-	-

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

<sup>2</sup> Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

<sup>3</sup> Other is defined as a status type that does not allow practice in California, other than retired or inactive.

<sup>4</sup> Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

<sup>5</sup> Other is defined as a status type that does not allow practice in California, other than retired or inactive.



**Table 7a. Licensing Data by Type**

	Application Type	Received	Approved/ Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
FY 2018/19	(Exam)	54	54	0	-	-	-	-	-	-
	(License)	32	32	0	-	-	-	-	-	-
	(Renewal)	6306	6306	-	-	-	-	-	-	-
FY 2019/20	(Exam)	60	60	0	-	-	-	-	-	-
	(License)	66	66	0	-	-	-	-	-	-
	(Renewal)	6019	6019	-	-	-	-	-	-	-
FY 2020/21	(Exam)	55	55	0	-	-	-	-	-	-
	(License)	39	39	0	-	-	-	-	-	-
	(Renewal)	5815	5815	-	-	-	-	-	-	-
FY 2021/22	(Exam)	77	77	0	-	-	-	-	-	-
	(License)	35	35	0	-	-	-	-	-	-
	(Renewal)	5668	5668	-	-	-	-	-	-	-
FY 2022/23	(Exam)	107	107	0	-	-	-	-	-	-
	(License)	68	68	0	-	-	-	-	-	-
	(Renewal)	5516	5516	-	-	-	-	-	-	-

\* Optional. List if tracked by the board.

**Table 7b. License Denial**

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	
	CSR	CSR	CSR	CSR	CSR	CRF
License Applications Denied (no hearing requested)	0	0	0	0	0	0
SOIs Filed	2	3	1	0	0	0
Average Days to File SOI (from request for hearing to SOI filed)	209	78	49	0	0	0
SOIs Declined	0	0	0	0	0	0
SOIs Withdrawn	0	0	1	0	0	0
SOIs Dismissed (license granted)	0	0	0	0	0	0
License Issued with Probation / Probationary License Issued	1	1	0	0	0	0
Average Days to Complete (from SOI filing to outcome)	120	182	0	0	0	0

### 19. How does the board verify information provided by the applicant?

The clear majority of applicants qualify to take the CSR examination by completing a training program through a recognized California court reporting school. If qualifying through a court reporting school program, the applicant must also have passed one speed examination known as a qualifier.

A person applying for the first time must complete an Application for Examination (Form PDE-22-281), which is included as Attachment H, and submit it to the Board, together with the required qualifying documents and the fee indicated on the face of the application. Persons applying for reexamination do not need to requalify but must complete and submit an Application for Reexamination (Form PDE-29-281), which is included as Attachment I, together with the fee indicated on the face of the application. At the time of testing for each portion of the exam, an applicant is required to provide a current government-issued form of identification which includes a photograph.

A variety of basic information is required to be submitted by examination applicants as indicated on the application form, including the nature and length of any work experience that can be used to establish the minimum one year (1,400 hours) of qualifying work experience. Level and location of educational background is also requested, as is information regarding court reporting certificates from other organizations or states as well as any criminal convictions. Supporting documentation via copies of certificates is required, and work experience must be verified on the official letterhead of the employer. All qualifying documentation is checked via phone or electronically, i.e., through licensing agencies in other states.

**a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?**

The Board uses fingerprints to check the Department of Justice database for prior criminal history. If applicants are or have been licensed in another state, history of disciplinary actions is checked by contacting the licensing agency of that state.

The Board has denied six license applications since the last sunset review. Specifically, three applicants failed to disclose criminal convictions (misdemeanor theft; fraudulent check under \$500; and DUI) on their applications. All three applicants received their licenses with two years' probation.

Additionally, one applicant (two separate attempts to obtain licensure) was denied for failure to disclose criminal convictions (felony grand theft and misdemeanor petty theft); failure to disclose previous licensure in CA; and failure to disclose previous discipline in this and two other states. Ultimately, the applicant received their license with a public reapproval.

The last applicant failed to disclose a previous discipline in another state. The statement of issues was withdrawn by the Board, and the license was granted.

**b. Does the board fingerprint all applicants?**

All applicants for licensure must pass the CSR examination, and the Board has required fingerprints of all examination applicants since 1998.

**c. Have all current licensees been fingerprinted? If not, explain.**

Only those submitting applications for examination since 1998 have been fingerprinted. Anyone applying for the examination prior to 1998 has not been fingerprinted.

**d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?**

There is no national data bank for court reporters.

**e. Does the board require primary source documentation?**

The Board does require primary source documentation. For example, letters of recommendation are not acceptable as attesting to an applicant's work experience unless they are on official

letterhead. Otherwise, applicants must submit copies of actual job sheets to demonstrate experience.

**20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.**

There are no differences in the requirements for out-of-state and out-of-country applicants. All applicants must complete the same requirements in order to obtain licensure.

**21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.**

The Board considers court reporting experience with the military as an acceptable form of work experience for the license application.

**a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?**

The Board does track applicants who are veterans.

**b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?**

There have been no applicants offering military education, training, or experience for meeting licensing credentialing requirements.

**c. What regulatory changes has the board made to bring it into conformance with BPC § 35?**

The Board has made no regulatory changes to conform with BPC section 35 because the Board already accepts military experience to qualify for licensure.

**d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?**

The Board has waived fees for one licensee on active military duty. This has had a negligible impact on the Board's revenues.

**e. How many applications has the board expedited pursuant to BPC § 115.5?**

The skills or practical portion of the license examination cannot be expedited because of the nature of the examination itself. The two written portions of the license examination are available at any time so there is no reason for expedition.

**22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

The Board does this electronically on DOJ's website, and there is no backlog.

## Examinations

Table 8. Examination Data <sup>6</sup>				
California Examination (include multiple language) if any:				
	License Type: CSR	Exam Title		
		Dictation/Skills	English	Professional Practice
FY 2018/19	Number of 1 <sup>st</sup> Time Candidates	46	50	48
	Pass %	19.6%	62.0%	64.6%
	Fail %	80.4%	38.0%	35.4%
	Number of Overall Candidates	329	102	76
	Overall Pass %	5.5%	50.0%	63.2%
	Overall Fail %	94.5%	50.0%	36.8%
FY 2019/20	Number of 1 <sup>st</sup> Time Candidates	56	42	44
	Pass %	66.1%	61.9%	63.6%
	Fail %	33.9%	38.1%	36.4%
	Number of Overall Candidates	288	88	71
	Overall Pass %	27.1%	47.7%	63.4%
	Overall Fail %	72.9%	52.3%	36.6%
FY 2020/21	Number of 1 <sup>st</sup> Time Candidates	58	70	66
	Pass %	55.2%	77.1%	68.2%
	Fail %	44.8%	22.9%	31.8%
	Number of Overall Candidates	214	107	98
	Overall Pass %	21.5%	63.6%	64.3%
	Overall Fail %	78.5%	36.4%	35.7%
FY 2021/22	Number of 1 <sup>st</sup> Time Candidates	43	51	51
	Pass %	55.8%	66.7%	70.6%
	Fail %	44.2%	33.3%	29.4%
	Number of Overall Candidates	177	89	85
	Overall Pass %	20.9%	55.1%	64.7%
	Overall Fail %	79.1%	44.9%	35.3%
FY 2022/23	Number of 1 <sup>st</sup> Time Candidates	84	94	97
	Pass %	57.1%	76.6%	80.4%
	Fail %	42.9%	23.4%	19.6%
	Number of Overall Candidates	244	160	142
	Overall Pass %	26.2%	63.1%	69.7%
	Overall Fail %	73.8%	36.9%	30.3%
Date of Last OA			2023	2023
Name of OA Developer			OPES	OPES
Most Recent OA Date: July 2023				
<b>National Examination (include multiple language) if any: <i>Not Applicable</i></b>				

<sup>6</sup> This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

**23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?**

California has one license category for court reporters, Certified Shorthand Reporter (CSR), and it is a required California-specific examination. However, there are two methods of reporting: stenotype machine and voice writing. The same license exam is given to both types, and the same license is issued with a notification of which certification they have used to pass the exam.

The primary objective of licensing court reporters is to ensure that consumers receive accurate, timely, and competent service from court reporters who, through examination, have demonstrated a minimum level of competency.

All persons desiring to practice as a CSR in the state of California (Section 8017, Business and Professions Code) must possess a valid license issued by the Court Reporters Board. Licensure is attained by passing all parts of a three-part examination (CCR Title 16, section 2420): two written portions and one practical or skills portion. The first written portion is Professional Practice, a 100-item multiple choice examination which tests knowledge of medical and legal terminology, ethics, and code requirements. The second written portion is English, which is another 100-item multiple choice examination which tests minimum competency in grammar, spelling, and punctuation. Both written portions are administered via a computer-based testing vendor.

The practical examination (dictation/transcription portion) consists of a 15-minute exercise. The test is now offered online through a third-party vendor using live proctors for security. Via pre-recorded video, four readers replicate a courtroom or deposition situation and dictate from an actual court or deposition proceeding. They read at an average speed of 200 words per minute while examinees report the dictation on a shorthand machine or using voice writing equipment. The examinees are given two hours to transcribe the last ten minutes of their notes. They are graded on the transcription submitted. Successful candidates must achieve 97.5% accuracy.

Applicants must qualify to sit for the examination through one of three methods:

- A. One year of experience (a minimum of 1,400 hours) in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records.
- B. A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the Board contained in Title 16 of the California Code of Regulations.
- C. An RPR certificate from the National Court Reporters Association or CVR certificate from the National Verbatim Reporters Association demonstrating proficiency in machine shorthand reporting.

Applicants have three years to pass all three parts of the examination before they are required to take the entire examination again. They may take or retake the failed portions up to three times per year. During the three-year period, they are required to take only the previously failed portions of the examination. The executive officer has the delegated authority to extend the three-year pass requirement for up to one additional year for good cause.

Examinees who have passed all parts of the examination are eligible for licensure. Actual licensure is attained by submitting the statutorily-required fee and the forms provided by the Board.

The license exam is offered three times a year. A candidate may take each portion of the exam once per cycle.

The two written portions of the examination are developed in conjunction with DCA's Office of Professional Examination Services (OPES). Development of the English and Professional Practice portions of the CSR examination begins with an occupational analysis to identify current job knowledge and skills necessary for entry-level court reporters. Upon validation of the occupational analysis, an examination plan is developed to not only identify knowledge and skills required, but also to weight them based on how important and/or how frequently the knowledge or skill is required.

Upon completion of the examination plan, four types of examination development workshops are held. Groups of subject matter experts (SMEs) made up of working court reporters, facilitated by OPES, write questions for the two written exams, each question being tied to the current examination plan. A subsequent group of SMEs reviews the questions, adding finished questions to the test bank. A third group of SMEs constructs the actual examination by selecting questions from the bank, weighted in a manner reflective of the examination plan. Finally, a fourth group of SMEs sets the passing score for a particular examination in accordance with the California Code of Regulations, Title 16, Division 24, Article 3, section 2420, which outlines the Board regulation that requires the passing grades for the written examinations be determined by the Angoff criterion-referenced method.

There are two nationally-based, entry-level court reporter competency examinations. One is the Registered Professional Reporter (RPR) examination administered by the National Court Reporters Association (NCRA). The other is the Certified Verbatim Reporter (CVR) examination administered by the National Verbatim Reporters Association (NVRA). Holders of the RPR or CVR certification may apply to take the California CSR examination, but there is no straight reciprocity as there are significant differences between the two examinations in the areas of examination development, construction, and administration.

The exam is offered only in English as all proceedings are reported in English and the resultant transcript must be in English.

**24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?**

Table 8 shows pass rates for each of the three examination sections for the first-time candidates as well as the overall pass rates. For the skills portion of the exam, the average pass rate over the last four years overall is 23.93; for first-timers, it is 58.55. For the English portion of the exam, the average pass rate overall is 57.38; for first-timers, it is 70.58. For the professional practice portion of the exam, the average pass rate overall is 65.53; for first-timers, it is 70.70.

The Board uses the first-time pass rate to evaluate an exam. There is no requirement for unsuccessful candidates to return to school, and the Board has no way of knowing how much, if at all, any of these repeaters practice.

The CSR exam is only offered in English as all reporting and transcription is done in English only.

**25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?**

As of July 1, 2008, the Board has used computer-based testing for the two written portions of the license examination: English and Professional Practice. Once an applicant's qualifications are verified, staff forwards the candidate's information to the testing vendor, currently PSI, who in turn furnishes the candidate with all the information necessary to schedule and take the written portions of the examination. Results are returned to Board staff, who contacts the candidate with licensure or re-testing information. PSI has testing sites not only across California, but also across the United States.

Written exams are updated three times a year. Candidates may only take an examination once during the posting period, scheduled at their convenience.

Beginning in July of 2020, the Board moved to an online platform for the skills exam. The exam is available for three weeks during each of the three testing cycles. The exam is administered through a third-party vendor, Realtime Coach, which uses live proctors for security for the testing. The Board partnered with DCA's Office of Public Affairs to record a series of tests. The tests are developed from actual court and deposition transcripts and rigorously counted out for words and syllabic density. Candidates may choose the time best for them but must schedule 72 hours in advance in order for a proctor to be assigned. If they fail to pass the exam, the test they were assigned will no longer be available to them when they retest during the next testing cycle. Candidates may only test once time per exam cycle.

**26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.**

The Court Reporters Board is experiencing no issues affecting the processing of applications or administration of examinations

**27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?**

The most current occupational analysis was completed in July of 2023. It is included with this report as Attachment E.

**School approvals**

**28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?**

Business and Professions Code 8027 requires court reporting schools to be approved by the Board and the Bureau for Private Postsecondary Education (BPPE), be a California public school, or be accredited by the Western Association of Schools and Colleges (WASC). Any school intending to offer a program in court reporting must notify the Board within 30 days of the date on which it provides notice to or seeks approval from the California Department of Education, BPPE, the Chancellor's Office of the California Community Colleges, or WASC. The Board then reviews the

proposed curriculum and provides the school tentative approval or denial within 60 days. With an approval, the school then applies for provisional recognition by the Board. Once granted, the school must operate continuously for no less than three years during which time the school must have at least one person successfully complete the course and pass the CSR examination. Upon completion of those provisions, the school may be granted full recognition.

**29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?**

There are eight schools offering court reporting programs in the state of California. The Board grants “recognition” in order for a court reporting school to operate. Schools are asked to send written materials to the Board annually as part of the ongoing review process. No on-site visits have been made since the pandemic. The Board relies, instead, on information submitted annually by the schools regarding enrollment and curriculum.

**30. What are the board’s legal requirements regarding approval of international schools?**

No international schools have applied for Board recognition.

**Continuing Education/Competency Requirements**

**31. Describe the board’s continuing education/competency requirements, if any. Describe any changes made by the board since the last review.**

The Board does not currently have mandatory continuing education requirements for licensure; however, the Judicial Council requires continuing education for all its court employees, including court reporters. *(Questions a through i and Table 8a. are not applicable.)*

- a. How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department’s cloud?
- b. Does the board conduct CE audits of licensees? Describe the board’s policy on CE audits.
- c. What are consequences for failing a CE audit?
- d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?
- e. What is the board’s CE course approval policy?
- f. Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?
- g. How many applications for CE providers and CE courses were received? How many were approved?
- h. Does the board audit CE providers? If so, describe the board’s policy and process.
- i. Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee’s continuing competence.

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
<i>Not applicable</i>			



## Section 4 – Enforcement Program

### **32. What are the board's performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?**

A review of the enforcement division of the Board reveals a workload of approximately 120 complaints per year. The Board is staffed with one full-time enforcement analyst performing all enforcement activities. The majority of complaints requiring additional investigation involve a question of untimeliness of transcript delivery or the accuracy of a transcript of legal proceedings.

Additionally, the Board places a great deal of emphasis on prevention of complaints. Outreach is done via seminars to trade associations both remotely and in person. Enforcement staff responds to complaints and all inquiries (via telephone, fax, mail or e-mail) regarding the complaint process, license status, and the laws and regulations relating to the practice of court reporting.

Whenever possible and appropriate, enforcement staff resolves cases through informal mediation. The Board has found that not only does this quicker resolution save time and money for both parties, but it allows the licensee to continue practicing while the issue is resolved. Most licensees are cooperative once the Board outlines the penalties for noncompliance.

The Board's performance measures are published on DCA's website, included as Attachment F. The Board has set a target of five days for intake, the average cycle time from complaint receipt to assignment to investigator. This target is being met. The Board has a target of 60 days for intake and investigation, the average cycle time from complaint receipt and completion of the investigation process. The Board's average intake and investigation time during the period since the last sunset review is 146 days, meeting the goal of 60 days 50 percent of the time. The Board has a target of 540 days for formal discipline, which is the average number of days for completion of the entire enforcement process for cases resulting in formal discipline. The Board's average number of days for formal discipline is 331, meeting the target 100 percent of the time.

### **33. Explain trends in enforcement data and the board's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?**

The number of complaints filed over the last five years has remained relatively stable. The Board did see an increase in complaints for FY 2022/23 due to the implementation of firm registration. As firms found out and subsequently complied with the new law, the number of complaints related to firms has decreased.

The Board continues to see the main complaints that are filed with the Board are requests for assistance in obtaining a transcript of a reported proceeding. Possible factors could include a shortage of court reporters, which provides the reporter less time reporter to work on transcription, societal changes in work ethic or a combination of those and other factors.

<b>Table 9a. Enforcement Statistics</b>						
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	
<b>COMPLAINTS</b>	CSR	CSR	CSR	CSR	CSR	CRF
<b>Intake</b>						
Received	122	115	105	111	113	41
Closed without Referral for Investigation	0	0	0	0	0	0
Referred to INV	122	115	105	111	113	41
Pending (close of FY)	0	0	0	0	0	0
<b>Conviction / Arrest</b>						
CONV Received	3	0	0	0	0	N/A
CONV Closed Without Referral for Investigation	1	0	1	0	0	N/A
CONV Referred to INV	1	1	0	0	0	N/A
CONV Pending (close of FY)	2	1	0	0	0	N/A
<b>Source of Complaint<sup>7</sup></b>						
Public	61	68	82	90	86	13
Licensee/Professional Groups	27	25	9	18	9	26
Governmental Agencies	29	14	5	3	15	0
Internal	8	8	9	0	2	2
Other	0	0	0	0	0	0
Anonymous	0	0	0	0	1	0
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	1	1	1	1	1	1
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	0	0	0	0	0	0
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	1	1	1	1	1	1
<b>INVESTIGATION</b>	CSR	CSR	CSR	CSR	CSR	CRF
<b>Desk Investigations</b>						
Opened	125	116	105	111	113	41
Closed	100	91	184	101	116	38
Average days to close (from assignment to investigation closure)	67	82	347	35	49	45
Pending (close of FY)	54	88	8	18	17	3
<b>Non-Sworn Investigation</b>						
Opened	0	0	0	0	0	0
Closed	0	0	0	0	0	0
Average days to close (from assignment to investigation closure)	0	0	0	0	0	0
Pending (close of FY)	0	0	0	0	0	0
<b>Sworn Investigation</b>						
Opened	1	0	0	0	0	0
Closed	1	0	0	0	0	0
Average days to close (from assignment to investigation closure)	41	0	0	0	0	0
Pending (close of FY)	0	0	0	0	0	0

<sup>7</sup> Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

All investigations <sup>8</sup>						
Opened	125	116	105	111	113	41
Closed	100	91	184	101	116	38
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	67	82	347	35	49	45
Average days for investigation closures (from start investigation to investigation closure)	86	83	348	36	50	46
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	131	76	204	43	37	0
Average days from receipt of complaint to investigation closure	86	83	348	36	50	46
Pending (close of FY)	54	88	8	18	17	3
<b>CITATION AND FINE</b>	CSR	CSR	CSR	CSR	CSR	CRF
Citations Issued	17	18	11	16	9	0
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	75	18	130	37	82	0
Amount of Fines Assessed	\$ 22,250	\$ 15,550	\$ 14,000	\$ 23,750	\$9,000	\$ 0
Amount of Fines Reduced, Withdrawn, Dismissed	\$ 2,500	\$ 950	\$ 1,950	\$ 3,500	\$ 500	\$ 0
Amount Collected	\$ 10,700	\$ 12,650	\$ 6,800	\$ 13,083	\$ 3,567	\$ 0
<b>CRIMINAL ACTION</b>	CSR	CSR	CSR	CSR	CSR	CRF
Referred for Criminal Prosecution	0	0	0	0	0	0
<b>ACCUSATION</b>	CSR	CSR	CSR	CSR	CSR	CRF
Accusations Filed	4	4	4	3	2	0
Accusations Declined	0	0	0	0	0	0
Accusations Withdrawn	0	0	3	1	0	0
Accusations Dismissed	0	0	0	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	55	90	125	62	85	0
<b>INTERIM ACTION</b>	CSR	CSR	CSR	CSR	CSR	CRF
ISO & TRO Issued	0	0	0	0	0	0
PC 23 Orders Issued	0	0	0	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0	0	0	0
Referred for Diversion	0	0	0	0	0	0
Petition to Compel Examination Ordered	0	0	0	0	0	0
<b>DISCIPLINE</b>	CSR	CSR	CSR	CSR	CSR	CRF
AG Cases Initiated (cases referred to the AG in that year)	4	8	6	3	2	0
AG Cases Pending Pre-Accusation (close of FY)	2	2	0	0	0	0
AG Cases Pending Post-Accusation (close of FY)	1	4	1	1	2	0
<b>DISCIPLINARY OUTCOMES</b>	CSR	CSR	CSR	CSR	CSR	CRF
Revocation	3	3	3	1	1	0
Surrender	1	0	1	1	0	0
Suspension only	0	0	0	0	0	0
Probation with Suspension	0	0	0	0	0	0
Probation only	4	1	2	0	0	0
Public Reprimand / Public Reapproval / Public Letter of Reprimand	0	1	1	0	0	0
Other	0	0	0	0	0	0

<sup>8</sup> The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

<b>DISCIPLINARY ACTIONS</b>	CSR	CSR	CSR	CSR	CSR	CRF
Proposed Decision	2	0	2	0	0	0
Default Decision	1	3	2	1	1	0
Stipulations	5	2	3	1	0	0
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	152	174	184	143	105	0
Average Days from Closure of Investigation to Imposing Formal Discipline	283	243	237	237	163	0
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	337	298	328	415	180	0
<b>PROBATION</b>	CSR	CSR	CSR	CSR	CSR	CRF
Probations Completed	3	4	2	2	3	0
Probationers Pending (close of FY)	8	6	5	4	1	0
Probationers Tolerated	2	2	2	2	2	0
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	1	0	0	0	0	0
<b>SUBSEQUENT DISCIPLINE<sup>9</sup></b>	CSR	CSR	CSR	CSR	CSR	CRF
Probations Revoked	1	0	0	0	0	0
Probationers License Surrendered	0	0	0	0	0	0
Additional Probation Only	0	0	0	0	0	0
Suspension Only Added	0	0	0	0	0	0
Other Conditions Added Only	0	0	0	0	0	0
Other Probation Outcome	0	0	0	0	0	0
<b>SUBSTANCE ABUSING LICENSEES</b>	CSR	CSR	CSR	CSR	CSR	CRF
Probationers Subject to Drug Testing	0	0	0	0	0	0
Drug Tests Ordered	0	0	0	0	0	0
Positive Drug Tests	0	0	0	0	0	0
<b>PETITIONS</b>	CSR	CSR	CSR	CSR	CSR	CRF
Petition for Termination or Modification Granted	0	0	0	0	0	0
Petition for Termination or Modification Denied	0	0	0	0	0	0
Petition for Reinstatement Granted	0	0	0	0	0	0
Petition for Reinstatement Denied	0	0	0	0	0	0
<b>DIVERSION</b>	CSR	CSR	CSR	CSR	CSR	CRF
New Participants	0	0	0	0	0	0
Successful Completions	0	0	0	0	0	0
Participants (close of FY)	0	0	0	0	0	0
Terminations	0	0	0	0	0	0
Terminations for Public Threat	0	0	0	0	0	0
Drug Tests Ordered	0	0	0	0	0	0
Positive Drug Tests	0	0	0	0	0	0

<sup>9</sup> Do not include these numbers in the Disciplinary Outcomes section above.

**Table 10. Enforcement Aging**

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23		Cases Closed		Average %	
	CSR	CSR	CSR	CSR	CSR	CRF	CSR	CRF	CSR	CRF
<b>Investigations (Average %)</b>										
Closed Within:										
90 Days	75	67	88	93	101	37	424	37	72%	97%
91 - 180 Days	14	12	20	7	14	1	67	1	11%	3%
181 Days - 1 Year	4	11	21	1	1	0	38	0	6%	0%
1 - 2 Years	7	1	20	0	0	0	28	0	5%	0%
2 - 3 Years	0	0	12	0	0	0	12	0	2%	0%
Over 3 Years	0	0	23	0	0	0	23	0	4%	0%
Total Investigation Cases Closed	100	91	184	101	116	38	592	38	100%	100%
<b>Attorney General Cases (Average %)</b>										
Closed Within:										
0 - 1 Year	5	3	5	1	1	0	15	0	62.5%	0%
1 - 2 Years	4	2	2	1	0	0	9	0	37.5%	0%
2 - 3 Years	0	0	0	0	0	0	0	0	0%	0%
3 - 4 Years	0	0	0	0	0	0	0	0	0%	0%
Over 4 Years	0	0	0	0	0	0	0	0	0%	0%
Total Attorney General Cases Closed	9	5	7	2	1	0	24	0	100%	0%

**34. What do overall statistics show as to increases or decreases in disciplinary action since last review?**

The number of complaints has remained consistent, averaging 121 a year. There are two reasons for the relatively low number. First, court reporters are acutely aware of the law and the effects for acting outside of the law. Secondly, as the licensing examination tends to be quite difficult, most licensees are very careful not to place it in jeopardy.

**35. How are cases prioritized? What is the board's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.**

The Board uses the complaint prioritization guidelines from DCA. Under this model, enforcement staff reviews complaints upon receipt to determine the best course of action based on the priority assigned. These guidelines are included as Attachment K.

**36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?**

- a. What is the dollar threshold for settlement reports received by the board?
- b. What is the average dollar amount of settlements reported to the board?

The only mandatory reporting requirement is on the license renewal form on which licensees are required to self-report any convictions.

**37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.**

**a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

No cases settled prior to the filing of the accusation.

**b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?**

Of the 17 accusations filed, five were settled prior to hearing. Seven defaulted, two went to hearing, one was withdrawn, and two are pending.

**c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

Five cases settled out of the 17 accusations filed for an overall percentage of 29%. If the seven defaults are included, the overall percentage, the percentage is 71%.

**38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?**

The Board does not have a statute of limitations with regard to enforcement. There are statutory requirements for court reporters to retain their stenographic notes. California Code of Civil Procedure 2025.510(e) requires notes of depositions be retained for eight years from the date of the deposition where no transcript is produced and one year from the date on which the transcript is produced. On the official side, California Government Code 69955(e) requires notes to be retained for ten years from the taking of the notes in a criminal proceeding and five years in all other proceedings, except capital felony cases in which case the notes are only destroyed upon court order. If there is a complaint about accuracy of the transcript and the notes have been disposed of in accordance with the statutory requirements, there is nothing for the Board to review. If the court or court reporter continues to retain the notes, however, the complaint is processed normally.

**39. Describe the board's efforts to address unlicensed activity and the underground economy.**

There are court reporters who neglect to renew their licenses on time but continue to report, which is unlicensed activity from the standpoint that they are working without a current license. The Board issues citations and fines for this violation.

With the advent of remote reporting, there is an uptick in unlicensed reporting of depositions from reporters from other states. Even if the attorneys are remotely appearing from other states, if the witness is located in California, California laws apply. The Board has attempted to educate attorneys on the importance of hiring a licensed court reporter and encourages court reporters to state their license number at the beginning of each proceeding.

## **Cite and Fine**

**40. Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?**

Each complaint is considered on a case-by-case basis. Many factors go into the decision of whether to issue a citation and/or fine, including the violation, mitigating circumstances, prior issues (or lack thereof).

The Board has not increased its maximum fines to the \$5,000 statutory limit.

**41. How is cite and fine used? What types of violations are the basis for citation and fine?**

The cite and fine is used to gain compliance with the statutes and regulations governing court reporting, not as a form of punishment. The most common violations are untimely delivery of transcripts or unexcused failure to transcribe, unprofessional conduct, or working with an expired license (unlicensed activity).

**42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?**

There have been 19 informal conferences since the last sunset review.

**43. What are the five most common violations for which citations are issued?**

The most common violations for which citations are issued include the following:

- Failure to produce a transcript
- Untimely production of a transcript
- Working without a valid license
- Accuracy of the transcript
- Loss of stenographic notes

**44. What is average fine pre- and post- appeal?**

The average fine pre-appeal is \$905.26 and post-appeal is \$594.73.

**45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.**

Staffing resources are such that this option is currently not used.

## **Cost Recovery and Restitution**

**46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.**

The Board's policy is to request cost recovery in every instance where the case merits recovery and is ordered by the administrative law judge or negotiated through a stipulated settlement. Typically, the amount ordered in a cost recovery encumbers costs for the Attorney General's Office only. The Board

is generally successful in collecting these amounts, as seen on Table 11, with the use of a payment plan to assist the licensee in paying over time.

**47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.**

As demonstrated in Table 9a, there have been 11 revocations in the last five fiscal years, three voluntary surrenders, and seven placed on probation. Table 11 shows the amounts ordered and collected for those years. Another tool the Board has employed in obtaining full recovery is working with probationers to set up a payment plan over time, rather than demanding the payment in full at the time of the decision.

**48. Are there cases for which the board does not seek cost recovery? Why?**

Cost recovery is always initially requested, but on a very rare occasion the Board will abandon the request as part of a stipulated settlement.

**49. Describe the board’s use of Franchise Tax Board intercepts to collect cost recovery.**

Staffing resources are such that this option is currently not used.

**50. Describe the board’s efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.**

There is no statutory authority for Board-ordered restitution. However, the Board has maintained a proactive stance in assisting consumers in receiving money owed to them. The claims are based on fees charged by official court reporters for transcripts, which are regulated by law in Government Code 69950. There are no statutory fee requirements for work performed in a deposition or hearing setting by a freelance reporter.

<b>Table 11. Cost Recovery<sup>10</sup></b> (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	\$ 23,6000	\$ 25,8000	\$ 208,000	\$ 211,000	\$ 223,000
Potential Cases for Recovery *	7	5	7	2	1
Cases Recovery Ordered	3	0	3	0	0
Amount of Cost Recovery Ordered	\$ 4,737.50	\$ 0	\$ 6,522.50	\$ 0	\$ 0
Amount Collected	\$ 2,229.62	\$ 2,206.50	\$ 6,639.50	\$ 1,630.00	\$ 500.00

\* “Potential Cases for Recovery” are those cases in which disciplinary action has been taken based on violation of the license practice act.

<b>Table 12. Restitution</b> (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	0	0	0	0	0
Amount Collected	0	0	0	0	0

<sup>10</sup> Cost recovery may include information from prior fiscal years.



## Section 5 – Public Information Policies

**51. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?**

The Board uses its website, [www.courtreporters.ca.gov](http://www.courtreporters.ca.gov), to provide transparency into the Board's activities. It is the Board's intent to post as much information as possible as more and more people are gaining information via the Internet. On the Board's website, the public can find out who the Board members are, where and when the Board meets and hold exams, everything from the Board's history to its current strategic plan. Additionally, applicants can obtain information regarding all three portions of the license examination, from application to grading policies, lists of court reporting schools to examination statistics broken down by school. The Consumer tab gives information on the complaint process, including providing the complaint form, information on disciplinary action taken against licensees, and information on how students may complain. Complete information about the Transcript Reimbursement Fund has been moved to a dedicated tab.

The Board makes every effort to have meeting materials available via the website ten days before the actual meeting date. Minutes from meetings are posted as soon as they are approved by the Board. Minutes from past Board meetings are available back to 2009. Draft minutes are not posted.

**52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?**

The Board utilizes the services of DCA's Office of Public Affairs (OPA) to webcast its meetings when sufficient Internet services are available at the meeting location and OPA has staff available. The Board prefers to webcast all of their Board meetings but does not webcast task force meetings. The webcasts are available online for a couple years, as DCA's server space is available. Since the pandemic, the Board has used WebEx to conduct remote meetings. With the expiration of the Bagley-Keene waivers, the Board meets in person but also used the WebEx platform to allow the public to attend. The Board has seen an increase in public participation when offering a remote platform.

**53. Does the board establish an annual meeting calendar, and post it on the board's web site?**

The Board does not establish an annual meeting calendar but does post meetings on the Board's website as soon as the date and location are confirmed.

**54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?**

The complaint disclosure policy is set by Business and Professions Code 8010. It provides that information regarding a complaint against a specific licensee not be disclosed until the Board has filed an accusation and the licensee has been notified of the filing of the accusation against his or her license. This does not apply to citations, fines, or orders of abatement, which are disclosed to the

public upon notice to the licensee. These are also posted on the Board's website. This is consistent with DCA's complaint disclosure and public disclosure policies

**55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?**

The Board verifies whether a license is in good standing, when it was issued, and when it will expire, as well as an address of record. All disciplinary actions, including citations and fines, are available to the public on the Board website."

**56. What methods are used by the board to provide consumer outreach and education?**

The Board utilizes its website and social media accounts as the main source of consumer education.

Licensee Board members and the executive officer participate in trade association meetings at local, state, and national levels. They also make presentations at career fairs and high school events. Seminars are prepared and given at industry meetings as well as at court reporting schools.

To maximize resources, the Board continually seeks to develop other outreach methods, including renewal form inserts and webinars. Additionally, the Board utilizes an e-mail subscription service to alert interested parties as to Board activities.

## **Section 6 – Online Practice Issues**

**57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?**

The court reporting industry has used videoconferencing for many years, but pre-pandemic its use was occasional. During the pandemic, attorneys embraced the videoconference platform, and all depositions were conducted remotely. When courtrooms opened again, the reporter was required to be in the courtroom with the judge. The exception to this is some civil trials were conducted remotely, including the court reporter. Post-pandemic, depositions have remained mostly remote.

Remote reporting comes with its own set of challenges. Connectivity issues can make it hard or even impossible for the court reporter to report, and sometimes it's the court reporter that is dropped from the proceeding. To help navigate this world, the Board developed Best Practice Pointers for Remote Reporting. This has helped answer many questions from the field, but this is definitely an evolving field as everyone tries to successfully made the transition.

## **Section 7 – Workforce Development and Job Creation**

**58. What actions has the board taken in terms of workforce development?**

The biggest step forward in terms of workforce development for the Board has been the ability to license voice writers. Voice writers do the exact same job as steno writers but with different equipment. Voice writers program personal dictionaries using voice recognition software while steno writers use a stenotype machine with computer aided transcription software.

Testing voice writers expands the candidate pool for the license exam as voice writing is already practiced in 38 other states and the military. Because it's already in use, there are many training programs in place.

Additionally, the training program is much shorter than it is for steno writers. Steno writers must learn a form of shorthand that is equivalent to learning a foreign language. Voice writers use a shorthand that is based on English. There is also a higher completion rate for the voice writer training program than the steno training program.

The shorter training period and the higher completion rate allow voice writing programs to better align with vocational education requirements. The first CRB-recognized school to teach voice writing has a waiting list for enrollment. At least three other schools are including voice writing in their court reporting programs, and enrollment is up.

In addition to licensing voice writers, the Board has explored a number of license reciprocity options and is currently working with OPES to evaluate the CVR certification from NVRA.

**59. Describe any assessment the board has conducted on the impact of licensing delays.**

The Board has experienced no licensing delays.

**60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

Board staff meets with schools as a group three times a year as a guest at their association meeting. Board staff is also available upon request to speak at court reporting schools at all levels, from beginning classes to more advanced classes.

**61. Describe any barriers to licensure and/or employment the board believes exist.**

To be very literal, the only barrier to employment is licensure and successful completion of the license exam. The license exam is difficult but rigorously reviewed to ensure it is testing for entry-level skills only.

**62. Provide any workforce development data collected by the board, such as:**

**a. Workforce shortages**

The court reporting industry has suffered the same post-pandemic labor shortages in every other segment of the economy. Remote reporting is helping in the deposition field as reporters are more easily able to cover multiple depositions in a single day without the travel time to and from actual deposition locations.

The Judicial Council has reported a shortage of court reporters. Unfortunately, beginning in 2011, court stopped providing court reporters in civil matters, forcing civil litigants to privately hire court reporters in order to have a record for appeal. This has created a thriving freelance market for civil court work. While the rates for transcripts are set in statute, other costs, such as appearance fees, are not. The courts now have a challenge making an official position competitive with the freelance marketplace.

**b. Successful training programs.**

Pass rates for each school are included as Attachment J.

**63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?**

The court reporting industry is long been welcoming to low-income and minorities. The flexible schedule of deposition work makes it attractive for single parents yet allowing them to earn enough to support their families. The workforce is mainly women and is very diverse as far as ethnicity.

On the consumer side, the Board administers the Transcript Reimbursement Fund to help qualified indigent litigants pay for their civil transcripts.

**Section 8 – Current Issues**

**64. What is the status of the board’s implementation of the Uniform Standards for Substance Abusing Licensees?**

Substance abuse has not manifested itself as an issue with the court reporting industry. The rare cases that appear are dealt with on a case-by-case basis.

**65. What is the status of the board’s implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?**

The Board participates in updating and standardizing its enforcement reporting as a part of the DCA’s continuing support and tracking, more currently referred to as Enlighten Enforcement. As demonstrated in the Board’s performance measures, enforcement targets have been set and progress is monitored to ensure goals are achieved.

**66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.**

**a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board’s change requests?**

The Board is not on BreEZe.

**b. If the board is not utilizing BreEZe, what is the board’s plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board’s understanding of Release 3 boards? Is the board currently using a bridge or workaround system?**

The Board is currently in the process of changing to the Connect system through an extensive IT modernization project funded by a grant from the California Department of Technology’s Technology Modernization Fund. Board staff worked with DCA’s Office of Information Services to compete for funds, and it was granted \$960,000 for the Board’s IT modernization efforts.

## Section 9 – Board Actions and Responses to COVID-19.

**67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.**

During COVID, an emergency measure was put in place via legislation authored by Senator Umberg, which waived the requirement for the court reporter to be in the physical presence of a party witness. Post-COVID, this waiver was made permanent as the deposition field continues to embrace the remote platform.

The biggest change resulting from the COVID restrictions was switching the in-person skills portion of the license exam to an online platform. Luckily, a contract was in place as the Board was beginning a pilot project to offer online testing as well as in-person testing. Tests were developed, recorded and uploaded to the third-party vendor, Realtime Coach. This allowed the board to continue to issue licenses without any gap at all, an important protection for consumers.

There have been two benefits as a result of the online move. The biggest benefit has been the stabilization of pass rates. Historically, the pass rate would vary greatly, from as low as 13.5% to as high as 87.8%. Since the online change, pass rates have varied only between 50% to 58.8%.

The second benefit has been economic. The in-person tests are offered at hotels as two large rooms are required, one for dictation and one for transcription. The transcription room requires a power source for laptops and printers for 100 people. In addition to the cost of the actual meeting space, the travel cost for Board staff and the dictation readers is necessary.

The cost savings was not just to the Board, but also to the candidates, who saved travel and hotel costs.

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

(Following are the issues from the prior oversight committee, the prior committee staff recommendation, and the prior Board's response. Current Board responses are indicated by \*\* and are underlined.)

**Issue #1: What is the status of the Transcript Reimbursement fund?**

**Staff Recommendation: *The Board should report at the hearing on the most recent revenue and expenditure projections for the Court Reporters Fund and when transfers to the TRF will resume.***

**Board Response:** Funded completely from court reporter license fees, the TRF was set up to assist qualified indigent litigants with transcript costs. The fund has two programs. The main fund, or Pro Bono Program, was set up in 1981 and requires indigent litigants to have a pro bono attorney handling the case. In 2011, a two-year pilot project was developed to allow pro per litigants, litigants representing themselves, access to the fund. The pilot project was a success and is now a permanent part of the TRF as the Pro Per Program. Business and Professions Code (BPC) 8030.2 authorizes the Board to transfer funds to the TRF in increments of \$100,000 for a total of \$300,000 annually.

During the Board's last sunset review, the cap for the Pro Per Program was raised from \$30,000 to \$75,000. This became effective January 1, 2017, and the Board was able to process twice the number of claims as in prior years. The Pro Bono Program receives \$225,000 from the total amount transferred.

Another change as a result of the last sunset review was the exclusion of vexatious litigants from the TRF beginning January 1, 2017. As a result of that change, 45 applications have been returned.

BPC 8030.2(a) provides that a transfer to the TRF shall not be made by the Board if the transfer will result in the reduction of the balance of the Court Reporters Fund to an amount less than six months' operating expenses. The Board was unable to transfer funds to the TRF beginning in fiscal year 2017-18. The Board was able to continue to process applications received through July 6, 2017, with the remaining funds previously transferred to the TRF. At the time the TRF ran out of money, the Board's fee increase regulations package was still under Department and Agency review and had not yet been submitted to OAL for review. Therefore, it was deemed prudent to send the remaining applications back to the claimants with information on how to resubmit when the fund re-opened.

The license fee increase portion of the regulations package was approved and became effective January 1, 2019. The latest revenue and expenditure projections indicate that a transfer can be made in July 2020. The Board is working with DCA Budgets to closely follow revenue projections monthly as the license fee increase goes through its first year of implementation. By February of 2020, we will have a full year of data with the increase in place, which will allow us to better project when a transfer could be made. The intention is to transfer \$100,000 as soon as the Board is able to do so without compromising the required six months' operating expenses reserve.

\*\*\*Current Board Response: The Board re-opened the TRF in November of 2020 with an initial transfer of \$100,00 from the Court Reporters Fund. The Board contacted pro bono firms and the courts statewide to notify as many users as possible. Additionally, the Board notified stakeholders via its website and social media accounts and informing the state trade associations. Since reopening the TRF, the Board has processed 765 applications, approving \$377,682.

For additional funding, in 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF.

**Issue #2: Should certified shorthand reporters be allowed to use "voice writing" systems?**

**Staff Recommendation: *The Business & Professions Code should be amended to clarify that voice writing is authorized as a method of shorthand reporting. Further, the Business and Professions Code should be amended to require a certified shorthand reporter to demonstrate competence, through the practical examination, in whichever or both forms of shorthand reporting that the reporter would then be authorized to use under the certification.***

**Board Response:** At its July 2018 meeting, the Board was able to view a demonstration of voice writing realtime technology. It became apparent to the Board that voice writing and steno writing are the same skill but using differing technologies to capture the shorthand. Because of the similarity, voice writers will be able to take the exact same examination in order to become certified.

The Board originally proposed testing current licensees who want to switch from steno writing to voice writing but discovered it does not have legislative authority to do so. Legislative staff recommends demonstrating competency in either or both methods, grandfathering in all current licensees as steno writers. A legislative change will be needed to affirm that current certificate holders will have to retest the skills portion of the exam if they wish to change reporting methodologies.

The Board is happy to place the legislative staff recommendations on the next meeting agenda for consideration.

\*\*\*Current Board Response: The Board has been licensing voice writers since November of 2022 as a result of trailer bill language passed effective July of 2022. The Board has issued five licenses to voice writers to date.

Currently four of the CRB-recognized court reporting programs have added voice writing programs to their curriculum, and enrollment is increasing.

The Board is working on submission of a regulations update to the Office of Administrative Law to update the curriculum requirements to include voice writing. To clarify, only the skills portion of the license exam and training programs has changes as the academic portions are the same for both methods of reporting.

**Issue #3: Should the Board require certified shorthand reporters to meet new continuing education requirements?**

***Staff Recommendation: The Board should report to the committees on what information it believes should be included in a continuing education requirement, who would provide such continuing education, at what cost [to] certified shorthand reporters, and whether there are any other means available to the Board to assist certified shorthand reporters in keeping apprised of changes in law or regulation.***

**Board Response:** A continuing education requirement of 30 hours over a three-year period, which is similar to the requirements to maintain national certification, is the Board's recommendation. Additionally, 10 of those hours should be ethics courses. The Board suggests a mandate from the Legislature requiring proof of completion be sent to the Board as a condition of license renewal. The Board will track the continuing education with existing staff.

Because there is already a requirement for continuing education for national certification as well as for official court reporters in California, there are many companies providing classes offered for continuing education credit. The cost for continuing education courses varies from conference/seminar registration for state and/or national events, to free tests given on material provided by the national association. In addition to allowing for a discretionary hardship waiver, the Board would work with SOLID, DCA's training unit, to develop testing materials on Board publications such as their newsletter or website.



The Board keeps its website updated with all changes to laws and regulations as well as publishing a newsletter twice a year with such changes. The Board also distributes news of law and regulation changes via its email subscription list. All of these alternate methods of education are voluntary and already in place, suggesting the mandatory component would be necessary to ensure all licensees are up-to-date.

\*\*\*Current Board Response: The Board is supportive of mandatory continuing education for court reporters to help ensure reporters are current with changes in technology, laws, and regulation. While a number of court reporters pursue higher certifications through the National Court Reporters Association, there are many reporters who feel that once they pass the California license exam, they are finished with their education. While the Board strives to inform licensees of industry changes, there is no way to ensure all licensees are keeping up to date.

#### **Issue #4: What is the Board's plan for implementing an online skills examination?**

***Staff Recommendation: The Board should report to the committees on its efforts to implement online testing, including the time frame for implementation, projected costs/cost savings, the procedures that will be used to ensure that the online test is secure, and protections that will be used to prevent fraudulent test taking.***

**Board Response:** The Board is finalizing the contract to implement online skills testing and should be able to offer an online option to candidates beginning with the July 2019 testing cycle. This is the culmination of work done by a task force made up of educators and court reporters from across the state. The Board reviewed their findings and adopted a plan to move forward at their July 2017 meeting. Extensive vetting was done with the testing vendor to ensure that the test will be secure. In addition to the current methods used to verify candidate identification, the online test will be monitored by a live proctor. Candidates will need a webcam that can pan the room to ensure only the candidate is present. Once that and the identification is verified, the webcam will be placed to show the candidate's hands. Candidates will have a set amount of time to upload their notes after reporting the examination, after which they will complete the editing process and upload a final transcript. As is the current practice, candidates that pass the exam will have their notes reviewed.

The Board will save between \$50,000 and \$75,000 per year by moving the skills portion to an online format. That represents the cost of the hotel contract as well as staff travel costs. There will also be a cost savings to the candidates who will not have travel and hotel expenses.

\*\*\*Current Board Response: The Board successfully moved to online testing of the skills portion of the exam in July of 2020. The initial plan was to offer both online and in-person testing, but the advent of the COVID pandemic forced the testing to be offered only via a remote platform.

The Board uses a third-party vendor, Realtime Coach, to administer the online skills testing. Candidates are offered a random test from the test bank under the supervision of a live remote proctor who also oversees the transcription of the test by the candidate. In addition to realizing cost savings to the Board, candidates also enjoy the freedom from travel and hotel expenses associated with in-person testing.

The secondary benefit has been the stabilization of pass rates. Historically, the pass rate would vary greatly, from as low as 13.5% to as high as 87.8%. Since the online change, pass rates have varied only between 50% to 58.8%.



**Issue #5:** Does the new test for determining employment status, as prescribed in the court decision *Dynamex Operations West Inc. v. Superior Court*, have any potential implications for licensees working in the shorthand reporting profession as independent contractors?

**Staff Recommendation:** *The Board should inform the committees of any discussions it has had about whether the Dynamex decision may somehow impact the current practice of shorthand reporting.*

**Board Response:** The Board has not discussed the Dynamex decision. The current business practice in the freelance arena is for court reporting firms to hire court reporters as independent contractors, and the Dynamex decision will have an impact on that business model. However, the Board has no jurisdiction over whether a firm hires court reporters as employees or as independent contractors.

\*\*\*Current Board Response: The Board still does not have jurisdiction over whether a court reporting firm decides to hire court reporters as employees or independent contractors.

**Issue #6:** Is the Board able to enforce court reporting statutes against foreign court reporting corporations?

**Staff Recommendation:** *The Board should advise the Committees as to whether the Board believes that the unpublished appellate ruling in the Holly Moose case indicates that the courts would revisit the Board's authority over out-of-state corporations that arrange shorthand reporting services and whether the Board intends to begin taking disciplinary action against out-of-state corporations for unlicensed practice.*

**Board Response:** No, the Board is not able to enforce the entirety of court reporting statutes against foreign court reporting corporations, but it can now bring a civil action against them in some instances. Due to the successful passage of Board-sponsored AB 2084 (Kalra), BPC section 8050 was added to the Board's practice act. BPC section 8050 lists those, to include non-licensee-owned firms, that shall not charge for a transcript formatted in violation of the Minimum Transcript Format Standards, which are defined in regulation. Nor may they charge any fees for court transcripts other than the fees set out in the Government Code. Additionally, all transcripts must be made available to all parties at the same time, and all parties must be notified of a request for preparation of all or any portion of a transcript, including excerpts and expedites.

While the remedy for these violations is civil litigation rather than an administrative action directly from the Board, it is now clear that the requirements of this section apply to out-of-state corporations, and there is a civil remedy for violation. As with all enforcement decisions, the Board would investigate and evaluate each complaint individually.

As far as being able to enforce the remaining body of law that pertains to court reporting against foreign court reporting corporations, the Board currently lacks jurisdiction to enforce its laws against foreign corporations because the BPC does not currently authorize "foreign professional corporations" to perform court reporting services (*Court Reporters Board of California v. U.S. Legal Support*, Corrected Final Statement of Decision, 111CV197817, pp 5-6, June 21, 2012).

The Board is currently in a powerless position where it cannot enforce court reporting statutes against foreign court reporting corporations because they do not meet the definition of "foreign professional corporation" as set out in Corporations Code section 13401(c), yet the Board cannot cite them for

unlicensed activity either because there is no requirement for businesses to be licensed with the Board.

The Board cannot speculate based solely upon the unpublished appellate ruling in *Moose v. U.S. Legal* whether the courts would revisit the Board's authority over out-of-state corporations. The Board would rather obtain clarity from the Legislature than use its scarce resources to fund another lawsuit in an unpredictable attempt to clarify jurisdiction. To enforce all court reporting laws universally, the Board would need a statute specifically authorizing foreign professional corporations to perform court reporting services.

Some members of the industry have attempted to characterize the Board's lack of jurisdiction as a lack of willingness to take action against out-of-state corporations for unlicensed practice. Current law is not specific enough for the Board to successfully pursue such an action. Existing law is silent as to foreign professional corporations, neither restricting them from practice nor granting them authority to do so.

To enable the Board to enforce its court reporting statutes and regulations against foreign court reporting corporations, the Board needs a statute added to Article 5, "Shorthand Reporting Corporations" of Chapter 13, of Division 3 of the BPC authorizing "foreign professional corporations" to perform court reporting services. Clarification of jurisdiction from the Legislature would greatly benefit the California consumer, who would then be able to turn to the Board for problems if needed.

\*\*\*Current Board Response: The passage of SB 241 (Umberg) in September 2021 allowed the Board to begin registration of court reporting firms. It took the better part of a year to get the IT infrastructure in place, and registration began in July of 2022.

This is a huge benefit to the consumers of California. Prior to the passage of the bill, consumers that happened to hire a firm that was not owned by a licensee had no assistance from the Board in resolving a complaint. Now the Board is able to investigate and act if a violation is found.

The Board currently has 213 registered firms.

#### **Issue #7: What is the status of BreZE implementation by the Board?**

**Staff Recommendation: *The Board should update the Committees about the current status of its Organization Change Management Process and the most-recent timelines for replacing its existing information technology system.***

**Board Response:** Facilitated by SOLID, DCA's training unit, the Board has completed all of the mapping of its business processes. In the next step, DCA will be using the business mapping to identify the Board's business requirements. The required Project Approval Lifecycle (PAL) approval process for all technology projects is underway. The Board and DCA have begun drafting the Stage 1 documentation on schedule as of February 2019. As the PAL process moves forward, the Board looks to join other boards to gain efficiencies in the procurement process and identify cost sharing opportunities. The current schedule is as follows:

- PAL Stage 1 – Begins 2/2019
- PAL Stage 2 – Begins 5/2019
- PAL Stage 3 – Begins 9/2019
- PAL Stage 4 – Begins 12/2019
- Project/Development Begins – 6/2020

\*\*\*Current Board Response: The Board has elected not to use the BreEZe platform. Instead, it has opted to develop inLumon's (Connect) commercial off the shelf (COTS) license management software that is currently utilized by ten (10) Boards and Bureaus at the Department of Consumer Affairs (DCA).

In late 2021, the DCA Office of Information Services (OIS) and the Board applied to the California Department of Technology's (CDT) Technology Modernization Fund (TMF). From CDT's website, "The TMF was established to make immediate investments in IT that will yield quick and meaningful results for the people of California." The Board was awarded a grant of \$960,000 from the TMF in the spring of 2022. Once the required interagency agreements were successfully completed with CDT, solicitation documents were prepared, conducted, and executed to purchase the inLumon software and a software implementation team.

Upon concluding project conception and initiation with CDT TMF the Board entered the planning phase for the modernization project, staff began meeting with a DCA OIS Project Manager to define the scope, budget, and the work breakdown schedule. Weekly meetings were held to help Board staff with writing scope documents and preparing information for use by developers on forms and processes in anticipation of contract execution with the software implementation team.

In June of 2022 contracts were executed to launch the project execution phase and work began with the system implementation team to develop software functionality that supports the scope documents and the Board processes. The project is scheduled for completion on June 30, 2024.

The scope of the project includes removing the Board from the CAS and ATS legacy systems. At the conclusion of the project, consumers will be able to file a complaint online. Also, exam candidates will be able to apply online as well as apply for a license upon successful completion of the testing process. Licensees will be able to renew online. And finally, applicants to the TRF will be able to submit an application online.

**Issue #8: Necessary technical changes to Chapter 13 of the Business and Professions Code (Section 8000 et seq.)**

**Staff Recommendation: In order to simplify the administration of the TRF, Section 8030.6 of the Business and Professions Code should be amended to clarify that the Pro Per program should also operate on a fiscal year basis.**

**In order to clarify the Board's authority to impose a separate fee for each portion of the examination, Business and Professions Code Section 8031(b) should be amended to clarify the current format of the examination.**

**Board Response:** The Board is in agreement with the staff recommendations.

\*\*\*Current Board Response: This change has been made.

**The Board has the following additions:**

**Request #1: Licensees and firms should be required to maintain a public email. The Board would need authorize to collect and publish this information.**

Currently the Board is only allowed to share a mailing address for licensees. If a litigant is trying to get a transcript on an expedited basis, regular mail is completely inadequate.

**Request #2:** The 30-day processing time for TRF applications per BPC 8030.6(a)(8) should be extended to 90 days to align with Rule of Court 8.130. This change would reduce confusion for the applicant.

**Issue #9: Should the licensing and regulation of shorthand reporters be continued and be regulated by the Board?**

**Staff Recommendation:** *Recommend that the licensing and regulation of shorthand reporters continue to be regulated by the Board in order to protect the interests of the public and be reviewed once again in four years.*

**Board Response:** Court reporters play an essential role in our judicial system as a neutral third party who creates verbatim transcripts of proceedings in a timely fashion, thus ensuring the appeal rights of all litigants. Under the watchful eye of the Board, court reporters do their best work, and, should any fall short, the Board is available to step in and correct the issue and work to ensure it does not happen again.

The Board embraces its consumer protection mission and has worked hard to parlay scarce and limited resources into the most effective operation possible. The Board works hard to balance the multiple consumer interests that would otherwise be left to the entity with the deepest pockets and strongest power, despite a right or wrong position. The current Board members are actively engaged in their policy-setting duties as well as the enforcement matters that rise to their level. The current Board should continue its dedicated oversight of the court reporting industry for the protection of California consumers.

\*\*\*Current Board Response: The court reporting industry continues to embrace technology, creating new twists to the daily practice. The Board acts as a valuable conduit for information licensees.

More importantly, the Board is available to assist consumers who have issues with court reporting services, including transcript delivery. While attorneys and judges may be accustomed to working with court reporters on a routine, even daily basis, many litigants find themselves dealing with court reporters and transcripts as a new experience. The laws from billing to transcript delivery can be confusing, and the Board is frequently called upon to assist these consumers with navigating the industry.

The rapid advances in AI also make it important that the Board be available to both consumers and the industry. The Board has this and other initiatives in its sights, so to speak, as part of its newly developed strategic plan.

Court reporting may be a comparatively small board, but with appeal rights and due process rights at stake, the importance of the role of a court reporter cannot be underemphasized. Therefore, good oversight by the Board is essential for the consumers of California.

## Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

### **CRB ISSUE No. 1: Growth of Artificial Intelligence (AI)**

Advances in Artificial Intelligence (AI) pose a couple of challenges to the court reporting industry. More people are being exposed to features like auto-captioning in remote meeting platforms. If people are speaking clearly and not too fast, the captions are quite accurate. This leads to a perception that it will replace court reporters, which makes it very difficult to promote the profession.

The reality is that in a state as diverse as California, AI and voice recognition will have limited uses. Between the accents encountered and the speed at which people speak, AI will not be accurate enough to be useful.

That same feature, however, is being added to court reporting software to allow the software to offer suggestions of words being heard. The reporter may then accept the translation as accurate or reject the suggestion. Carried out to its full potential, The AI software could possibly be doing 100% of the translation, with a type of monitor approving the transcript as it happens.

This change will have a big impact on consumers who look to a court reporter as the objective, unbiased person creating a record for their appeal rights.

It will be important for the Board to stay abreast of changes in technology and updates to court reporting software.

*Legislative Action Needed: [none at this time]*

### **CRB ISSUE No. 2: Remote Reporting**

Remote reporting is a bit of a moving target for the court reporting industry. If all participants in a remote proceeding have sufficient bandwidth, good equipment, and a reliable internet connection, Reporting remotely is little different than reporting in person. However, everyone has been in the meeting some part of that magic equation is lacking, and then it's a completely different experience for the court reporter, whose job it is to get every single word, not just most of it or the gist of what someone is saying.

The Board has heard from both sides of the coin. We have heard reporters who remotely reported lengthy civil trials and had a great experience as did the attorneys. On the flip side of the coin is the reporter who tried to advise the parties that she couldn't hear and was muted by one of the parties.

The Board is monitoring the evolving landscape of remote reporting with an eye to updating best practices for successful remote reporting.

*Legislative Action Needed: [None at this time.]*

---

### **CRB ISSUE No. 3: Digital Recording**

There are firms that are using digital recorders to cover deposition proceedings. Digital recorders record the proceedings electronically and are trained to make notes of the proceedings, for instance, to obtain spellings of names or terms of art, as well as stop speakers from overlapping. The recording is then transcribed by someone else.

There is no oversight of this type of recording. If the attorneys know about it before the start of the proceedings and stipulate to it, that's a knowing decision on the part of the consumer. However, if the parties are not informed until the end of the proceeding, if at all, the consumer has been harmed by being misled into assuming a licensed reporter would be reporting and transcribing the proceeding.

To help consumers be aware, the Board, with the help of DCA's Office of Public Affairs, produced an information piece called "Five Reasons to Use a Licensed Court Reporter." This is included as Attachment L. This was distributed to the State Bar Association as well as posted on the Board's website and social media accounts. Additionally, the Board encourages licensees to state their license number at the beginning of each proceeding in order to help attorneys become aware at the start of the proceeding whether or not they are receiving the services of a licensee.

If this method of recording becomes more prevalent, the Legislature may look at mandating the Board to set standards and oversee the practice of digital recorders.

*Legislative Action Needed: [None at this time]*

---

### **CRB ISSUE No. 4: Fiscal Solvency**

It is critical for the Board to be well funded not only to carry out its consumer protection mandate but also to fund the TRF. The Board is approaching the statutory maximum for licensees and is already at the statutory maximum for firm registration. Looking toward the future projections would indicate the statutory caps should be raised.

*Legislative Action Needed: [Statutory licensee cap of \$250 and firm registration cap of \$500 should be increased.]*

---

### **CRB ISSUE No. 5: Captioning Oversight**

Court reporters who provide instantaneous translation of a proceeding for the hearing impaired are called captioners. They are often used in educational settings as well as a variety of social and professional settings from conferences to church services. While there is national certification offered on a voluntary basis, there are no standards or oversight in California. This leaves the consumer vulnerable to poorly skilled practitioners.

The Legislature may look at mandating the Board to set standards and oversee practice of captioners in California.

*Legislative Action Needed: [None at this time]*

## Section 12– Attachments

Please provide the following attachments:

Board’s administrative manual. *See Attachment G*

Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1). *Not Applicable – No Attachment*

Major studies, if any (cf., Section 1, Question 4). *See Attachment E*

Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 2, Question 15). *See Attachment B*

Provide each quarterly and annual performance measure report for the board as published on the DCA website. *See Attachment F*

### **List of attachments:**

- A. School List
- B. Organization Charts
- C. Best Practice Pointers
- D. Strategic Plan 2019 – 2023
- E. Occupational Analysis Validation Report
- F. Performance Measures
- G. Administrative Manual
- H. Application for Examination
- I. Application for Reexamination
- J. Pass Rates by School
- K. Complaint Prioritization Guidelines
- L. Five Reasons to Use a Licensed Court Reporter

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 10 – Expedited Fees for Deposition Transcripts**

=====  
Agenda Description: Discussion and possible action to initiate regulatory or statutory action to codify the Board’s position on charging expedite fees for deposition transcripts.  
=====

Brief Summary:

There is an increasing number of court reporting firms charging multiple parties fees for expedited delivery. Staff is requesting the Board look at its position that can be clearly stated for the public and licensees.

As published in the FAQs of the Fall 2014 CRB Today, currently deposition transcript rates are not set in statute, and reporters are permitted to set their own rates. However, the rates must be reasonable. Since the expedite fee is a fee added to the cost of the transcription for its early production and delivery, the Board finds that an expedited fee should be a one-time charge for the original transcript and that charging the expedited fee twice would be unreasonable, thus grounds for discipline as unprofessional conduct directly related to the practice of shorthand reporting, pursuant to subdivision (d) of Business and Professions Code (B&P) section 8025. Similarly, a reporter’s refusal to provide a copy of a transcript unless the party agrees to pay an unreasonable (expedited) fee would be grossly unfair and also grounds for discipline pursuant to B&P 8025.

The Board has the option of maintaining the current position of only charging the ordering party the fee for preparation of the expedited transcript, in which case the Board should explore clarifying current statutes via regulations or possibly pursuing a legislative change.

In the alternative, the Board may take the position that any party wanting the transcript on an expedited basis must each pay a fee, in which case the Board will update its website with the revised position.

=====  
Support Documents: None  
=====

Recommended Board Action: Staff recommends the Board codify the current position in the interest of consumer protection.



COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 11 – License/Certificate Reciprocity**

=====

Agenda Description:

Update on allowing reciprocity with Certified Verbatim Reporter certification from the National Verbatim Court Reporters Association.

=====

Brief Summary:

At its March 28, 2023, meeting, the Board instructed staff to enter into an interagency agreement with the Office of Professional Examination Services (OPES) to evaluate the National Verbatim Reporters Association (NVRA) Certified Verbatim Reporter certification for possible reciprocity with the skills portion of the California license exam. OPES has contacted NVRA to begin their evaluation.

=====

Support Documents: None

=====

Fiscal Impact: None

=====

Recommended Board Action: Informational only

=====

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 12 – Election of Officers**

=====

Agenda Description: Election of Chair and Vice-Chair.

=====

Brief Summary:

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

**ANNUAL MEETINGS**

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

Adopted: August 1987

=====

Support Documents:

Attachment – Chairperson duties.

=====

Recommended Board Action: Hold elections.

## **CERTIFIED SHORTHAND COURT REPORTERS BOARD**

### **Chairperson of the Board**

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

### **Specific Duties and Responsibilities:**

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

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 13 – Future Meeting Dates**

=====

Agenda Description: Proposed Meeting Dates

=====

Support Documents:

Attachment – 2023 Board Calendar

=====

Current scheduled activities:

Exam Workshop:

- September 15 – 16, 2023 – Remote
- September 22 – 23, 2023 – Remote
- October 6 – 7, 2023 – Remote
- November 3 – 4, 2023 – Sacramento

NVRA CVR – Linkage Study:

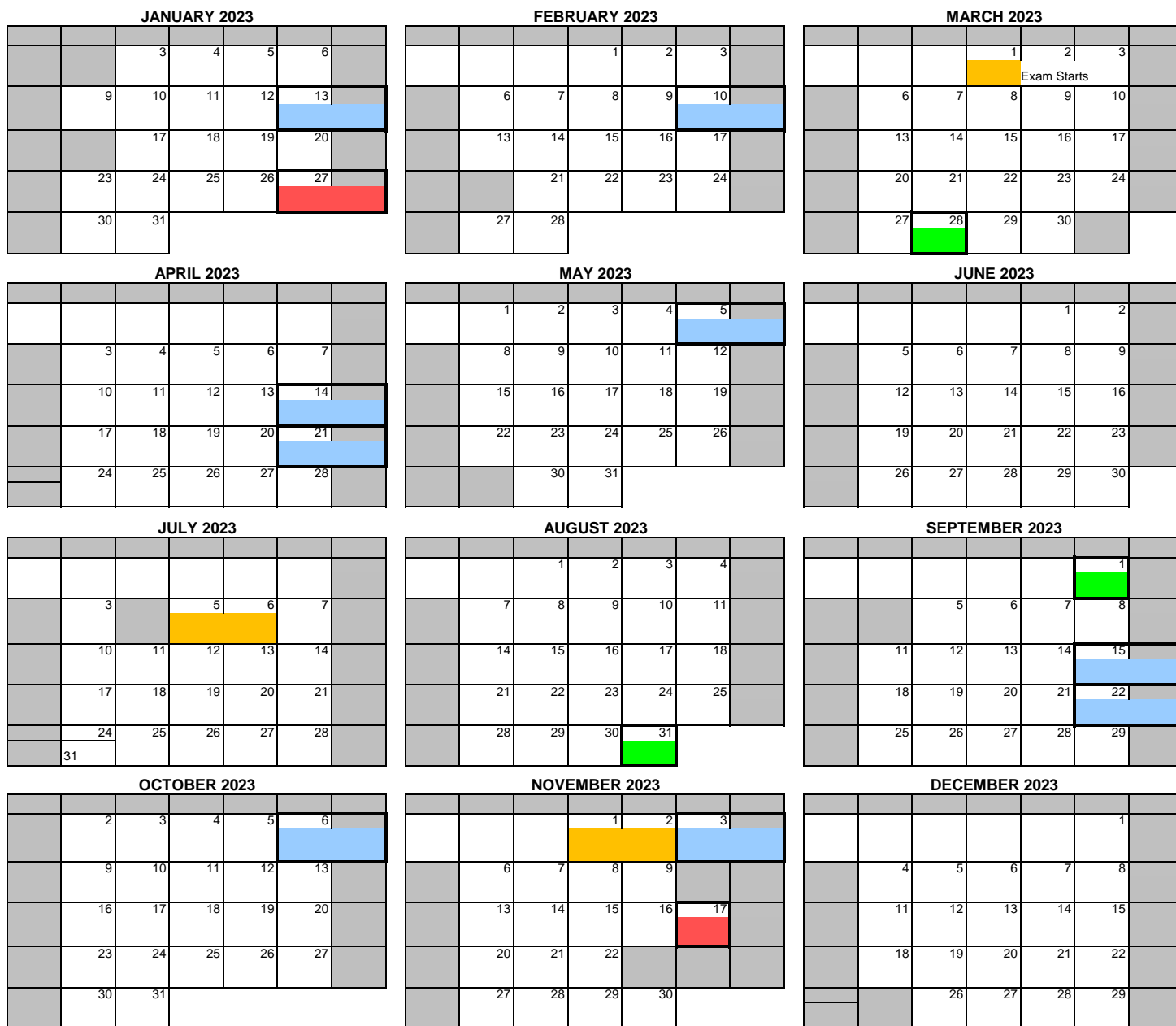
- November 17, 2023 – Remote









CSR Dictation Exam:

- November 1 – 22, 2023 – Realtime Coach (Online Vendor)
- =====

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

A YEAR-AT-A-GLANCE CALENDAR 2023  
COURT REPORTERS BOARD OF CALIFORNIA



ACTIVITY	
	BD - Board Meeting or Activity
	Exam - Dictation Exam
	Workshop - Exam Workshop
	TF - Task Force Meeting
	TH - Town Hall Meeting
	OA - Occupational Analysis
	RH - Regulatory Hearing
	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	

COURT REPORTERS BOARD MEETING – SEPTEMBER 1, 2023

**AGENDA ITEM 14 – Closed Session**

=====  
Agenda Description:

14.1 Pursuant to Government Code section 11126(c)(3), the Board will meet in closed session as needed to discuss or act on disciplinary matters.

14.2 Pursuant to Government Code Section 11126(e), the Board will convene into closed session to receive advice from legal counsel on litigation. Jeffery Peterson v. Christopher Leahy, et. al., United States Court, Southern District of California, Case No. 21-CV-1908-RSH-BLM.

=====  
Fiscal Impact: None