



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**

Wednesday, December 13, 2023
10:00 a.m. to conclusion

PUBLIC TELECONFERENCE MEETING

Important Notices to the Public: The Court Reporters Board will hold a public meeting via a teleconference platform pursuant to Government Code, section 11133.

INSTRUCTIONS FOR PARTICIPATION: Please see the Webex Instructions posted on the Board's meeting calendar to observe and participate in the meeting using WebEx.

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

If Joining by Computer:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m475820a8d594d9ff38ffbcf7004d4dd5>

Event number: 2481 644 3462

Event passcode: CRB1213

If Joining by Phone:

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

Access code: 2481 644 3462

Event passcode: 2721213

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

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.



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MEETING OF THE COURT REPORTERS BOARD

Wednesday, December 13, 2023

10:00 a.m. to conclusion

AGENDA

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

Action may be taken on any item on the agenda.

CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF A QUORUM – Denise Tugade, Chair

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA 5
The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code, §§ 11125, 11125.7, subd. (a)).
2. REVIEW AND POSSIBLE APPROVAL OF SEPTEMBER 1, 2023, MEETING MINUTES 6
3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE 26
4. REPORT OF THE EXECUTIVE OFFICER 27
 - 4.1 CRB Budget Report
 - 4.2 Transcript Reimbursement Fund
 - 4.3 Enforcement Activities
 - 4.4 License Exam
 - 4.5 Technology Modernization
5. LEGISLATION 41
Discussion and possible action
 - 5.1 [AB 477](#) (Waldron) – Legislative review of state boards-
 - 5.2 [AB 1363](#) (Flora) – Consumer protection.
 - 5.3 [SB 372](#) (Menjivar) – Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - 5.4 [SB 544](#) (Laird) – Bagley-Keene Open Meeting Act: teleconferencing.
 - 5.5 [SB 662](#) (Rubio) – Courts: court reporters.
 - 5.6 [SB 802](#) (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.

6.	<u>REGULATIONS</u>	43
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6.2	Title 16, Sections 2420, 2422, and 2473 – Examination Results & Transcript Format Update on process.	
7.	<u>SUNSET REVIEW</u>	44
	Review and approval of final sunset report.	
8.	<u>2024-2028 STRATEGIC PLAN</u>	97
	Review and approval of 2024-2028 Strategic Plan.	
9.	<u>EXPEDITED FEES FOR DEPOSITION TRANSCRIPTS</u>	111
	Discussion and possible action to initiate regulatory or statutory action to codify the Board's position on charging expedite fees for deposition transcripts.	
10.	<u>LICENSE/CERTIFICATE RECIPROCITY</u>	117
	Update on reciprocity with the Certified Verbatim Reporter certification from the National Verbatim Reporters Association.	
11.	<u>JUDICIAL COUNCIL REQUEST FOR WORKFORCE SURVEY</u>	118
	Discussion and possible action to administer a workforce survey of court reporters.	
12.	<u>BEST PRACTICE POINTERS TASK FORCE</u>	119
	Discussion and possible action to appoint a task force to update the current Best Practice Pointers.	
13.	<u>FUTURE MEETING DATES</u>	120
	Discussion and possible action to schedule future meeting dates.	
14.	<u>CLOSED SESSION</u>	122
	Pursuant to Government Code, section 11126, subdivision (a)(1), the Board will meet in closed session to conduct the annual evaluation of its executive officer.	

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.

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

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

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

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

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

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 2 – Review and Approval of Meeting Minutes

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Agenda Description:

Review and approval of September 1, 2023, minutes

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Brief Summary:

Minutes from Board meetings

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Support Documents:

Attachment – Draft minutes for September 1, 2023

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board approve minutes.



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**DRAFT****COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
SEPTEMBER 1, 2023**Attachment
Agenda Item 2CALL TO ORDER

Ms. Robin Sunkees, Chair, called the meeting to order at 9:07 a.m. The public meeting was held at Department of Consumer Affairs, HQ1 Hearing Room, 1625 North Market Boulevard, Sacramento, CA 95834, and via a teleconference platform.

ROLL CALL

Board Members Present: Robin Sunkees, Licensee Member, Chair
Laura Brewer, Licensee Member
Michael Dodge-Nam, Public 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. WELCOME NEW BOARD MEMBER – MICHAEL DODGE-NAM

Ms. Sunkees welcomed to the Board its newest member, Michael Dodge-Nam of Los Angeles, who was appointed in June 2023 by the Speaker of the Assembly. Mr. Dodge-Nam currently serves as the Chief Business Officer of Roar Social. She summarized his biography located on page 4 of the Board agenda packet.

Ms. Fenner added a quick welcome to Mr. Dodge-Nam and thanked him for agreeing to be of service to California consumers.

2. RESOLUTION FOR BOARD MEMBER DAVINA HURT

Ms. Sunkees read aloud the resolution prepared for Ms. Hurt found on page 6 of the Board agenda packet.

Ms. Sunkees expressed her appreciation for Ms. Hurt's decade-long service, which benefitted both California consumers and the court reporting profession. Ms. Sunkees

added Ms. Hurt has been a guiding force for the Board and leaves big shoes to fill. Ms. Brewer voiced her high respect and admiration for Ms. Hurt. She stated that Ms. Hurt has modeled exemplary board service and behavior, and she thanked her for her years of work and accomplishments for consumers and the profession. Mr. Mnayan echoed Ms. Brewer's sentiments and thanked Ms. Hurt for her service and time. Ms. Tugade also thanked Ms. Hurt for her service, passion, accomplishments, and wealth of knowledge as a public board member.

Ms. Fenner thanked Ms. Hurt for her demand for excellence and unending capacity for hard work. She credited Ms. Hurt's commitment, dedication, and perseverance for the Board's success in reaching its goal of firm registration. Ms. Fenner wished Ms. Hurt success in her journey.

Ms. Tugade moved to adopt the resolution. Mr. Dodge-Nam seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Ms. Hurt thanked everyone for their kind words and recognition. She also thanked the Speakers of the Assembly who appointed her over the years including John A. Perez, Anthony Rendon, and Toni Atkins. She also recognized the Board staff team for its stellar professionalism, stating that staff helped ease the way for her to serve in leadership roles for the Board while also working as a leader in her city. Ms. Hurt recognized the numerous members of the Board who shared their wisdom while working alongside each other. Ms. Hurt also thanked the stakeholders, consultants, and court reporters who shared their knowledge along the way.

She urged the Board to be bold and think deeply to meet the emerging issue of artificial intelligence. She asserted that the Board is in good hands going forward with intelligent individuals who have fresh lenses and prospectives.

Although she served on the Board for more than ten years, she stated that the time went fast. But she did learn that the time it takes to go through the democratic process to pass laws and regulations is time consuming but worth all the effort. She shared the following quote: "When you're engaged in what you love to do, it's like driving in the fast lane. Time flies by and more roads open up to you, alternate routes you may not have even known existed." She added that she really enjoyed her time on the Board and will continue to work hard for the State as an appointee of the Air Resources Board. She offered her assistance in protecting California consumers of court reporting in any way.

3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

4. REVIEW AND APPROVAL MARCH 28, 2023, MEETING MINUTES

Ms. Brewer proposed amendments to the minutes. Page numbers annotated refer to the page numbers of the minutes, not the page numbers of the Board agenda packet, as follows:

- Pluralize the word “application” in paragraph four of page 5 of 19;
- Change “it” to “it’s” in the second paragraph of page 7 of 19;
- Delete “to” in the second line of the sixth paragraph under Agenda Item 7 on page 13 of 19;
- Delete “work” from the second line of the first paragraph under Section 8 on page 15 of 19;
- Add the word “to” after “responsibility” in the first paragraph on page 17 of 19;
- Change the third line of the third paragraph under Section 12 on page 18 of 19 to read, “There’s also a perception that it’s easy enough to capture a record...”;
- Pluralize the word “time” in the fifth paragraph under Section 12 on page 18 of 19.

Mr. Mnayan moved to approve the minutes as amended. 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, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: Mr. Dodge-Nam

Recusal: None

MOTION CARRIED

5. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Korrina Moreno with the Department of Consumer Affairs (Department/DCA) provided a Department update. She welcomed new Board member Mr. Dodge-Nam on behalf of the Department and thanked Ms. Hurt for her many years of service. She also thanked all the members of the Board who serve to protect the public.

DCA Diversity, Equity, and Inclusion (DEI)

On May 12, 2023, DCA’s DEI Steering Committee held its quarterly meeting in-person and elected Yeaphana La Marr as Chairperson and Paul Sanchez to serve as the Vice Chair of the Committee. During the meeting, the Committee discussed a variety of topics, which included training, strategic planning, and other DEI activities.

Providing employees access to DEI training is a priority for the Steering Committee and in June, DCA began offering three DEI courses to all DCA employees. The courses are:

Understanding the value of DEI in the workplace
How to Decode Our Unconscious Bias
Unleash the Power of Generational Differences

The response from employees to participate in these new DEI learning opportunities has been significant with high registration and attendance numbers. DCA is comprised of approximately 3500 employees. and the Department is tracking training statistics quarterly. As of June 30, SOLID has provided 19 DEI-related trainings for 733 DCA employees.

The Steering Committee is pleased to announce that outside consultant Dr. Bernard Gibson will provide in-person DEI training to DCA managers, supervisors, and leaders in October. In addition, Dr. Gibson will provide virtual training to Board Members on the morning of October 9, 2023.

Information on registering for this virtual training will be sent out soon. For those that are unable to attend, the training portion will be recorded and available online at a later date.

In-Person Meetings and the Bagley-Keene Open Meeting Act

Changes to the Bagley-Keene Open Meeting Act that exempted Board Members from having to notice their meeting location or to meet in an ADA accessible location expired on July 1, 2023. Therefore, as of July 1, 2023, public meetings are subject to the traditional pre-COVID requirements for open meetings. DCA boards and bureaus should be prepared to conduct public meetings in compliance with the Bagley-Keene Open Meeting Act. This includes:

- All physical meeting locations need to be identified in the public meeting notices and agendas whether a meeting is held at a single centralized location or at multiple teleconference locations.

- Board Members must attend meetings in person at the noticed meeting locations.

- All noticed meeting locations, including locations where a single board member will be, must be ADA accessible, have an agenda posted, and be open to the public.

- The public will be permitted to attend meetings at any noticed meeting location.

- Members of the public must be able to hear the meeting and participate in public comment from each location.

The Department has a Bagley-Keene Open Meeting Act Guide available and has provided your Executive Officer with a list of available meeting locations throughout the state.

SB 544 is still moving through the legislative process and the Department's Division of Legislative Affairs is working with stakeholders and providing updates to the boards and bureaus on the status of the bill. This bill may allow for some meetings to be held without noticing the location of the Board Member, thus allowing remote virtual meetings.

Military Spouses and Domestic Partners Temporary License

As a result of AB 107 (Salas, 2021), effective July 1, 2023, DCA boards and bureaus, unless otherwise exempt, are required to grant temporary licensure to the spouse or domestic partner of an active-duty military member stationed in California if the spouse or domestic partner holds a license in another state with the same scope of practice as the profession in California for which they would like to practice. DCA's Office of Information Services and Communications Division have been working to support the implementation. All boards and bureaus were recently provided an outreach toolkit to help share the

message of this new benefit to military spouses. In addition, DCA has also updated its Military Resources webpage to reflect this new benefit.

Enlighten Enforcement Process

The Department is continuing work on its Enlighten Enforcement Project that is being piloted by the Dental Board of California. The Dental Board has walked through their intake, complaint processing, citation, and investigation processes. One more walkthrough session will cover the discipline and probation processes. The goal is for staff to walk through the processes with subject matter experts so improvements and efficiencies can be found for the Dental Board and that can be carried over to other boards. The project also aims to learn best practices between the boards and to standardize procedures for all boards and bureaus. The final benefit will be a template for policies and procedures related to enforcement processes for all boards to utilize.

Data Governance Project

DCA is continuing its efforts to improve its reports regarding licensing and enforcement activities. The Director recently led multiple workgroup meetings, beginning in late April through early July, with staff from each board and bureau to update the data metrics reported in DCA's Annual Report. The Department's goal is to ensure consistency with report data in the Annual Report, DCA's Data Portal, and board and bureau sunset reports. Future meetings are expected in August and ongoing, to help build new reports or modify existing ones to provide the new metrics for next year's Annual Report.

DCA held a meeting on July 17, 2023, with all boards and bureaus to review guidance on how boards and bureaus can compile and report data to the Department for inclusion in this year's upcoming Annual Report. This project will likely be completed at the beginning of 2024.

Press Release Translations

To further the Department's efforts to reach the Californians it serves, DCA will request that boards and bureaus translate any press releases they issue into Spanish, California's top non-English-spoken language. Establishing a standard of translating releases into both English and Spanish will enhance the reach of information released. In addition, boards and bureaus are also encouraged to evaluate any additional language(s) other than Spanish that may serve their audiences. For additional information on press release translations, please contact Board and Bureau Relations (BBR).

Board Member Onboarding

Board members who have been appointed and reappointed cannot begin their service or perform any official functions without first taking the oath of office. Unless otherwise provided, the oath may be taken before any officer authorized to administer oaths. Board members should contact their executive officer to arrange taking the oath of office.

All board members will be required to complete the documents listed on the Board Member Appointment Checklist, or HR 5, and return them to the Office of Human Resources no less than 30 days after their appointment or reappointment. Duties cannot be assumed and

appointments cannot be processed until documents are received and are accurately completed. Incomplete packets may delay per diem payments and travel reimbursements due to the member.

Required Board Member Training

All DCA employees and appointees, including board and advisory council members, are required to complete Sexual Harassment Prevention Training this year. Board members are required to take the two-hour supervisory training.

Board members with an assigned DCA email (i.e., dca.ca.gov) are required to complete the Information Security Awareness Fundamentals training. This training addresses everyone's role in protecting DCA data and information, is available online, and required every year.

Both trainings are available in the Department's Learning Management System (LMS). If board members need assistance in accessing the LMS, please reach out to BBR or your board's liaison.

All board members must complete Member Orientation Training (BMOT) within one year of their appointment or re-appointment. On October 10, 2023, BMOT will be offered virtually. This will be the last training offered in the 2023 calendar year. Members can register for this training via LMS.

Board Member Travel

As a reminder, all state travel arrangements must be made through DCA's authorized travel agency, CalTravelStore or Concur. When traveling by air on official state business, all board members and staff must use the most economical fares possible. If the flight is changed, there may be additional charges. Flight changes for personal convenience are not permitted or justified, and the traveler is responsible for any associated charges. Please contact BBR if you have any travel questions.

The Attorney General recently issued a press release adding three new states to California's restricted travel list, with staggered effective dates in calendar year 2023 as follows:

- Wyoming – Travel restricted effective July 14, 2023
- Missouri – Travel restricted effective August 28, 2023
- Nebraska – Travel restricted effective October 1, 2023

Questions related to out-of-state travel can be directed to your executive officer.

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

6. REPORT OF THE EXECUTIVE OFFICER

6.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 30 of the Board agenda packet for the expenditure projections for Fiscal Month 12. Although it's not the final report for Fiscal Year 2022/23, it is close. She shared that the Board would see a reversion of more than \$100,000 back to its fund as a result of the cost-savings realized by remote meetings and remote testing. She stated that there was not enough expenditure data as of yet to share for Fiscal Year 2023/24 which started July 1, 2023.

Ms. Fenner referred to the Board's overall fund condition on page 31 of the Board agenda packet. She confirmed that a transfer of \$100,000 to the Transcript Reimbursement Fund (TRF) was included starting in Fiscal Year 2025/26, which leads to a projected operating reserve below six months in Fiscal Year 2026/27. Once the reserve falls below six months, transfers to the TRF must stop. The estimates shared are conservative; however, the Board may wish to consider exploring the possibility of a fee increase. The current license fee is \$225 annually with a statutory maximum of \$250. Justifying a fee increase takes quite a bit of time; therefore, it may be wise to start the background work since the majority of the Board's revenue is license renewal fees.

6.2 Transcript Reimbursement Fund

Ms. Bruning reported that the TRF paid out more than \$120,000 for pro bono cases and over \$57,000 for pro per cases during the 2022/23 Fiscal Year. She added that the TRF provisionally approved many other applications during the last fiscal year for which staff was awaiting final invoices.

Ms. Fenner shared that training had begun training the Board's receptionist, Elaina Zelnik-Padilla, to assist with processing TRF applications.

6.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 33 of the Board agenda packet. She indicated that data for licensees and firms was presented in separate reports.

6.4 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 38 of the Board agenda packet. Statistics for the July 2023 dictation exam became available after the publication of the agenda packet. She stated that of the 103 candidates, 47 were first-timers – nearly double from the previous test cycle in March. She reported the overall pass rate as 38.8 % with a first-time pass rate of 63.8%.

Ms. Fenner added that 16 voice writers took the exam, of which 15 were first-timers. She reported that 11 voice writers passed the exam with an overall pass rate of 68.7% and a 73.3% pass rate for first-timers.

Ms. Fenner again encouraged candidates to schedule early in the exam cycle to secure a proctor. If candidates have any issues with the exam, the 72 hours required to schedule a proctor for a retest may cause them to run out of time in the cycle.

Ms. Fenner shared that a couple of test-takers were caught cheating, which results in an automatic failure.

Ms. Tugade shared her excitement over the results coming in for voice writers in the short time the Board has been licensing them. She requested that staff separate the machine writers and voice writers on the exam statistics. Ms. Brewer echoed the encouraging nature of the data received.

Ms. Fenner referred to the statistics for the two written portions of the license exam, English and Professional Practice, which appeared on pages 40 through 43.

She shared that the latest Occupational Analysis has been completed by the Board's sister entity, Office of Professional Examination Services (OPES). The validation report was recently posted to the Board's website. OPES is now working with subject matter experts to review the question bank to update or remove any steno-specific questions.

Ana Costa, West Valley College faculty, asked how many overall candidates passed the July dictation exam. Ms. Sunkees responded that 40 candidates passed.

Caroline Dasher expressed her delight in the examination statistics. She thanked those in the industry who are working to recruit students and hold informational webinars to aid in the success of the profession.

6.5 Technology Modernization

Ms Fenner reported that the contract with developers began July 1, 2023. Staff meets with the development team daily to report progress and solve impediments. Additionally, staff meets twice each week to see demonstrations of the work in progress. In addition to moving the online enforcement complaint process to the new system, staff is working to get the Board's processes completely off of the antiquated legacy systems CAS and ATS. At this time, the process is on schedule, under budget, and matching the defined scope.

Ms. Fenner thanked staff for their work and commitment on the huge project in addition to their existing duties. Ms. Tugade also expressed her appreciation for the staff's expertise in the modernization efforts.

7. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board tracked during the last legislative session could be found beginning on page 44 of the Board agenda packet.

- 7.1 SB 21 (Umberg) – Ms. Fenner reported that SB 21 and SB 22 would extend the provision of remote reporting until January 1, 2028. She stated that the remote appearance applies to the parties, not the court reporter.

7.2 SB 22 (Umberg) – Reported with SB 21.

- 7.3 SB 372 (Menjivar) – Ms. Fenner reported that the bill moved out of the Appropriations Committee after the publication of the Board agenda packet and is now on the floor. This bill would require a Board to replace a licensee's former name or gender on their license and 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. The bill would prohibit a board from publishing information relating to the licensee's former name or gender online but instead would require the Board to post language directing the public to inquire with the Board for further information. For specified licensees, the Board would be prohibited from posting enforcement records online but would be required to post an online statement stating that the individual was previously subject to an enforcement action and directing the public to contact the Board, as prescribed. The bill would provide that all records related to a request to update an individual's license under these provisions are confidential and not subject to public inspection or disclosure. The bill would require the Board, if requested by a licensee, to reissue any license created by the Board and conferred upon the licensee.

Ms. Tugade shared that the Board had an extensive discussion pertaining to the bill at its last meeting, however, did not take a position due to concerns of implementation and consumer protection. She believed the author to have worked to address the concerns and changes were made to bring the bill language in line with the process being used by the State Bar. She stated that the updated language provides an adequate layer of protection and individuals would still be attached to the same license number.

Ms. Tugade moved to take SUPPORT position on SB 372 (Menjivar). Mr. Dodge-Nam seconded the motion.

Mr. Mnayan expressed a need for the same consumer protection measures and information available across the board online to the consumers. Ms. Geoffroy responded that the bill's edits seem to provide that those that have changed their name will have an indication to contact the Board if there is any further enforcement action, however, enforcement actions for all other licensees will continue to be posted as public documents on the record.

Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

- 7.4 SB 544 (Laird) – Ms. Fenner stated that the bill is seeking a way for boards to continue to meet remotely while remaining fully open and transparent to the public. The most current language would require a majority of the members of the state body to be physically present in the same location for at least one half of the meetings for that group.

Mr. Mnayan commented that remote meetings are easy on the budget and offer cost savings, especially for small boards who meet less frequently. He requested that staff gather information from other small boards that are advocating to continue having remote meetings and provide feedback to the author's office. He asserted that the cost for in-person meetings would be better allocated to programs such as the TRF.

Ms. Tugade stated that the bill language is unlikely to be amended further at this late stage of the legislative session. Any other iterations for remote meetings would not be enacted for another year. She encouraged the Board to take a support position on the bill as the allowances for remote meetings were more flexible than the current Bagley Keene Open Meeting Act provisions.

Ms. Tugade moved to take SUPPORT position on SB 544 (Laird). 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, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

- 7.5 SB 662 (Rubio) – Ms. Fenner stated that the bill in its current form would require reciprocity with the RPR after evaluation with OPES. The Board conducted this evaluation with the help of OPES in 2021. Additionally, this bill would expand the ability of courts to use electronic recording instead of court reporters. This is a two-year bill that did not make it out of its house of origin. It will have until January 31, 2024, to pass out of the Senate in order to continue its progress.

Ms. Dasher indicated that she is hoping the bill will be killed due to the electronic reporting language. She suggested that Board look into another avenue to forward any language in the bill that it found favorable. Ms. Fenner responded that the language regarding OPES and RPR reciprocity was not initiated by the Board.

Mary Piece stated that she preferred California reporters have the first shot of California work. Therefore, if the number of successful candidates passing the exam continues to increase, she would request the provisional licensing for RPR holders be rescinded. Ms. Fenner responded that all provisional licensing language was amended out of the bill.

- 7.6 SB 802 (Roth) – Ms. Fenner stated that the bill has to move through the Senate by the end of January 2024 in order to move forward to the Assembly.

Ms. Fenner indicated that after the Board meeting materials were printed, SB 143 went into print. Included in this trailer bill is a reinstatement of the Bagley-Keene flexibilities that ended in July and extends these flexibilities until December 31, 2023. In addition, Section 1 of the trailer bill includes the Department of Consumer Affairs' proposed language regarding Public Law 117-333, Portability of Professional Licenses of Servicemembers and their Spouses, which went into effect on January 5, 2023. The federal law allows service members and their spouses to use their professional licenses when they relocate due to military orders.

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

8. REGULATIONS

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

Steven Vong, regulations attorney for DCA, referred to page 48 of the Board agenda packet. He indicated that staff made technical nonsubstantive changes since the Board's approval and the proposed regulatory language is pending publication at the Office of Administrative Law to be published September 8, 2023. The Board will send out a notice and regulation materials will also be available on the website for a 45-day comment period.

8.2 Title 16, Section 2420, 2422, and 2473 – Examination Results & Transcript Format

Mr. Vong summarized the regulatory proposal that relates to Title 16, California Code of Regulations (CCR) sections 2420, 2422, and 2473 for examination results and minimum transcript format standards. He said that CCR section 2420 states the exam requirement for court reporters consisting of three parts, how the passing grade is determined, and the duration of conditional credit that is granted for passed exams. CCR section 2422 allows permission for examinees to inspect their exam transcripts and a copy of the Board's official transcript upon written request and enables examinees to request reconsideration of their exam results. CCR section 2473 concerns minimum transcript format standards with which court reporters must comply.

Mr. Vong indicated that the changes are being proposed because the Board transitioned from an in-person dictation exam to online exams and by statute the Board must uphold concerns of exam security. He further said that the addition of the exam results notification to CCR section 2420 is a simple relocation and rephrasing of the provision from CCR section 2422. Mr. Vong said that the language is proposing to repeal CCR section 2422 altogether. He explained that the Board had previously approved language to repeal subsection (b) and now the proposal is to also relocate subsection (a) and repeal subsection (c) so that there is no longer a reconsideration process, but applicants will still have a chance to take the exam during the next exam cycle. Mr. Vong added that the package will amend CCR section 2473 to establish a new minimum transcript format standard that text be offered in full text search capable electronic format if requested.

Mr. Vong said that the anticipated impact is that the proposed changes to CCR section 2420 will help consolidate exam information under one regulation, repeal of

CCR section 2422 will help ensure proper exam security for the current online format of the exam, and revisions to CCR section 2473 will update transcript format standards. He said that some language is missing from the proposed motion included in the Board meeting packet, and he indicated that Ms. Fenner would state the complete necessary motion language for the Board. Ms. Fenner read the complete recommended motion language.

Mr. Mnayan moved to rescind prior motions approved November 20, 2020, and January 26, 2022, relating to sections 2422 and 2473 of the California Code of Regulations, Title 16, respectively, and approve the newly proposed regulatory text for sections 2420, 2422, and 2473; direct staff to submit the text and other required documents 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 process and adopt the proposed regulations at sections 2420, 2422, and 2473 as noticed. 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, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

9. SUNSET REVIEW

Ms. Fenner reported that staff developed a draft sunset review report for the Board's consideration based on the discussion at the March 28, 2023, Board meeting. She welcomed edits and direction from the Board so that staff may make amendments and offer the report to the Legislature by the January 4, 2024, deadline. If there are substantive changes that require a major rewrite, the Board may be able to meet remotely if SB 143 is signed.

The Board held a comprehensive discussion and provided amendments to the draft report. In addition to wordsmithing, the Board requested more depth and detail for topics such as voice writers, title protection, integrity of transcripts, consumer protection, remote reporting, outreach appearances, and digital monitors.

The addition of a sixth CRB issue was requested in regard to ensuring the workforce pipeline of court reporters. A potential legislative action request may include the need for recruitment funding.

Ms. Sunkees called for public comment.

Ms. Pierce stated that more in-person California school options would be beneficial as many schools have wait lists. She asserted that the Board's oversight of registered firms could limit the firms from sending digital monitors to depositions where the notice indicates stenographic licensee only.

Evelyn Mah stated that there is proposed legislative language in Texas requiring notice parties when a digital monitor is being sent to the deposition in lieu of a licensee. She agreed to send a copy of the language to Board staff.

Mr. Mnayan moved to adopt the draft report as amended, and to instruct staff to make changes and to work with the Chair to finalize the report. Mr. Dodge-Nam seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

The Board took a break at 12:16 p.m. and returned to open session at 1:40 p.m.

10. EXPEDITED FEES FOR DEPOSITION TRANSCRIPTS

Helen Geoffroy, Board Counsel, provided guidance to the Board as to its role in balancing protection of the public, statutory compliance, and legislative intent pertaining to oversight of industry fees. She stated that each member has an equal role within the Board and also considers comments made by the public, in compliance with the Bagley Keene Open Meetings Act, before making decisions to move forward with action items as one body to protect the public. She further shared information from Business and Professions Code 8005, 8005.1, and 8015.

Ms. Fenner shared background regarding the issue. She stated that there is a disagreement within the court reporting industry on the ability to charge expedite fees to all parties in a deposition. Historically, the Board has considered that the expedite fee is for the sole purpose of transcribing that proceeding before other work the court reporter has. The fee is to be charged to the party that orders the expedite. Then once the transcript is available, it is to be sent to all ordering parties. However, there are some firms and/or reporters that are withholding the transcript unless each party pays an additional expedite fee. She stated that there is no basis for this additional fee, and, therefore, the Board requests refunds to those consumers. She reported that the argument has been that there are additional costs to preparing and delivering those copy orders, but in consideration of electronic delivery, the Board does not see the validity of that argument and maintains its position.

Ms. Fenner requested that the Board confirm its current position or, in the alternative, instruct staff to notify stakeholders of any change of position. She stated that staff counsel

would provide additional information on the necessity for regulations or statutory changes for clarification to licensees and consumers.

Ms. Sunkees called for public comment.

Ms. Pierce commented that there is a difference between “shall make available” and “must be sent.”

Ms. Brewer stated that the issue hinges on reasonableness of a fee. Expediting transcripts is a service and a benefit that is conferred upon the client to put certain work ahead of other work. She believed it to be a standard practice for a service rendered. She added that typically a court reporter has to be taken off calendar for the next day to handle an expedite. In the deposition industry, court reporters make their living from selling transcripts. She stated that an industry cannot be supported if the professionals are not earning a living. She said she could support guidelines for how long a copy could be held without an expedite fee.

Mr. Mnayan agreed that court reporters should be compensated for their work product but stated that copies should cost less than the original production costs.

Ms. Sunkees referred to Code of Civil Procedure (CCP) 2025.510(d), which requires that the transcript must be made available at the same to all parties. She stated that fees are not regulated for deposition transcripts, however, there is case law (Serrano vs. Stefan Merli Plastering Co) that contemplates a “reasonable fee” for expedited copies.

Ms. Geoffroy stated that the same provision of making transcripts available at the same time to all parties and their attorneys is also mirrored in CCP 2025.340. She shared that in 2007 the Legislature provided vague guidance that their intent was that the obligation to pay for transcription or other deposition productions or services shall be the responsibility of the requesting party. She added that was when they made changes that the requesting party should bear the cost, including expedited services, and there was a separate provision providing that the copy can be received by all parties that request one.

Ms. Tugade compared the practice of charging for copies to residuals received by writers or actors. She did share concerns that withholding transcripts may be problematic and suggested the Board pursue alternative legislative language that clarifies what would be required of the non-requesting parties.

Mr. Mnayan inquired as to who owns the intellectual property of the transcript. Ms. Sunkees responded that it is the work product of the court reporter. Mr. Mnayan stated that it may be better to let the market dictate what fees can be charged as consumers shop for the best price. He did not want to limit a person's ability to earn and was open to considering a reasonable expedite fee for copies.

Ms. Fenner stated that the ordering party chooses the court reporter, therefore, if the opposing party wants to order copies they have to go through the same court reporter and does not get to comparison shop for a different price.

Ms. Geoffroy commented on the rulings of the Serrano case previously mentioned. She shared that the appellate court ruled on the first appeal (Stefan I) that a copy fee could be reasonable and sent the matter back to the trial court to determine whether or not an

additional fee on the copy was considered reasonable. The trial court found that it was unreasonable, and it went back up to the appellate court for the second appeal (Stefan II). The appellate court stated that they did not, per se, believe that an expedited fee for copies was unreasonable but merely that it had to be reasonable.

Ms. Geoffroy reported that in 2012 DCA legal counsel provided guidance to the Board that in a situation where a party who noticed the deposition had already paid the expedite fee, a reasonable fee for a copy of the transcript would not include any amount that compensates the deposition reporter for the cost to expedite the transcription. The legal guidance further said that charging the expedite fees to both a noticing and non-noticing party would be unreasonable and such conduct by a reporter would be unprofessional conduct under the code or regulation. She advised the Board to codify exactly what it means by reasonable. The Board is within its rights to determine whether or not for an expedited copy a certain percentage, for example, would be in the realm of reasonable. In order to weave that line between what is law and what is not, it is not proper to make it a policy position and must be codified in law by statute or regulation to not only provide courts and court reporters with solid basis with how they set forth their fees, but also so that there is a clear notice to the consumer.

Ms. Geoffroy indicated that one of the things that Stefan II said is that if there's notice of a fee, for example if the expedited fee is an additional fee of \$500 and for the other parties it would be an additional \$100, or \$1.50 per page instead of \$1.00 per page, this would at least be noticed to the non-requesting party of how to receive the transcript in accordance with the CCP at the same time – it's available, I can pay this expedited rate. However, the case law does not explain if the non-requesting parties are unwilling or unable to pay this additional rate and whether or not this renders this unavailable to those parties because they have to wait an unknown period of time until they can receive it at a standard transcription rate.

Ms. Geoffroy offered to perform an additional legal analysis if the Board so desired. The prior advice was to answer whether it was unreasonable to charge for an expedite fee that had already been paid and to charge both parties an expedite fee. It does not appear that the legal advice at the time or the legal question at the time was if a reduced price but still an expedited price could be provided for a copy.

Ms. Sunkees denoted that the Serrano case decision was made after the DCA legal opinion was issued. She stated that freelance transcript fees are not regulated, and she did not believe it to be prudent to start regulating fees. She added that appropriate notice would need to be given in regard to expedite fees.

Mr. Mnayan stated that more information was needed and requested a legal analysis of what is reasonable and what can be regulated.

Mr. Dodge-Nam inquired if the issue was the vagueness of the current guidelines making it difficult to hold licensees accountable and take disciplinary action, causing a need to develop detailed direction on what is reasonable. Ms. Fenner responded that a decision was needed on whether or not the Board believes it is reasonable to charge for the expedite on the copy, and then take either legislative or regulatory steps to codify the decision to enable the Board to take disciplinary action against violations.

Mr. Dodge-Nam asked as to the urgency of the decision. He wanted to know if the Board could take the time to glean more information before moving forward. Ms. Geoffroy indicated that the issue had come before the Board several times since at least 2007. She added that public safety would dictate a need to begin the process and make steps to accomplish that decision as quickly as possible.

Mr. Dodge-Nam inquired if there was an unfair advantage to one party receiving a transcript early if the other party cannot afford to pay the expedite fee. Ms. Geoffroy indicated that this is part of what needs to be interpreted. She added that the Legislature did codify in two different CCP sections that the transcript shall be available at the same time specifically for the purpose of due process and lack of unfair advantage. However, the term “make available” would be part of the interpretation needed that either the Board would set forth in regulation or provide to the Legislature.

Ms. Brewer stated that legal services are generally expensive. She indicated that one hour of attorney or expert witness time is almost always more than expedite fee unless it is a long deposition. She added that reporters are prohibited from having an interest in the outcome of the litigation.

Ms. Sunkees suggested that those who could not afford the expedite fee could apply to the TRF for assistance. Ms. Fenner clarified that the TRF application processing time would surpass the preparation time for transcripts and, therefore, would be ineffective in assisting with an expedite.

Stephanie Leslie, firm owner, thanked Ms. Brewer for her comments pertaining to the fact that deposition fees are not regulated. She contended that court reporters charge both sides fees for every other kind of service and are obligated to charge both parties equally to not be seen as favoring one side over the other. She appreciated the suggestion that clarity be brought to when reporters are expected to release transcripts.

Kellie Zollars, freelance court reporter, stated that the expedite fee on a copy is a percentage of the copy production page rate, which is less than the production and expedite page rate for the original transcript. She agreed that it would favor one side to charge one party and not the other to provide equal services. She added that a court reporter's income should not be penalized because a litigant cannot afford to pay for the priority service. She suggested that three to five days after the expedite is provided is a reasonable timeframe to provide the transcript copy. Ms. Zollars finished by sharing that the Serrano case was a ruling about a court reporter working in court – an official receives salaries and benefits that freelance reporters do not receive.

Ms. Costa agreed with previous comments. She indicated that the market changes from city to city which may result in a significant page rate variation. She stated that court reporters are neutral guardians of the record and the majority do their best to follow all the laws by which they are regulated. She said it doesn't feel right to hold back a transcript copy that is already ready because someone does not pay the expedite fee, however, she asked the Board to keep in mind that many court reporters are dependent on their earnings to support their families.

Kimberly D'Urso, President of the Protect Your Record Project, thanked Ms. Brewer for sharing her knowledge and perspective. She affirmed the comments from Ms. Leslie and Ms. Costa.

Ms. Tugade agreed that the Board should at a minimum take action to require clear notice for all parties.

Ms. Brewer shared that although she is serving on behalf of the consumer, she believes her professional experience informs her points of view on how the industry works.

Mr. Mnayan moved to request legal to provide legal analyses on what is reasonable and for additional feedback options for the Board including the pros and cons of taking action via the regulatory or legislative path. The motion was not seconded.

MOTION FAILED

Mr. Dodge-Nam moved to notify the public on the Board's website that expedited fees for copies are allowed with the condition that if one party receives an expedited copy the other parties must receive a copy within three to five days of that period.

Ms. Geoffroy indicated that this would require an interpretation of the CCP where it provides that the transcript be made available to all parties. She was not comfortable advising the Board to proceed with that action since interpretations of law must be done through the regulatory or legislative process. She advised the Board that it may move and vote on whether to take a position and then decide how it would like to pursue the action. She added that the Board may wish to determine whether or not it would be reasonable to charge an expedite fee for a copy, and separately vote on how to go about putting that forward. At that point, Board and legal staff would be advised to pursue a particular direction. The position the Board takes will not be formal until it is codified.

MOTION WITHDRAWN

Mr. Mnayan requested legal counsel to provide more information on the legal parameters of what the Board is allowed to do before it takes a position. Specifically, the Board directed staff to inform on whether it may regulate the charging of expedited fees, what motion language it could use to make a formal decision, and the pros and cons on each option pertaining to the law. Additionally, the Board would like to receive information on the scale of the issue, such as how often firms are charging for expedited transcripts and copies and the number of complaints received pertaining to this issue.

11. LICENSE/CERTIFICATE RECIPROCITY

Ms. Fenner reported that the Board instructed staff at its March 28, 2023, meeting to enter into an interagency agreement with OPES to evaluate the Certified Verbatim Reporter or CVR certification from NVRA, the National Verbatim Reporters Association. She stated that OPES is currently working with NVRA on the project.

Ms. Dasher requested the Board consider the same reciprocity with NCRA. Ms. Fenner stated that the Board had pursued that avenue.

12. ELECTION OF OFFICERS

Ms. Sunkees called for election of officers.

Ms. Brewer nominated Ms. Tugade as chair. Mr. Mnayan seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

Mr. Mnayan nominated Ms. Sunkees as vice-chair. 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, Mr. Dodge-Nam, Mr. Mnayan, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

MOTION CARRIED

13. 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 3:14 p.m.

14. CLOSED SESSION

14.1 Pursuant to Government Code section 11126(c)(3), the Board may meet in closed session to discuss or act on disciplinary matters. This item was deferred as there were no cases to review.

14.2 Pursuant to Government Code section 11126(e), the Board met in closed session to receive advice from legal counsel on litigation in the matter of *Jeffery Peterson vs. Christopher Leahy, et al.*, United States Court, Southern District of California, Case No. 21-CV-1908-RSH-BLM.

The Board returned to open session at 3:21 p.m.

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 3:21 p.m.

DENISE TUGADE, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 3 – Department of Consumer Affairs Update

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Agenda Description: Report from the DCA Executive Office

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational.

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 4 – Report of the Executive Officer

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Agenda Description: Report on:

- 4.1 CRB Budget Report
- 4.2 Transcript Reimbursement Fund
- 4.3 Enforcement Activities
- 4.4 License Exam
- 4.5 Technology Modernization

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Support Documents:

- Attachment 1, Item 4.1 – FM3 Expenditure Projections FY2023-24
- Attachment 2, Item 4.1 – CRB Fund Condition
- Attachment 3, Item 4.2 – TRF Fund Condition
- Attachment 4, Item 4.3 – Enforcement Statistics
- Attachment 5, Item 4.4 – Exam Statistics

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Fiscal Impact: None

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Recommended Board Action: None

Department of Consumer Affairs

Expenditure Projection Report

Court Reporters Board of California

Reporting Structure(s): 11113110 Support

Fiscal Month: 3

Fiscal Year: 2023 - 2024

Run Date: 10/24/2023

PERSONAL SERVICES

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$411,533	\$389,000	\$34,453	\$102,374	\$0	\$412,370	-\$23,370
5100	TEMPORARY POSITIONS	\$16,058	\$11,000	\$991	\$3,390	\$0	\$27,783	-\$16,783
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$9,983	\$14,000	\$2,636	\$5,445	\$0	\$12,000	\$2,000
5150	STAFF BENEFITS	\$259,663	\$233,000	\$23,929	\$70,319	\$0	\$292,643	-\$59,643
	PERSONAL SERVICES	\$697,237	\$647,000	\$62,008	\$181,527	\$0	\$744,796	-\$97,796

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY FM13	Budget	Current Month	YTD	Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$5,675	\$9,000	\$299	\$299	\$1,046	\$6,286	\$2,714
5302	PRINTING	\$9,661	\$1,000	\$868	\$868	\$7,841	\$8,710	-\$7,710
5304	COMMUNICATIONS	-\$1,868	\$2,000	\$152	\$177	\$0	\$5,784	-\$3,784
5306	POSTAGE	\$3,132	\$0	\$0	\$158	\$0	\$2,500	-\$2,500
5308	INSURANCE	\$6	\$0	\$0	\$0	\$0	\$10	-\$10
53202-204	IN STATE TRAVEL	\$2,178	\$18,000	\$0	\$0	\$0	\$4,000	\$14,000
5322	TRAINING	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5324	FACILITIES	\$55,580	\$49,000	\$4,562	\$13,349	\$41,477	\$57,474	-\$8,474
53402-53403	C/P SERVICES (INTERNAL)	\$23,826	\$278,000	\$5,420	\$5,420	\$0	\$28,791	\$249,209
53404-53405	C/P SERVICES (EXTERNAL)	\$63,794	\$89,000	\$1,994	\$12,250	\$20,693	\$85,993	\$3,007
5342	DEPARTMENT PRORATA	\$141,639	\$161,000	\$40,250	\$80,500	\$0	\$161,000	\$0
5342	DEPARTMENTAL SERVICES	\$118,356	\$0	-\$5	-\$5	\$0	\$88,338	-\$88,338
5344	CONSOLIDATED DATA CENTERS	\$2,406	\$3,000	\$5	\$9	\$0	\$2,500	\$500
5346	INFORMATION TECHNOLOGY	\$0	\$2,000	\$1,117	\$1,117	\$0	\$1,117	\$883
5362-5368	EQUIPMENT	\$0	\$3,000	\$0	\$0	\$0	\$2,000	\$1,000
54	SPECIAL ITEMS OF EXPENSE	\$659	\$0	\$0	\$0	\$0	\$600	-\$600
	OPERATING EXPENSES & EQUIPMENT	\$425,045	\$615,000	\$54,662	\$114,143	\$71,058	\$455,103	\$159,897

OVERALL TOTALS	\$1,122,282	\$1,262,000	\$116,670	\$295,670	\$71,058	\$1,199,899	\$62,101
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REIMBURSMENTS	-\$2,999	-\$17,000				-\$2,741	
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OVERALL NET TOTALS	\$1,119,283	\$1,245,000	\$116,670	\$295,670	\$71,058	\$1,197,158	\$47,842
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3.84%

0771 - Court Reporter's Board Fund Analysis of Fund Condition
(Dollars in Thousands)
2023 Budget Act With FM 3 Projections

Prepared 11.20.2023

	Actual 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 1,068	\$ 1,291	\$ 1,352	\$ 1,254	\$ 1,042
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,101	\$ 1,291	\$ 1,352	\$ 1,254	\$ 1,042
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 25	\$ 21	\$ 20	\$ 20	\$ 20
4127400 - Renewal fees	\$ 1,267	\$ 1,290	\$ 1,265	\$ 1,265	\$ 1,265
4129200 - Other regulatory fees	\$ 4	\$ 1	\$ -	\$ -	\$ -
4129400 - Other regulatory licenses and permits	\$ 83	\$ 25	\$ 25	\$ 25	\$ 25
4163000 - Income from surplus money investments	\$ 33	\$ 16	\$ 20	\$ 18	\$ 15
Totals, Revenues	\$ 1,412	\$ 1,353	\$ 1,330	\$ 1,328	\$ 1,325
Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2C	\$ -	\$ -	\$ -100	\$ -200	\$ -200
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -100	\$ -200	\$ -200
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 1,412	\$ 1,353	\$ 1,230	\$ 1,128	\$ 1,125
TOTAL RESOURCES	\$ 2,513	\$ 2,644	\$ 2,582	\$ 2,382	\$ 2,167
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,119	\$ 1,197	\$ 1,233	\$ 1,270	\$ 1,308
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	\$ 1,222	\$ 1,292	\$ 1,328	\$ 1,340	\$ 1,378
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,291	\$ 1,352	\$ 1,254	\$ 1,042	\$ 789
Months in Reserve	12.0	12.2	11.2	9.1	6.9

NOTES:

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

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

Prepared 11.20.2023

	Actuals 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 570	\$ 408	\$ 262	\$ 114	\$ 64
Prior Year Adjustment	\$ 1	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 571	\$ 408	\$ 262	\$ 114	\$ 64
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4163000 - Income from surplus money investments	\$ 10	\$ 4	\$ 2	\$ -	\$ -
Totals, Revenues	\$ 10	\$ 4	\$ 2	\$ -	\$ -
Revenue Transfer from Court Reporters Fund per B&P Code Section 8030.2(d)	\$ -	\$ -	\$ -	\$ 100	\$ 200
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ 100	\$ 200
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 10	\$ 4	\$ 2	\$ 100	\$ 200
TOTAL RESOURCES	\$ 581	\$ 412	\$ 264	\$ 214	\$ 264
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 173	\$ 150	\$ 150	\$ 150	\$ 150
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 173	\$ 150	\$ 150	\$ 150	\$ 150
FUND BALANCE					
Reserve for economic uncertainties	\$ 408	\$ 262	\$ 114	\$ 64	\$ 114
Months in Reserve	32.6	21.0	9.1	5.1	9.1

NOTES:

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

**Consumer Protection Enforcement Initiative
Fiscal Year 2023-2024 Enforcement Report -- CSR
July 1, 2023 - October 31, 2023**

Consumer Complaints - Intake

Complaints (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	7	18	6	10									41
Closed without Referral for Investigation	0	0	0	0									0
Referred for Investigation	7	18	6	10									41
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1									1
Pending	0	0	0	0									0

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

Consumer Protection Enforcement Initiative

Fiscal Year 2023-2024 Enforcement Report -- CSR

July 1, 2023 - October 31, 2023

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened *	7	18	6	10									41
Closed *	14	9	12	12									47
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	127	40	31	43									64
Pending *	10	9	13	11									11 ^

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
Closed*	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
Pending*	0	0	0	0									0

All Investigations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened **	7	18	6	10									41
Closed **	14	9	12	12									47
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	127	40	31	43									64
Pending **	10	9	13	11									11 ^

* Complaints assigned from intake.

** Complaints from desk and sworn.

^ Average number of cases pending.

Consumer Protection Enforcement Initiative

Fiscal Year 2023-2024 Enforcement Report -- CSR

July 1, 2023 - October 31, 2023

Enforcement Actions

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Opened/Initiated	0	0	2	0									2
AG Cases Pending	2	2	3	3									3
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0	0									0
SOIs Withdrawn	0	0	0	0									0
SOIs Dismissed	0	0	0	0									0
SOIs Declined	0	0	0	0									0
Average Days to Complete SOIs (from AG referral to SOI filed)	0	0	0	0									0
Accusations Filed	0	0	0	0									0
Accusations Withdrawn	0	0	0	0									0
Accusations Dismissed	0	0	0	0									0
Accusations Declined	0	0	0	0									0
Average Days to Complete Accusations (from AG referral to accusation filed)	0	0	0	0									0
Petition to Revoke Probation (PRP)	0	0	0	0									0
Average Days to Complete PRP	0	0	0	0									0
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	1	0	0									1
Stipulations	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)	0	0	1	0									1
Average Days to Complete (from complaint receipt to imposing formal discipline) [Straightline]	0	0	236	0									236
Interim Suspension Orders	0	0	0	0									0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	2	2	1	1									6
Average Days to Complete [Straightline] (from complaint receipt to citation issued)	34	39	24	119									48

Consumer Protection Enforcement Initiative

Fiscal Year 2023-2024 Enforcement Report --CRF

July 1, 2023 - October 31, 2023

Consumer Complaints - Intake

Complaints (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	2	1	5	4									12
Closed without Referral for Investigation	0	0	0	0									0
Referred for Investigation	2	1	5	4									12
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1									1
Pending	0	0	0	0									0

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened *	2	1	5	4									12
Closed *	2	1	2	5									10
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	14	37	50	38									36
Pending *	3	3	6	5									4 ^

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
Closed*	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
Pending*	0	0	0	0									0

All Investigations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened **	2	1	5	4									12
Closed **	2	1	2	5									10
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	14	37	50	38									36
Pending **	3	3	6	5									4 ^

* Complaints assigned from intake.

** Complaints from desk and sworn.

^ Average number of cases pending.

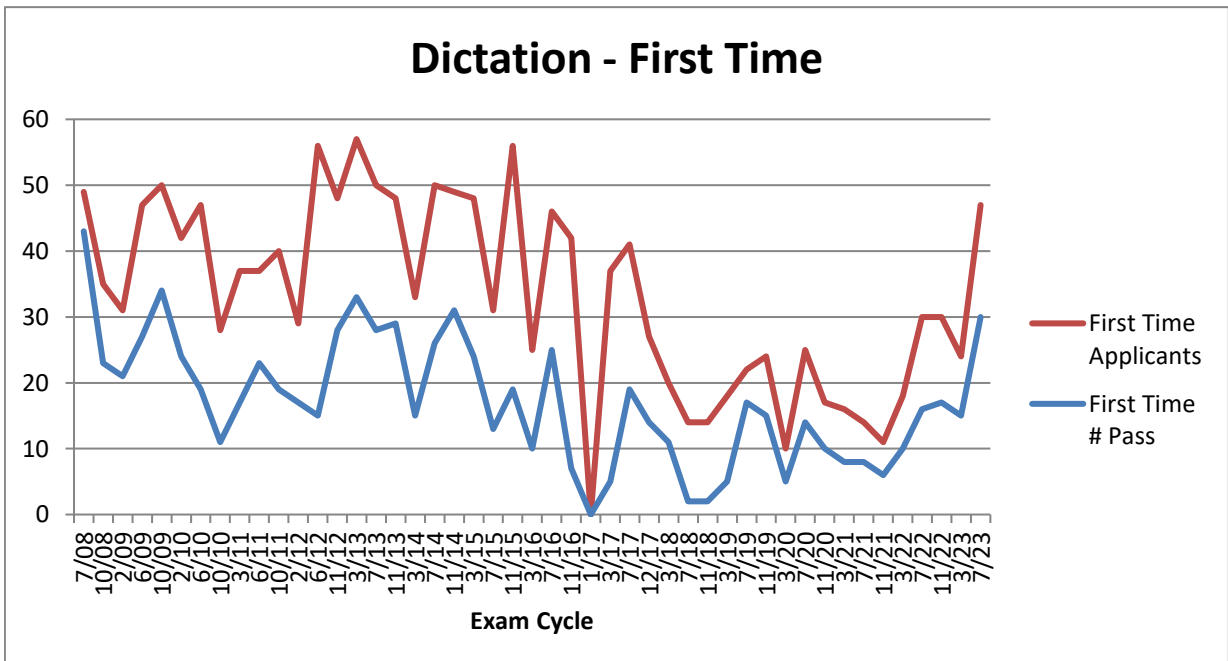
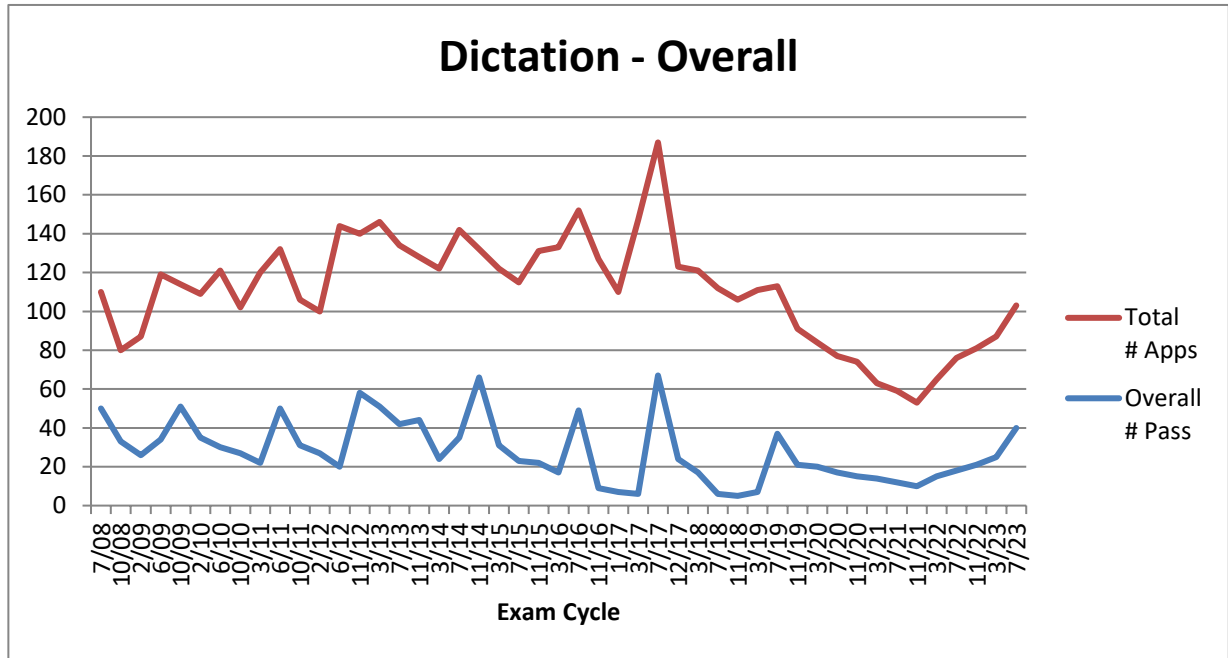
Dictation Exam

Attachment 5
Agenda Item 4.4

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%

Dictation Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
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%
Jul 2023	103	40	38.8%	47	30	63.8%



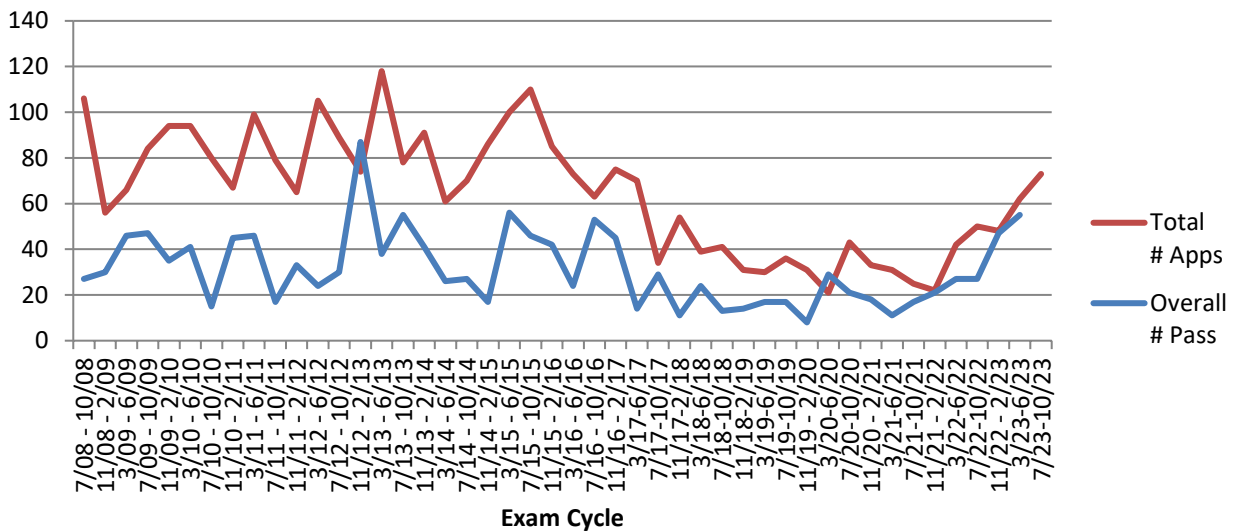
English Exam

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%

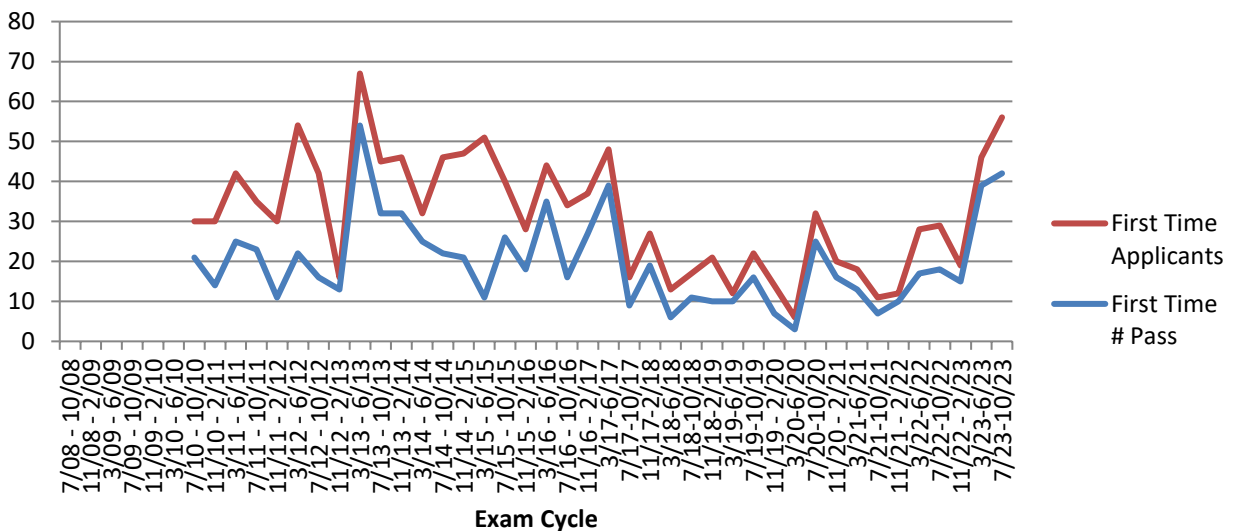
English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
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	47	75.8%	46	39	84.8%
Jul 2023 - Oct 2023	73	55	75.3%	56	42	75.0%

English - Overall



English - First Time

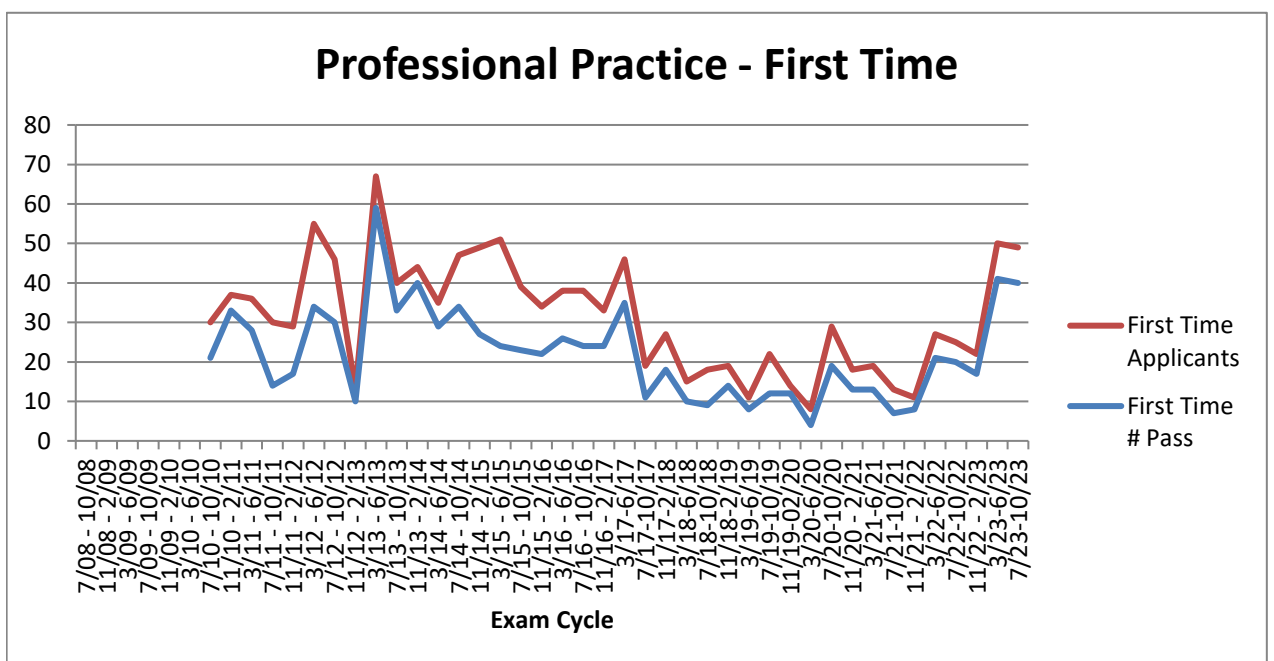
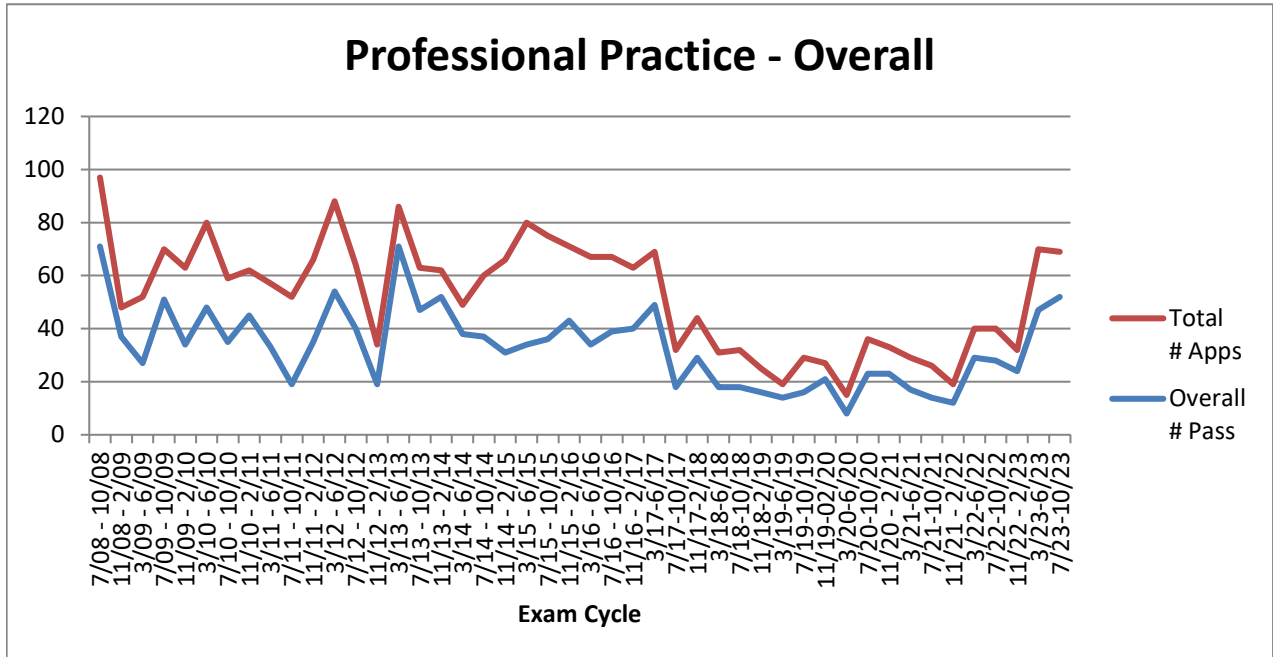


Professional Practice Exam

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%

Professional Practice Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
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	47	67.1%	50	41	82.0%
Jul 2023 - Oct 2023	69	52	75.4%	49	40	81.6%



COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 5 – Legislation

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

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

5.1 [AB 477](#) (Waldron) – Legislative review of state boards. (Assembly Business & Professions Committee. – Existing law requires the Joint Sunset Review Committee to review eligible agencies and prepare a report that is made available to the public and the Legislature on whether the agency should be terminated, or continued, or whether its functions should be revised or consolidated with those of another agency, as specified. This bill would require the report prepared by the committee to be made available to the public online.

5.2 [AB 1363](#) (Flora) – Consumer protection. (No longer applicable.)

5.3 [SB 372](#) (Menjivar) – Department of Consumer Affairs: licensee and registrant records: name and gender changes. (Chaptered by Secretary of State. Chapter 225, Statutes of 2023.) – 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.

5.4 ***[SB 544](#) (Laird) – Bagley-Keene Open Meeting Act: teleconferencing. (Chaptered by Secretary of State. Chapter 216, Statutes of 2023) – This bill would enact an additional, alternative set of provisions under which a state body may hold a meeting by teleconference.

5.5 ***[SB 662](#) (Rubio) – Courts: court reporters.. (Senate Appropriations Committee – Suspense File – dead for 2023) This bill would require the Court Reporters 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.

5.6 ***[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.

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Support Documents: SB 544 (Bagley-Keene Open Meeting Act) Summary
(Below)

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Recommended Board Action: Informational only.

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Bagley-Keene Open Meeting Act

Commencing on January 1, 2024, four meeting options will be available under Bagley-Keene:

- (1) Traditional single-location option
 - Ø Majority of members gathered at one publicly noticed and accessible location.
 - Ø No members participating remotely.
 - Ø No requirement to allow remote public participation.
- (2) Traditional teleconference option
 - Ø Members at different publicly noticed and accessible locations connected via phone or Webex.
 - Ø No requirement to allow remote public participation.
- (3) New teleconference option
 - Ø Majority of members gathered at one publicly noticed and accessible location.
 - Ø Extra members above a majority can participate remotely from private, non-public sites.
 - Ø Must allow remote public participation.
- (4) New advisory body teleconference option
 - Ø All members can participate remotely from private, non-public sites.
 - Ø Must have at least one publicly noticed and accessible location where at least one staff member is present and where the public can participate in the meeting.
 - Ø Must allow remote public access.

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 6 – Regulations

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

6.1 Sections 2403, 2411, and 2414 – Voice Writers

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Brief Summary:

At the March 28, 2023, meeting, the Board approved proposed regulatory text for 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 Notice of Proposed Regulatory Action was published by the Office of Administrative Law (OAL) on September 8, 2023. No hearing was held, and the Board received no comments during the 45-day comment period. The final rulemaking package was submitted to OAL on November 1, 2023. OAL has 30 working days in which to review and take action on the rulemaking package.

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Support Documents: None

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Recommended Board Action: Informational only.

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

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

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Brief Summary:

At the September 1, 2023, meeting, the Board approved proposed regulatory text for sections 2420, 2422, and 2473 of the California Code of Regulations, Title 16. The package is currently under pre-submission review at the Department of Consumer Affairs Executive Office in preparation for being submitted to OAL for publication of the Notice of Proposed Regulatory Action and start of the 45-day comment period.

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Support Documents: None

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Recommended Board Action: Informational only.

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 7 – Sunset Review

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Agenda Description: Review and approval of draft sunset report.

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Brief Summary:

The Court Reporters Board is scheduled for sunset January 1, 2025. At the September 1 meeting, the Board provided staff with their edits to the draft sunset review report. The proposed final is attached for Board review.

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Support Documents:

Attachment – Draft Sunset Review Report

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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 December 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 deaf and 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 comprises 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.

Table 1a. Attendance	Elizabeth Lasensky	Date Appointed: 10/15/2007, 6/6/2011 & 3/9/2016	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9//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

Table 1a. Attendance	Toni O'Neill	Date Appointed: 8/7/2010, 8/4/2011, 7/3/2013 & 7/27/2017	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

Table 1a. Attendance	Davina Hurt	Date Appointed: 2/26/2013, 7/9/2015 & 5/19/2020	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

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

Table 1a. Attendance	Carrie Nocella	Date Appointed: 6/17/2016	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

Table 1a. Attendance	Robin Sunkees	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

Table 1a. Attendance	Denise Tugade	Date Appointed: 5/5/2021	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

Table 1a. Attendance	Laura Brewer	Date Appointed: 11/20/2021	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

Table 1a. Attendance	Arteen Mnayan	Date Appointed: 6/14/2022 & 7/6/2023	
Meeting Type	Meeting Date	Meeting Location	Attended?
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

Table 1a. Attendance	Michael Dodge-Nam	Date Appointed: 6/28/2023	
Meeting Type	Meeting Date	Meeting Location	Attended?
<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
Elizabeth Lasensky 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, Yoloano 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.	10/15/2007	6/6/2011; 3/9/2016	6/1/2019 [Grace Period Ended 6/1/2020]	Senate Rules Committee	Public
Toni O'Neill 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.	8/7/2010	8/4/2011; 7/3/2013; 7/27/2017	6/1/2021	Governor	Professional
Davina Hurt 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.	2/26/2013	7/9/2015; 5/19/2020	6/1/2023	Speaker of the Assembly	Public

Rosalie Kramm 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.	7/3/2013	7/27/2017	6/1/2021 [Resigned 8/17/2018]	Governor	Professional
Carrie Nocella 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.	6/17/2016	N/A	6/1/2020 [COVID Extension to 11/3/2020]	Governor	Public
Robin Sunkees 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.	11/20/2019	7/1/2021	6/1/2025	Governor	Professional

<p>Denise Tugade</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 TubeHo 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>Laura Brewer</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>Arteen Mnayan</p> <p>Mr. Mnayan of Los Angeles is an attorney in the Land Use and Public Policy, Regulatory & 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>Michael Dodge-Nam</p> <p>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. The NVRA also tests steno reporters at the same speed and accuracy, and that certification is known as the CVR-S.

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 report 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 ⁴	FY 2023/24 ⁵	FY 2024/25 ⁵
Beginning Balance ¹	\$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 ²	\$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 ³	\$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

¹ Actuals include prior year adjustments

² Includes EO transfer to GF (AB 84)

³ Expenditures include reimbursements and direct draws to the fund

⁴ Estimate, based on FM 12

⁵ 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, therefore, the Board relies on historical data to project 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.

Table 3. Expenditures by Program Component										
(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
TOTALS	\$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 BreEZe program.

The total contribution by the Board to BreEZe is \$212,669. The last year of a contribution was FY 2017/18.

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 maximum of \$300,000 of the Board's total revenue must go to the TRF. Beginning July 1, transfers may be made in increments of \$100,000. 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%
Total			\$1,073	\$1,447	\$1,391	\$1,362	\$1,401	100%

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
Not Applicable								

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.

Transcript Reimbursement Fund (Pro Bono)					
	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

Transcript Reimbursement Fund (Pro Per)					
	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 licensing¹ 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.

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.

¹ The term "license" in this document includes a license certificate or registration.

Table 6a. Licensee Population

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
CSR	Active ²	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 ³	-	-	-	-	-

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 ⁴	-	-	-	-	187
	Out of State	-	-	-	-	26
	Out of Country	-	-	-	-	-
	Delinquent/Expired	-	-	-	-	-
	Retired Status <i>if applicable</i>	-	-	-	-	-
	Inactive	-	-	-	-	-
	Other ⁵	-	-	-	-	-

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

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

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

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

⁵ 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 reproof.

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 Data⁶				
California Examination (include multiple language) if any:				
	License Type: CSR	Exam Title		
		Dictation/Skills	English	Professional Practice
FY 2018/19	Number of 1 st 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 st 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 st 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 st 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 st 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				
National Examination (include multiple language) if any: <i>Not Applicable</i>				

⁶ 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. There is currently no bottleneck of qualified graduates waiting to take the license exam.

If a student graduates from a Board-recognized program, they are qualified to take the license exam. If a student graduates from one of the many other programs available across the country, they would need to pass the RPR or CVR in order to qualify to sit for the exam. There is no shortage of training programs for court reporting.

The Board would be able to remove recognition of a school if they did not continue to meet the minimum curriculum and other regulatory requirements regarding recordkeeping.

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 to investigation, the average cycle time from complaint receipt to 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 to work on transcription, societal changes in work ethic or a combination of those and other factors.

Table 9a. Enforcement Statistics						
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	
COMPLAINTS	CSR	CSR	CSR	CSR	CSR	CRF
Intake						
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
Conviction / Arrest						
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
Source of Complaint ⁷						
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
INVESTIGATION	CSR	CSR	CSR	CSR	CSR	CRF
Desk Investigations						
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
Non-Sworn Investigation						
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
Sworn Investigation						
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

⁷ 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 ⁸						
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
CITATION AND FINE	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
CRIMINAL ACTION	CSR	CSR	CSR	CSR	CSR	CRF
Referred for Criminal Prosecution	0	0	0	0	0	0
ACCUSATION	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
INTERIM ACTION	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
DISCIPLINE	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
DISCIPLINARY OUTCOMES	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 Reprimand / Public Letter of Reprimand	0	1	1	0	0	0
Other	0	0	0	0	0	0

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

DISCIPLINARY ACTIONS	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
PROBATION	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 Told	2	2	2	2	2	0
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	1	0	0	0	0	0
SUBSEQUENT DISCIPLINE⁹	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
SUBSTANCE ABUSING LICENSEES	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
PETITIONS	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
DIVERSION	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

⁹ 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 %	
Investigations (Average %)	CSR	CSR	CSR	CSR	CSR	CRF	CSR	CRF	CSR	CRF
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%
Attorney General Cases (Average %)										
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 complaint 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?

- What is the dollar threshold for settlement reports received by the board?**
- 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 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.

The passage of AB 156 in September of 2022 added additional terms to section 8018 of the Business & Professions Code in order to help consumers be clear on who they are hiring to report their

proceeding. The law states that except as provided in Section 8043, no other person, entity, firm, or corporation may assume or use the title “certified shorthand reporter,” or the abbreviation “C.S.R.,” or use any words or symbols indicating or tending to indicate that they are, or it is, certified under this chapter. Use of the words “stenographer,” or “reporter,” or of the phrases “court reporter,” “deposition reporter,” or “digital reporter,” in combination with words or phrases related to the practice of shorthand reporting, as defined in Section 8017, indicates or tends to indicate certification pursuant to this chapter.

To address transparency and enforcement issues, the Board worked with Senator Umberg’s office in 2021 on the eventual successful passage of SB 241 (Umberg) was. This bill provided comprehensive firm registration. Consumers now are protected when they hire a registered firm, regardless of whether or not it is owned by a licensee.

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.

Table 11. Cost Recovery¹⁰ (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.

Table 12. Restitution (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

¹⁰ 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, 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 of 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 conferences, specifically for the California Court Reporters Association and the Deposition Reporters Association 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 make the transition.

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.

Since it began licensing voice writers, the board has seen an increase in the number of applications to sit for the exam. As of December 1, 2023, 16 voice writers have passed all three portions of the exam to become CSRs.

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 while recognizing the need for verbatim accuracy.

By allowing voice writers to test and become licensed, the Board has moved to reduce one barrier to licensure. Not only do voice writers benefit from a shorter training period, but it also offers easy

retraining for steno reporters who have become injured and can no longer practice using the steno machine method.

The Board, through its reciprocity efforts, has also looked at the possibility of changing the format of the skills portion of the license exam to align with other state and national certification testing.

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, courts 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 has long been welcoming to low-income and historically marginalized individuals. The flexible schedule of deposition work makes it attractive for single parents yet allows 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 \$100,000 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 16 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 changed 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 BreZE 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 authorization 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 to 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.

The Court Reporters Board 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. The Board ensures the integrity of transcripts and protects consumers from incompetent reporters. The lives and financial well-being of litigants depend on the competence and integrity of court reporters. The Board makes it possible for consumers of the legal system to have confidence that they can rely on the record produced by licensees.

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 is created.

This change will have a big impact on consumers who look to the court reporter to be the objective, unbiased person creating the record on which any appeal relies.

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

The practice of reporting remotely is undergoing rapid change. If minimum technical standards for remote proceedings (adequate bandwidth, a reliable internet connection, and appropriate equipment) are met, remote proceedings can be comparable to in-person proceedings. However, if only one of these parameters is not met or fails, even momentarily, capturing the record in remote proceedings becomes problematic and at times impossible for the court reporter.

The Board has received feedback from multiple parties relating diverse experiences with remote reporting. Licensees have related to the Board that they have reported lengthy trials remotely without any problems. Others have reported being unable to hear to produce a record and unable to communicate with the parties after having been muted by the event host.

Legislative Action Needed: [None at this time.]

CRB ISSUE No. 3: Digital Monitoring

There are firms that are using digital recorders to cover deposition proceedings. Digital monitors 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 to 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 commencement 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, has 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 alert attorneys as to whether they are receiving the services of a licensee.

Legislative Action Needed: Since this method of recording has become more prevalent, the Legislature should look at mandating the Board to set standards and oversee the practice of digital monitors.

Additionally, legislation requiring a court reporter to state their name and license number on the record before beginning to report a proceeding would serve to further protect consumers from unlicensed activity.

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 that the Board set standards and oversee the practice of captioners in California.

Legislative Action Needed: [None at this time]

CRB ISSUE No. 6: Workforce Continuity

The availability of court reporters has historically followed the same labor supply cycle as other industries. There are times when there are ample court reporters resulting in a very competitive marketplace and low school enrollments. At other times there are few court reporters resulting in as much work or more work than they want and high school enrollments.

The National Court Reporters Association (NCRA) had predicted a nationwide shortage of court reporters, and some sectors have experienced it. Here in California events got a little more complicated in 2010 when the courts stopped providing court reporters for civil matters and eliminated those positions. Since those courtrooms continued to require court reporters, litigants were forced to privately hire court reporters, and the freelance portion of the industry began to cover court work but at much higher rates.

The creation of a thriving private market for court work has put a strain on the courts' ability to hire court reporters. They find it difficult to compete with the private market they helped to create. The Legislature has provided \$30 million in ongoing funding for hiring of court reporters and, after an initial delay in implementation, the courts are now hiring, offering signing and retention bonuses.

The Board has been proactive in this issue by exploring license reciprocity with Texas, NCRA, and most recently with the National Verbatim Reporters Association (NVRA). In addition, the Board is considering changing the format of the skills exam in order to align with the format used by other states and national certifications.

In addition, the Board was successful in getting legislative approval to license voice writers. Voice writing is another method of verbatim reporting using voice recognition software and a personalized dictionary rather than steno shorthand. The theory behind the methods is similar in that both use shortened abbreviations and specially created arbitrary entries. Steno shorthand is based on a completely different "language" of shorthand abbreviations. Voice writing, on the other hand, is based on English. This makes voice writing easier for students to learn resulting in a shorter training period and a higher completion rate.

Since the Board began licensing voice writers in November of 2022, 16 licenses have been issued and the number of applicants to the license exam has steadily increased.

School enrollment is up for the programs recognized by the Board, some as high as 83%. While students who complete a training program from a Board-recognized school are eligible to take the license exam, other training programs are available. If a student completes a program by a non-Board-recognized school, they would have to pass the national certification before being eligible to take the California license exam.

The Board continues to work on reciprocity efforts and monitor new technology as it evolves.

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 – DECEMBER 13, 2023

AGENDA ITEM 8 – Strategic Plan

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Agenda Description: Review and approval of 2024-2028 Strategic Plan.

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Brief Summary:

The Board met at a public meeting on August 31, 2023, to undertake the strategic planning process. The entire strategic planning process was facilitated by the Department of Consumer Affairs (DCA) Strategic Organizational Leadership and Individual Development (SOLID) planning unit who coordinated staff focus groups, individual interviews with the Board's executive management team and Board members, and collected input from a wide array of stakeholders, and working meetings.

Upon approval of a final Strategic Plan, Board staff will meet with the facilitator to break down the goals and create an action plan.

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Support Documents: Draft Strategic Plan for 2024-2028

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Recommended Board Action: Staff recommends the Board review the draft strategic plan and make and changes before adopting it. The following is proposed motion language if no amendments are made:

I move approval of the 2024-2028 Strategic Plan.



COURT REPORTERS BOARD
OF CALIFORNIA

Court Reporters Board of California

Strategic Plan

2024 to 2028

Prepared by:
SOLID Planning Solutions
Department of Consumer Affairs

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Board Members

Denise A. Tugade, Public Member, Chair

Laura P. Brewer, Licensed Member

Mike Dodge-Nam, Public Member

Arteen Mnayan, Public Member

Robin Sunkees, Licensed Member

Gavin Newsom, Governor

Ted Egawa, Acting Secretary, Business, Consumer Services and Housing Agency

Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Yvonne K. Fenner, Executive Officer, Court Reporters Board of California

Court Reporters Board of California

About the Board

The Court Reporters Board was established in 1951 by an act of the Legislature. The Board's mandate is to protect the consumers of the state. It does that by:

1. Licensing individual court reporters and registering court reporting firms.
2. Regulating the minimum curriculum which court reporting schools and programs must offer.
3. Disciplining licensees when necessary.

In addition, the Board administers the Transcript Reimbursement Fund (TRF), which reimburses Certified Shorthand Reporters (CSRs) for providing transcripts to indigent civil litigants. All the Board's activities are funded from licensing and examination fees. Thus, the Board is considered a "special fund" or self-funded agency because no tax dollars from the General Fund support the Board, with the exception of the TRF, which received a one-time grant of \$500,000 from the General Fund in 2021.

The Board is composed of three public members and two licensees. The Governor appoints one public member and two licensees to the Board. The Speaker of the Assembly and the Senate Rules Committee each appoint one public member. All Board members serve staggered, four-year terms.

The Board currently has approximately 5,580 licensees. In the profession, licensees are known as either "officials" who work in court, or "freelancers" who work through court reporting agencies and report mostly depositions. The Board currently has 210 registered court reporting firms.

The Board's only office exists in Sacramento. There is an executive officer and a staff of four full-time employees. There is an enforcement analyst, an exam/licensing analyst, a TRF Pro Bono Program/school compliance analyst, and a TRF Pro Per Program analyst for the Board.

Message from the Chair

On behalf of the Court Reporters Board of California (Board), I am pleased to present the 2024-2028 Strategic Plan.

Court reporters play an essential role in the justice system, ensuring that the record is captured with accuracy. Over the years, there have been changes to the industry, landscape, and technology; however, the critical responsibilities of hearing and preserving the words of all parties equally and of maintaining the integrity of our justice system have remained.

The Board has made progress in addressing several longstanding and root issues consumers and the workforce are facing. This Strategic Plan builds on that progress and directs the Board's focus going forward, informed by the Department of Consumer Affairs (DCA) Strategic Organizational Leadership and Individual Development (SOLID) planning unit's coordinated staff focus groups, individual interviews with the Board's executive management team and Board members, and input from a wide array of stakeholders, and working meetings. The Board's core mission remains the protection of consumers, ensuring our justice system is serving a California for All.

Sincerely,

Denise Tugade
Public Member
Board Chair

Board Mission, Vision, and Values

Mission

To protect the public by ensuring the integrity of the judicial record and maintaining the standard of competency through oversight of the court reporting profession.

Vision

Consumers hiring a California licensed court reporter engage the highest quality, most knowledgeable, and ethical professional.

Values

Collaboration - We value partnerships. We foster the public's trust through open communication and work in a cooperative, respectful, and courteous manner.

Consumer Protection - We make effective and informed decisions in the best interest and for the safety of Californians.

Excellence - We have a passion for quality and strive for continuous improvement of our programs, services, and processes through employee empowerment and professional development.

Integrity - We are committed to honesty, ethical conduct, and responsibility.

Service - We are professional and responsive to the needs of our stakeholders.

Goal 1: Professional Qualifications for Licensure

The Board promotes the professional qualifications of those practicing court reporting by establishing examination standards and requirements.

- 1.1 Pursue reciprocity with other state and national exams to reduce barriers to licensure.
- 1.2 Change the testing format to conform to universal formats to increase pass rates and the licensee pool.
- 1.3 Assess the feasibility of adding one in-person test annually to improve accessibility and inclusivity.
- 1.4 Research the reinstatement of lapsed licenses and determine if statutory changes are necessary.
- 1.5 Explore the possibility of provisional licensing to promote fully licensed reporters and address the shortage of licensees.
- 1.6 Pursue legislation that will require Certified Shorthand Reporters (CSRs) to complete continuing education.
- 1.7 Review demographic data provided through the strategic planning process to identify any workforce issues.

Goal 2: Enforcement

The Board protects consumers by preventing violations and enforcing laws, codes, and standards when violations occur.

- 2.1 Pursue legislation that will require Certified Shorthand Reporter (CSRs) to state their license number at the beginning of proceedings.
- 2.2 Pursue legislation that will grant the Board authority to set standards, license, and oversee digital recording to ensure accurate and timely transcripts for the protection of consumers.

Goal 3: Educational Oversight

The Board advances higher education standards through educational oversight to increase the quality of education and safeguard consumer protection.

- 3.1 Explore methods to improve the capturing and communication of statistics on the effectiveness and quality of educational programs.
- 3.2 Obtain data on schools and students to assist the Board with daily operations and to identify any diversity, equity, and inclusion (DEI) and workforce supply issues.

Goal 4: Outreach

The Board increases awareness of its mission, activities, and services, with a focus on practice standards by sharing information with the public and professionals.

- 4.1 Increase the Board's visibility to promote consumer awareness about the Board's role and efforts.
- 4.2 Address digital recording to educate consumers on the distinction between digital recorders and Certified Shorthand Reporters (CSRs).
- 4.3 Inform the public about voice writers to create awareness about the new technology, prevent confusion, and better inform consumers.
- 4.4 Address the Transcript Reimbursement Fund (TRF) to increase awareness and inclusivity.
- 4.5 Attract people to the profession to address the shortage of licensees.
- 4.6 Pursue legislation that will require licensees to provide an email address to the Board for the delivery of electronic communication and updates.
- 4.7 Update the Board's logo and incorporate voice writing for a more universal and inclusive logo.
- 4.8 Explore the need to increase TRF funding to support program needs and the Board's DEI initiative.
- 4.9 Review and update the "Best Practices Pointers"¹ on the Board's website.

¹ Best practices pointers are not regulations or statutes. They are compiled guidance for particular situations based on regulations, statutes, and industry standards. Although the pointers may be used as a guide, they are not intended as legal advice, nor will the Board use the pointers themselves as a basis for discipline or enforcement.

Goal 5: Administration

The Board enhances organizational effectiveness and strives to improve the quality of customer service.

- 5.1 Streamline the Transcript Reimbursement Fund (TRF) process.
- 5.2 Create a succession plan for the executive officer position.
- 5.3 Collect data on website traffic to assist the Board in improving website functionality and accessibility for all stakeholders.

Strategic Planning Process

To understand the environment in which the Board operates as well as identify factors that could impact the Board's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning Unit (SOLID) conducted an environmental scan of the Board's internal and external environments by collecting information through the following methods:

Interview was conducted with the executive officer in May 2023.

Interviews were conducted with staff and board members who opted for this format in May 2023.

Online surveys were distributed to staff, board members, and external stakeholders in May 2023.

The most significant themes and trends identified from the environmental scan were discussed by board members, executive officer, and executive analyst during a publicly noticed strategic planning session facilitated by SOLID on August 31, 2023. This information guided the Board in the development of its strategic objectives outlined in this 2024-2028 strategic plan.

Court Reporters Board of California

2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

Toll Free: (877) 3-ASK-CRB (877-327-5272)

Phone: (916) 263-3660

<https://www.courtreportersboard.ca.gov/>

Strategic plan adopted on TBD.

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Court Reporters Board of California on August 31, 2023. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:
SOLID Planning Solutions
1747 N. Market Blvd., Ste. 270
Sacramento, CA 95834

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 9 – Expedited Fees for Deposition Transcripts

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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.

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Brief Summary:

At the September 1, 2023, meeting, the Board discussed the issue of court reporters and firms charging multiple parties for expedite fees. At the end of the discussion, additional information was requested from Board counsel in order to help inform the Board as to its decision.

As a reminder, 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.

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Support Document: Deposition Expedite Fee Examples and History

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References:

[BPC 8015](#) (Protection of public and litigants)
[BPC 8025](#) (Professional conduct)
[CCR 2470](#)
[CCP 2025.510](#)
[CCP 2025.320](#)
[AB 1211, 2007 Ch 115](#) (2025.510 amendments –Text and Bill Analysis 6/2/07)
[CRB Today, Spring 2012](#), FAQs Page 7 (CRB publication of policy)
[Rule of Court 8.130\(g\)](#) (Regulatory authority)
[Rule of Court 8.834\(e\)](#) (Regulatory authority)

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

DEPOSITION EXPEDITE FEE EXAMPLES AND HISTORY

Attachment
Agenda Item 9

ILLUSTRATION

The issue is best presented with a hypothetical. Prices are purely for illustrative purposes only and are not based on any actual prices court reporters may charge.

Party A and B are involved in civil litigation. Party A notices a deposition and hires Court Reporter CR to transcribe the event. At the end of the deposition, the following conversation occurs:

CR: The transcripts will be available in approximately three weeks, so on or about June 30, 2023. Copies will be \$1 per page, which will be approximately \$100.

A: Oh, I am going to need those transcripts expedited to one week, please.

CR: Ok. As set forth in our contract, expedited fees will be an additional \$200. I will have them ready on or before Wednesday.

A: Approximately \$100 plus \$200 expedited fee is acceptable.

B: Great! Pursuant to Code of Civil Procedure section 2025.510(d), when you let me know that they are available on or before Wednesday, I'll send you a check for \$1 per page, about \$100, to get a copy.

Current Board Interpretation of CCP 2025.510

The Board's interpretation since 2012 would result in CR agreeing to this transaction. Requiring B to also pay an expedited fee would be an unprofessional practice and subject CR to discipline. The published policy stated that an expedited fee is a one-time charge for transcription services prioritized ahead of other services, also known as early transcription. To charge additional parties for early transcription would be charging twice, which is unreasonable and unprofessional. Further, it violates Civil Code of Procedure (CCP) section 2025.510(b) and (c) in that the noticing party shall bear the cost of transcription unless otherwise ordered by a court, and the copy party pays for a copy. Charging a copy party without an order by the court was therefore a basis for unprofessional conduct.

The Board's current interpretation is that the provision of CCP section 2025.510(d), "...available to all parties at the same time," means when the transcripts are completed, they are ready for distribution to all parties, which would be on or before Wednesday. Here, the noticing party asked for the transcripts and is now adding a contracted service of expedited transcription, and therefore the Board finds Party A bears the cost of expedited transcription fee as well as standard transcription costs. The copy party remains responsible only for a copy of the transcription with no additional costs, unless additional costs are ordered by a court.

If Party A noticed the deposition and hired the court reporter, there is a contract between the two utilized for pricing and expectations. If Party B at the deposition

requested expedited services, the current Board interpretation would be that Party A will be responsible for the transcription original only, and Party B bears the cost of the requested expedited service along with a copy price. Party B could accept the rates within Party A's contract with Court Reporter or enter a new agreement for expedited services with Court Reporter.

In general, this interpretation emphasizes that the party requesting the expedited task bears the burden of compensating the reporter for overtime, workload, additional personnel necessary, etc. to complete the task within a stricter timeline. This service provided once, and so to request payment from both a requesting party and a copy party who is not privy to the contract for services is unreasonable and unprofessional. The party not requesting the expedited task does not bear any of the additional cost of the other party's request to receive the transcript at the same time. The court reporter does not incur additional time and efforts than she would with a copy at a later time, and the standard copy price incorporates the expense of generating a copy regardless of timeline. This interpretation is not codified into enforceable law.

Alternative Interpretation

The alternative interpretation of CCP section 2025.510 believes that when Party A asks for an expedited transcript, Party A will pay the transcript costs plus the expedited fee. CR would charge Party B for a transcription copy and either all or a percentage of the expedited fee when the transcript is available before the three-week originally quoted time. This interpretation is that CCR section 2025.510(d) provides that the transcript be "available" to both parties at the same time; subdivision (c) provides that other parties pay for a copy of the transcription, and case law says that the price for a copy of transcript may be "reasonable." When the quoted time for standard transcription is reached, the price of the copy will return to the quoted copy rates without expedited fees. Any party wishing to receive transcripts prior to a standard production date shall pay expedited rates for expedited benefits.

The expedited fee to charge Party B appears to be based on Party A's contracted rates. It is unknown if CR negotiates with Party B for what percentage of the expedited rate Party B would pay, but there is no legal requirement for CR to do so. Case law references that CR sets the percentage. If CR sets the percentage, this causes some controversy as Party B did not have notice or the benefit of participating in Party A's contract before an additional cost on the copy is imposed.

This interpretation emphasizes Party B should not receive a benefit without just compensation to CR, and CR should be fairly compensated for her time and efforts. It would be reasonable for a party to pay additional rates for the benefit or choose to not pay for a benefit and receive the transcript whenever the party wishes to pay the copy rate after the standard preparation time. The transcript is thus "available" to both parties at the same time, and the costs are reasonable in proportion to the benefit. Licensees engaging this practice believe themselves compliant with law, and nothing is codified contrary to this interpretation.

HISTORY

1997 – *Urban Pacific Equities Corp.* *Urban Pacific Equities Corp. v. Superior Court* (1997) 59 Cal.App.4th 688. A court reporter charged the noticing party \$17,780.05 in expedited fees, including an original and one copy. When the copy party requested a copy, the court reporter charged an additional \$6,500. The copy party refused, then submitted a business records subpoena, which would cost \$150 for the court reporter to produce. The court stated, “This appears to be an issue of first impression, perhaps because it falls within that category of things that “everybody knows” (as in, “everybody knows you get stuck paying the reporter's outrageous fees unless the other parties stipulate to relieve the reporter of his duties”).” The court found the fees obviously excessive and “unconscionable,” but without legislation to regulate fees, fees were subject to what the market could bear. The transcripts, meanwhile, are a product and not a business record, and so the subpoena is not proper.

2004 – The Civil Discovery Act is adopted to revise and recast discovery law. CCP section 2025.510 is added, and subdivisions (a)-(d) were adopted as they currently stand. Subdivisions (h) and (i) did not exist. CCP section 2025.310, referenced in section 2025.510, was adopted as it currently exists. Legislative Digest information is minimal since this was a large adoption and amendment of statute.

2007 – Statutory amendments. Subdivisions (h)(1) – (3) and (i) are added and remain without change to present. Legislative analysis reports stated that the amendments were intended to require the noticing party to pay for the transcription rather than avoid full payment by requiring the other parties to contribute. Subdivision (i) references the Court Reporter's Board's jurisdiction, codifying the services subject to this statute are those conducted pursuant to Business and Professions Code section 8017. The Legislative Digest provides:

Existing law provides a comprehensive procedure for the noticing, conduct, and transcription or recording of oral depositions inside the state. Existing law requires the party noticing the deposition to bear the cost of the transcription, unless the court, on motion and for good cause, orders that the cost be borne or shared by another party.

This bill would provide, in addition, that the obligation to timely pay the deposition officer or entity providing the services of the deposition officer for that transcription, and any other deposition products or services, as defined, that are requested, shall be the responsibility of the requesting attorney or a party representing himself or herself, unless responsibility for the payment is otherwise provided by law or the deposition officer or entity is notified in writing that the party or another identified person will be responsible for payment. The bill would provide that these provisions do not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

2008 – Stefan I. *Serrano v. Stefan Merli Plastering Co., Inc.* (2008) 162 Cal.App.4th 1014. The trial court found that expedited fees imposed on the copy party were “unconscionable,” but determined that it had no authority to grant relief pursuant to *Urban Pacific Equities Corp.* The appellate court ruled that the trial court had the authority to limit the fees imposed by the court reporter. The appellate court rejected *Urban Pacific Equities Corp.* in that “what the market will bear” is not appropriate because the copy party has no market interaction (is not a party to the contract or negotiations) and “could be placed at the mercy of the reporter’s arbitrary pricing policy.” The matter was remanded to the trial court to take evidence on the reasonableness of the expedited fee imposed on the copy party. Of particular relevance to this matter and to the existence of the two positions, the *Stefan I* Court stated:

The amount that the court requires a party to pay to obtain a copy of a transcript in a pending action pursuant to section 2025.510, subdivision (c) must be a reasonable amount for that service, regardless of any other services that the deposition reporter may have provided for which the party requesting a copy is not responsible. The cost of transcription must be borne by the party noticing the deposition, unless the court on motion and for good cause orders otherwise (§ 2025.510, subd. (b)), so a reasonable fee for a copy of the transcript would not include any amount that compensates the deposition reporter for the cost to expedite the transcription. This does not preclude a deposition reporter from charging a reasonable fee for expediting the making, certification, and delivery of a copy. Although the reporter ordinarily sets the fee in the first instance, the reasonableness of the “expense” (*id.*, subd. (c)) that a court may require a party to pay to obtain a copy of the transcript in a pending action is a question within the sound discretion of the trial court. The concerns expressed by Coast and the amici curiae concerning intrusive, ad hoc price regulation are unfounded. Our holding is limited to circumstances where (1) there is no relevant contractual relationship between the deposition reporter and the non-noticing party relating to the cost of a copy of the deposition transcript and (2) court intervention is required to ensure that the deposition reporter provide a copy of a deposition transcript to a non-noticing party in a pending action where the reporter has either refused to provide such a copy or is willing to do so only on the condition that the non-noticing party pay what it believes to be an unreasonable fee.

The *Stefan I* Court opines both that the reasonable fee cannot include the costs to expedite but may include the costs to expedite the copy. The expedited delivery is the clearest example in that it seems reasonable that a party requesting an overnight delivery pay for the overnight shipping costs, which are outside of the court reporter’s control. But stating that the “making” and “certification” of certified copies as not necessarily unreasonable leaves the matter up to interpretation for the industry without clarifying interpretation by CRB or the Legislature. Further, one position that CRB currently holds is that while these costs may have been reasonable in the past, today service is provided at the click of a button via email.

October 2011 – *Stefan II*. *Serrano v. Stefan Merli Plastering Co., Inc.* (2011) 52 Cal.App.4th 1018. On remand, the trial court found the expedited fees upon the copy party were unreasonable. On that basis, the copy party asked for attorney fees incurred in the litigation regarding the expedited fees. The trial court denied that relief because the relief is based on litigation of rights involving public interest, and denial of expedited fees was the party's personal interest. The court of appeal affirmed. The Supreme Court found that statutes governing depositions were unclear and CCP section 2025.510 offers no guidance on the amount of "expense" a copy party. The Supreme Court ruled that *Stefan I* established the right for copy parties to bring their disputes over fees to trial court for resolution. The final disposition is that the litigation involved an important right of public interest and therefore remanded the matter to trial court to evaluate the request for attorney's fees.

Spring 2012 – CRB establishes and publishes a policy. CRB asks DCA Legal to review CCP section 2025.510, case law, and other law to evaluate the practice of adding an expedited fee to copies for parties other than the party requesting the expedited service as professional conduct. Legal opines that the practice would justify discipline under California Code of Regulations (CCR), title 16, section 2470. CCR section 2470 provides that a violation of any rule or code provision specifically governing shorthand reporters is unprofessional conduct and therefore a basis for discipline. As CCP section 2025.510(b) and (c) provide that the noticing party bears the cost of transcription unless otherwise ordered by the court, and all others get a copy, charging the copy party an additional fee without a court order is prohibited. Further, the expedited fee is a one-time charge for transcription services prioritized ahead of other services, also known as early transcription. To charge additional parties for early transcription would be charging twice, which is unreasonable. CRB accepts the evaluation and publishes the policy as guidance in its newsletter and online.

2014 – Statutory amendments. Subdivision (h)(4) becomes (h)(5). A new (h)(4) references the *Stefan I*'s ruling, but the scope is limited to the opinion regarding personal jurisdiction.

COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 10 – License/Certificate Reciprocity

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Agenda Description:

Update on allowing reciprocity with Certified Verbatim Reporter (CVR) certification from the National Verbatim Reporters Association.

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Brief Summary:

On November 17-18, 2024, the Office of Professional Examination Services (OPES) held a linkage study workshop with California court reporters acting as subject matter experts. This is the next step in OPES's evaluation of possible reciprocity with the CVR.

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Support Documents: None

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Fiscal Impact: None

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Recommended Board Action: Informational only.

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AGENDA ITEM 11 – Judicial Council Request for Workforce Survey

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Agenda Description:

Discussion and possible action to administer a workforce survey of court reporters.

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Brief Summary:

The Board has received a request from the Judicial Council of California to conduct a workforce survey. They offered the example of the Board of Registered Nurses (BRN) who have the University of California San Francisco conduct a survey of registered nurses. The survey covers various aspects such as employment location, income, job satisfaction, changes in employment, and factors influencing decisions to work for temporary agencies or registries. The Judicial Council asserts the responses to these regular surveys are helpful to the BRN and other stakeholders in understanding the population of nurses licensed in California and examining changes in this population over time.

The Judicial Council has asked the Board to consider such a survey, with the results to be available to the public. It has also offered to serve as a source of feedback and input in developing the survey's goals and questions.

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Support Documents: None

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Fiscal Impact: There will be a cost of survey development, postage, and staff time.

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Recommended Board Action: Staff recommends that the Board evaluate the benefits of a workforce survey.

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COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 12 – Best Practice Pointers Task Force

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Agenda Description:

Discussion and possible action to appoint a task force to update the current Best Practice Pointers.

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Brief Summary:

Beginning in 2015, the Board has convened Best Practice Pointers task forces to help give guidance to situations not specifically outlined in statute. Not only do existing Best Practice Pointers need to be updated, but Board staff has received a number of requests for development of Best Practice Pointers for new topics.

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Support Documents: None

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Fiscal Impact: None if meetings are held remotely.

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Recommended Board Action: Staff recommends that the Board appoint a Best Practice Pointers Task Force chair who will subsequently work the Board staff to appoint task force members.

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COURT REPORTERS BOARD MEETING – DECEMBER 13, 2023

AGENDA ITEM 13 – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates

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Support Documents:

Attachment – 2024 Board Calendar

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Current scheduled activities:

Exam Workshop:
 January 26 – 27, 2024 – Sacramento

CSR Dictation Exam:
 March 1 – 22, 2024 – Realtime Coach (Online Vendor)
 July 5 – 26, 2024 – Realtime Coach (Online Vendor)
 November 1 – 22, 2024 – Realtime Coach (Online Vendor)

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

A YEAR-AT-A-GLANCE CALENDAR 2024
COURT REPORTERS BOARD OF CALIFORNIA

JANUARY 2024

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JULY 2024

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OCTOBER 2024

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DECEMBER 2024

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ACTIVITY

BD	Board Meeting or Activity
Exam	Dictation Exam
Workshop	Exam Workshop
TF	Task Force Meeting
TH	Town Hall Meeting
OA	Occupational Analysis
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 – DECEMBER 13, 2023

AGENDA ITEM 14 – Closed Session

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Agenda Description:

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

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Fiscal Impact: None