



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD  
OF CALIFORNIA**2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833  
Phone (916) 263-3660 / Toll Free: 1-877-327-5272  
Fax (916) 263-3664 / [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)**MEETING OF THE COURT REPORTERS BOARD****Thursday, April 4, 2024  
9:00 a.m. to conclusion**

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

**Department of Consumer Affairs  
HQ1 Hearing Room  
1625 North Market Boulevard  
Sacramento, CA 95834**

**Important Notices to the Public: The Court Reporters Board will hold a public meeting via a teleconference platform pursuant to Government Code, section 11123.2.**

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=m5ca7ea54887e1050e994368bcdbe4471>

Event number: 2484 091 2798

Event passcode: CRB44

If Joining by Phone:

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

Access code: 2484 091 2798

Event passcode: 27244

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

**Thursday, April 4, 2024**  
**9:00 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 DECEMBER 13, 2023, MEETING MINUTES .... 6
3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE ..... 22
4. REPORT OF THE EXECUTIVE OFFICER ..... 23
  - 4.1 CRB Budget Report
  - 4.2 Transcript Reimbursement Fund
  - 4.3 Enforcement Activities
  - 4.4 License Exam
  - 4.5 Technology Modernization
5. FEE AND FEE CAP INCREASE ..... 38  
Discussion and possible action to approve legislative language to raise license and renewal fees and the fee cap.
6. LEGISLATION ..... 42  
Discussion and possible action
  - 6.1 [AB 477](#) (Waldron) – Legislative review of state boards.
  - 6.2 [SB 662](#) (Rubio) – Courts: court reporters.
  - 6.3 [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.

7.	<u>REGULATIONS</u> .....	44
	Title 16, Sections 2420, 2422, and 2473 – Examination Results & Transcript Format Discussion and possible action related to comments received. Amended language may be considered.	
8.	<u>SUNSET REVIEW</u> .....	45
	Report on hearing and review and approval of sunset review response.	
9.	<u>SKILLS EXAM FORMAT</u> .....	88
	Discussion and possible action to change the skills portion of the license exam from four-voice for 15 minutes at 200 words per minute to the universal format of three five-minute tests at 180 words per minute for literary, 200 words per minute for jury charge, and 225 words per minute for Question and Answer.	
10.	<u>LICENSE/CERTIFICATE RECIPROCITY</u> .....	89
	Update on reciprocity with the Certified Verbatim Reporter certification from the National Verbatim Reporters Association.	
11.	<u>BEST PRACTICE POINTERS TASK FORCE</u> .....	90
	Update on task force to update the current Best Practice Pointers.	
12.	<u>GOVERNMENT CODE 69954(b)</u> .....	91
	Discuss and receive public comment regarding copy charges for appeals transcripts. No Board action will be taken on this item.	
13.	<u>FUTURE MEETING DATES</u> .....	92
	Discussion and possible action to schedule future meeting dates.	

**ADJOURNMENT**

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

Please note the Board may ask members of the public to limit their comments to three minutes, unless, at the discretion of the Board, circumstances require a shorter period; the Board will advise when the three-minute time limit is approaching.

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

To receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting or visit the Board's Calendar under "Quick Hits" at [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov).

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

COURT REPORTERS BOARD MEETING – APRIL 4, 2024

**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 – APRIL 4, 2024

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

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Agenda Description:

Review and approval of December 13, 2023, minutes

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Brief Summary:

The Board met on December 13, 2023, and minutes of that meeting are before the Board for consideration and approval.

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Support Documents:

Attachment – Draft minutes for December 13, 2023

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Fiscal Impact: None

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Recommended Board Action: Staff recommends the Board approve minutes.

Proposed Motion: I move approval (as amended) of the minutes of the December 13, 2023, meeting.



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# DRAFT

## COURT REPORTERS BOARD OF CALIFORNIA MINUTES OF OPEN SESSION DECEMBER 13, 2023

Attachment  
Agenda Item 2

### CALL TO ORDER

Ms. Denise Tugade, Chair, called the meeting to order at 10:04 a.m. The public meeting was held via a teleconference platform, and a physical meeting location was not provided.

### ROLL CALL

Board Members Present: Denise Tugade, Public Member, Chair  
Robin Sunkees, Licensee Member, Vice Chair  
Laura Brewer, Licensee Member  
Michael Dodge-Nam, Public Member  
Arteen Mnayan, Public Member

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

Board staff established the presence of a quorum.

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

Esther Chun, CSR, an official court reporter for San Mateo County, requested the Board consider for a future meeting the Board's interpretation and application of Government Code § 69954 (b). She was joined in her request by CSRs Diane Pessagno and Stacy Gaskill.

Belle Vivienne requested the Board consider for a future meeting the problems candidates are experiencing with ProctorU.

Tara Ocana, court reporting student, requested the Board consider non-proctored testing, as practiced by National Court Reporters Association (NCRA), for the dictation exam, or offer an in-person option in the next year. She cited problems experienced with ProctorU. Priscilla Gwaltney, on behalf of the California Court Reporters Association (CCRA), joined in the request.

## 2. REVIEW AND APPROVAL SEPTEMBER 1, 2023, MEETING MINUTES

*Ms. Brewer moved to approve the minutes. Mr. Dodge-Nam seconded the motion.*  
Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

## 3. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Korrina Moreno with the Department of Consumer Affairs (Department/DCA) provided a Department update.

### Business, Consumer Services and Housing Agency Update

On November 28th, Governor Newsom appointed Tomiquia Moss as Secretary of the Business, Consumer Services and Housing Agency (BCSH). Information pertaining to Secretary Moss and her appointment may be found on Newsroom page of the Governor's website: <https://www.gov.ca.gov/2023/11/28/governor-newsom-appoints-new-business-consumer-services-and-housing-agency-secretary/>.

### DEI Update

On November 7, 2023, UMASS consultant Christopher Veal provided a virtual training titled DEI Dialogue for Leaders to 173 DCA managers, supervisors, and leaders. Veal's training covered psychological safety and how it affects these conversations as well as interactive discussions about the challenges that leaders are facing. Feedback regarding the training was extremely positive.

The DEI Steering Committee will hold its quarterly meeting on December 15, 2023. The Committee will review a draft DEI intranet webpage currently in development, elect its 2024 chairperson and vice chairperson, and discuss DEI training. Once operational, the DEI intranet page will provide all DCA employees information and resources including DEI hiring principles to serve as a guide for those involved in the hiring process.

The DEI Steering Committee would like boards and bureaus to share with DCA Board and Bureau Relations (BBR) any DEI efforts they have made so they may be showcased.

DCA continues to support its boards and bureaus in expanding culturally competent communications and promote the importance of meeting the needs of all California consumers, licensees, and applicants. The latest issue of DCA's Consumer Connection magazine includes articles with information important to consumers, with a feature cover story translated into four languages. The magazine is available on the DCA homepage. Printed copies can be obtained by emailing [ConsumerConnection@dca.ca.gov](mailto:ConsumerConnection@dca.ca.gov).



## Military Portal Launch

On November 29, the Department successfully launched a new process and portal in support of servicemembers and their families following new federal and state laws passed this year. Known as the Federal Professional License Portability and State Registration portal, this new DCA online portal will allow boards and bureaus to accept online requests from military servicemembers and their spouses who currently hold a valid license in good standing in another state, district, or territory to register their practice in California within the same profession or vocation, if they relocate to California because of military orders.

This online portal will allow DCA to properly receive, track, and review requests to ensure compliance with federal and state law. In addition, DCA's military resources webpage and board and bureau licensing webpages have been updated with Federal Professional License Portability and State Registration information.

It is vital that DCA provide servicemembers and their families coming to California under military orders with the highest level of customer service and assistance. DCA continues to strongly encourage all boards and bureaus to streamline internal processes, use single points of contact for military licensure requests, and process all military requests as quickly as possible. Developed and implemented completely by DCA staff, this is a huge accomplishment, and DCA is very proud of the talent and teamwork that made this portal a reality.

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

As a reminder, DCA boards and bureaus may conduct entirely remote public meetings without noticed locations accessible to the public through December 31, 2023, so long as the public is able to participate in the meeting remotely.

Commencing on January 1, 2024, four meeting options will be available pursuant to the Bagley-Keene Open Meeting Act: traditional single-location, traditional teleconference, new teleconference option, and new advisory body teleconference option. [Details for each of the four options is summarized on page 42 of the Board agenda packet.]

DCA encourages boards to work closely with their board counsels to ensure compliance with the Open Meeting Act.

## 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.

### Out-of-State Travel Update

California's restricted states travel list has been eliminated and replaced with a new public awareness project that will consult with community leaders to promote California's values of acceptance and inclusion of the LGBTQ+ community across the country. Over the past years, several out-of-state trips requested by boards were not authorized because the travel was to a state on the restricted travel list. Now out-of-state travel to all states is permitted if the trip is critical to the functions and needs of the board. Out-of-state travel requests must still follow the established process for review and approval by DCA, Agency, and the Governor's Office. For questions, please reach out to your executive officer or Board and Bureau Relations.

### Our Promise State Employees Giving at Work Campaign

In partnership with board members, DCA will continue its tradition of generosity and caring for our communities. This year's *Our Promise Giving at Work Campaign* is underway and runs through December 31, 2023. DCA's Co-Chairs are Monica Vargas, Deputy Director of Communications, and Yvonne Dorantes, Assistant Deputy Director of Board and Bureau Relations. This annual campaign gives state employees, including board members, an opportunity to support nonprofits through a one-time donation or payroll deduction. These contributions make a positive impact by providing vital resources to those experiencing poverty, homelessness, food insecurity, and offer support to causes such as veterans, animals, the environment, and more. We hope you will join the State's campaign and contribute to one or more nonprofits of your choice. Please contact Yvonne Dorantes for additional information on how to give by December 31st.

### State Employee Food Drive

The annual California State Employees Food Drive started this month and runs through January 8, 2024. In our effort to support families in need, DCA has distributed collection boxes at the following Sacramento-area locations: HQ1, HQ2, BAR, CSLB, and Evergreen. Employees and Board members can drop off nonperishable items in the boxes for DCA to donate to a local food bank. Collection boxes will be available through January 8, 2024. For more information on how to make a difference as part of this year's food drive and other ways to participate, visit [www.fooddrive.ca.gov](http://www.fooddrive.ca.gov).

### BBR Fall Newsletter

Lastly, BBR sent out its 2023 fall newsletter, which was distributed to board presidents, vice presidents, and executive officers and is also available online on the DCA Board member resources page.

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

## 4. REPORT OF THE EXECUTIVE OFFICER

### 4.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 28 of the Board agenda packet for the expenditure projections for Fiscal Month 3. She referred to the Board's overall fund condition on page 29 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 and \$200,000 the following two years.

There is a projected dip to below six months in the operating reserve 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.

Ana Costa asked who prepares the Board's budget and whether or not it is a CPA. Ms. Fenner responded that the Board has a budget analyst through DCA who is not a CPA. She indicated that any questions regarding the budget may be submitted to staff.

### 4.2 Transcript Reimbursement Fund

Ms. Bruning reported that the TRF paid out more than \$37,000 for pro bono cases and over \$31,000 for pro per cases thus far in the 2023/24 fiscal year. She added that the TRF provisionally approved just under \$12,000 for which staff was awaiting final invoices.

### 4.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 31 of the Board agenda packet. She indicated that the number of complaints is slightly higher than average, but it is not unexpected with the addition of firm registration/oversight.

### 4.4 License Exam

Ms. Fenner indicated that the overall exam statistics began on page 35 of the Board agenda packet.

The most recent dictation exam was open from November 1 – 22, 2023. She stated that 33 of the 141 exam applications received were voice writers. There were 120 candidates who actually sat for the test, of which 94 successfully submitted exams for grading. She added that 59 candidates scheduled to take the test during the last five days of the testing window. Scheduling late in the three-week exam cycle may cause a candidate to miss the opportunity to retest if they experience technical issues because 72 hours is required to reschedule for a proctor.

Mr. Dodge-Nam asked if the increase in the first-time candidates was as a result of voice writing candidates. Ms. Fenner believed that opening the test to voice writers played a large part in the increase of candidates. The training program is much shorter, and the schools have embraced it. Enrollment is often spurred by the ebb of licensees; therefore, some schools have reported that they have a wait list for entry. Ms. Tugade requested an explanation of the information received by candidates for how and when to schedule their exam. Ms. Fenner responded that the instructions are emailed as soon as the candidates are eligible to take the exam. The instructions include information regarding the 72-hour advanced notice for scheduling a proctor.

Ms. Brewer suggested that staff create a separate deadline for scheduling during the first part of the cycle that allows for only retesting during the last week. Ms. Fenner indicated that staff has struggled with potentially establishing different timelines in hopes of more candidates passing the exam but ultimately does not believe it is proactive to plant the seed that failing to read and abide the instructions will lead to licensing a group of people who will not be able to fulfill transcript request expectations. Ms. Sunkees agreed that licensees should be held to the standards of reading directions and planning accordingly.

Ms. Sunkees requested staff reach out to the state trade associations and ask that they reiterate to their CSR-prep class attendees the need to schedule their dictation exam early in the testing cycle. Ms. Tugade asked that staff review the exam instructions to evaluate anywhere they may be made clearer.

Ms. Fenner referred to the statistics for the two written portions of the license exam, English and Professional Practice, which appeared on pages 37 through 40.

Ms. Gwaltney, CCRA, questioned whether an in-person exam would have resulted in exams being submitted by the 26 candidates who did not submit a test. She reiterated the problems with ProctorU. She requested feedback on the types of causes for failure to upload a test so that she may assist students with those issues during her CSR-prep course. Ms. Fenner offered that not all 26 failures to upload were a cause of technical problems – some candidates did not submit their test because they felt that they did not pass.

Ana Costa suggested the Board post its notices to social media regarding application deadlines and meetings. She asked when the Board would post its 2023 environmental scan survey. Ms. Fenner offered to find out if it is available for distribution to the public.

Ms. Gaskill supported the request made by Ms. Gwaltney regarding tracking candidate technical issues. She also agreed with reserving five days of the exam cycle for retests for candidates who experienced technical problems because of ProctorU.

Ms. Fenner clarified that not all technical issues experienced by candidates are caused by ProctorU. Some problems are related to internet bandwidth issues on the candidate's end.

Ms. Ocana offered to send information she compiled from other candidates regarding problems with ProctorU.

Ms. Costa joined in the comments by Ms. Gwaltney and Ms. Ocana.

#### 4.5 Technology Modernization

Ms Fenner reported that staff continues to meet with the development team daily to report progress and solve impediments. The first run of data conversion testing has begun with the goal of full cutover in March. The project is currently on schedule, on budget, and matching the defined scope of the project.

Ms. Fenner once again thanked staff for their countless hours devoted to testing the system and assisting the developers to understand the Board's business processes. Ms. Brewer expressed her gratitude for being able to see this program come together. Ms. Sunkees agreed.

### 5. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board is tracking during the two-year legislative cycle could be found beginning on page 41 of the Board agenda packet.

5.1 AB 477 (Waldron) – No discussion.

5.2 AB 1363 (Flora) – No discussion.

5.3 SB 372 (Menjivar) – No discussion.

5.4 SB 544 (Laird) – Ms. Fenner stated that the bill was chaptered and would become law January 1, 2024. It provides updates to the Bagley-Keene Open Meeting Act and would have a financial impact on the Board as its meetings move back to in-person.

5.5 SB 662 (Rubio) – Ms. Fenner stated that the bill includes language requiring the Board to submit a report to the Legislature regarding whether its exam is required for licensure to establish competency or if it is a barrier to licensure. The bill has until the end of January to move through the Senate in order to move to the Assembly side.

Ms. Brewer stated that the improvement in the Board's exam statistics would hopefully negate the need to pursue alternative means for capturing court proceedings. Mr. Dodge-Nam agreed and commented on the Board's historical opposition to electronic recording. Ms. Tugade added that the Board has pursued multiple avenues such as reciprocity and reviewing its own exam in an effort to reduce barriers to licensure. Ms. Sunkees offered that increased school enrollment also spoke to the positive prospect of a solid licensee base.

Ms. Fenner indicated the Board historically looked at electronic recording (ER) as an inferior way to make a record for consumer. The court is trying to make a record of some sort; however, past Boards have had a lot of concern on whether it's a complete and intelligible record or if an okay or partial record is sufficient for a litigant. Without a live reporter, there is no one to stop and address any problems. There are also

privacy concerns of obtaining a matter when multiple proceedings are heard that may be inadvertently released.

*Mr. Dodge-Nam moved to take an OPPOSE position on SB 662 (Laird). Ms. Brewer seconded the motion. Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.*

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

- 5.6 SB 802 (Roth) – Ms. Fenner stated that the bill does not appear to be moving forward. She indicated that if it does pass, it will affect Board’s enforcement and application processes.

***The Board took a break at 11:30 a.m. and returned to open session at 11:45 a.m.***

## 6. REGULATIONS

Ms. Figueira updated the Board on its two rulemaking packages. Information was also included starting on page 43 of the Board agenda packet.

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

Ms. Figueira indicated that this package relates to voice writers. It was still under review by the Office of Administrative Law (OAL), which has until December 18, 2023, to complete their review. The fiscal and economic analyses documents were approved by the Department of Finance on December 8, 2023, and submitted to OAL on the same day. Staff has been in communication with the OAL reviewing attorney and anticipates action by the end of the week. If OAL approves the voice writers rulemaking package, the regulatory changes will become effective on April 1, 2024.

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

Ms. Figueira reported that this package relates to examination results and transcript format. The package was under review by the Business, Consumer Services and Housing Agency. Once approved, it will be submitted to OAL for publication of the Notice of Proposed Regulatory Action and start of the 45-day comment period. A hearing for this rulemaking had not yet been scheduled, but if a request is made for one in accordance with the Notice, a hearing would be scheduled. If no adverse comments are received during the 45-day comment period, staff will continue the processing of this rulemaking through the DCA, the Department of Finance, and OAL, which could take approximately another four to seven months before the package is approved and the changes become effective.

## 7. SUNSET REVIEW

Ms. Fenner referred to the final draft of the Board's sunset review report starting on page 45 of the Board agenda packet. She invited amendments and a motion to approve from the Board and shared that the report must be to the Legislature by January 4, 2024.

The Board provided nonsubstantive amendments to the draft report. They also added information pertaining to the expedite of applications from military personnel and spouses to the answer for Question 20. They requested staff add information to the answer for Question 27 regarding plans for the next occupational analysis, exploring reciprocity, and the format for the exam.

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

*Ms. Brewer moved to submit the amended report to the Legislature. Mr. Dodge-Nam seconded the motion.* Ms. Tugade called for public comment.

Ms. Costa thanked the Board for putting together the comprehensive document.

A vote was conducted by roll call.

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

Opposed: None

Absent: None

Abstain: None

Recusal: None

### **MOTION CARRIED**

***The Board took a break at 1:11 p.m. and returned to open session at 2:00 p.m.***

## 8. 2024-2028 STRATEGIC PLAN

Ms. Fenner presented the Board's 2024–2028 Strategic Plan draft starting on page 98 of the Board agenda packet. The plan includes the Board's overarching goals which Board and SOLID staff will use to develop an action plan by breaking down each objective into smaller action items with target deadlines. She welcomed amendments to the document.

The Board provided amendments to the document.

*Ms. Sunkees moved to approve the 2024-2028 Strategic Plan as amended. Ms. Brewer seconded the motion.* Ms. Tugade called for public comment. No comments were offered. A vote was conducted by roll call.

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

Opposed: None

Absent: Mr. Mnayan

Abstain: None

Recusal: None

### **MOTION CARRIED**

## 9. EXPEDITED FEES FOR DEPOSITION TRANSCRIPTS

Helen Geoffroy, Board Counsel provided a recap of the Bagley-Keene Open Meeting Act guidance she gave at the last meeting. She stated that each member has an equal role within the Board but acts as one body to protect the public. She added that participation by the public was encouraged as long as it remained orderly. She shared information from Business and Professions Code (BPC) sections 8005.1 and 8015.

Ms. Geoffroy stated that the Board was briefed at its meeting of September 1, 2023, on the need for codification of the professional conduct policy regarding the expedited depo transcript fees. The matter before the Board in this issue included fees deemed unconscionable adding that Board staff receives consistent complaints of excessive fees. Licensees need to know what is expected for professional conduct standards, and the Board must enforce professional conduct by its licensees. The Board determined at the September meeting that it required additional context to make an informed decision as to the policy it wished to implement and the codification process it should pursue. Any party may request expedited transcripts regardless of who noticed the deposition. She presented a legal summary of her findings and referenced information contained in the Deposition Expedite Fee Examples and History document provided in the Board agenda packet starting on page 112.

Ms. Geoffroy indicated that in 2012 the Board requested DCA Legal to review and opine on professional conduct implications for court reporter to charge a copy party expedited fees. DCA Legal advised that Code of Civil Procedure (CCP) 2025.510 does not codify the authority for a court reporter to unilaterally charge fees to a copy party that are related to deposition services, but only for a copy of the completed services. Fees are to be paid by the noticing party unless otherwise ordered by a court. The purpose of an expedited fee is charge for the prioritization of the transcription task ahead of others queued for the court reporter. To charge additional parties would be charging twice for same service, which is unreasonable and, therefore, unprofessional conduct. The Board accepted the advice and published the policy; however, the policy was not set forth into law.

The court struggled without codified guidance and had to piecemeal concepts of contract law, applicability to those outside the contract, reasonableness, authority to grant remedies, and market economics to rule on the law and fact patterns presented to them. Despite these case rulings, the Legislature still did not amend CCP 2025.510 regarding deposition transcript costs to clarify as to allow any type of transcript fees for the copy party. The statute remains as is. In subdivision (b), the noticing party shall bear the cost of transcription, unless a court orders otherwise. In subdivision (c), the other parties may pay to obtain a copy. And in subdivision (d), the transcripts shall be made available to all parties at the same time.

Legal's position has not changed. Legal advises that the statutory language of CCP 2025.510 both (b) and (c) do not support charging additional fees to the copy party by the court reporter, including expedited fees for a period of time or charging all or a percentage of additional fees to the copy party. The Board is advised that discipline against a licensee for charging a non-requesting party is legally supported. This Board cannot enforce a policy, however, the discipline would be supported by the current law in BCP section 8025 which requires licenses to comply with any provision of law related to court reporter duties. CCP 2025.510 is known to licensees as controlling the law for



deposition transcripts. Moreover, this statute is specifically referenced in Code of Regulations section 2475. Sections 2025.510 authorizes the licensee to collect payment for transcription services from the noticing party. The requesting party is required to pay for transcripts and services unless other parties are ordered to do so by a Court. Other parties may pay for a copy. Legislative intent for section 2025.510 provides that any other deposition services that are requested shall be the responsibility of the requesting party. Code of Regulations section 2470 codifies that professional misconduct shall include any violation of the shorthand reporters act, Board regulations, or any code provision specifically governing shorthand reporting. The Legislature codified that the Board shall work in the best interests of litigants in BPC 8015. The Board would argue that a fee beyond a stable copy fee is not in the best interest of the litigant. Citation by either party of Stephan I, would quote 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. Moreover, the Legislature codified in BPC section 8019 that any violation of the act is a misdemeanor. Therefore, the Legislature has codified that the law adopted to license, regulate, and discipline the licensees is strict enough to support criminal charges. Therefore, the law fully supports that charging a copy party is unprofessional conduct.

As previously mentioned, the licensee and litigant population are entitled to clarity, however, codification is necessary to clearly communicate what is unprofessional conduct to licensees. This Board may codify or attempt to codify any policy that it deems is in the best interest of the public and litigants. Policy determined by the Board, regardless as to what it is, will not change the above law. Once the board determines its policy, staff will prepare the appropriate codification documents for review at the next meeting.

The Board must decide its policy on what is or is not professional conduct for a court reporter: May a court reporter charge the copy party for an expedited deposition transcript?

If the Board finds that a court reporter may not charge a copy party expedited fees, the statute supports this position; so, therefore, the Board may pursue regulatory adoption of the policy into enforceable law. Regulations interpret, implement, and make more specific statutes that the Board has authority over.

If the Board finds that a court reporter may charge a copy party expedited fees, then the Board must pursue a legislative change to alter the statute. The Legislature, however, is not bound by any of this Board's preferences. The Legislature may codify whatever clarification or mandates that it wishes. The Board may not use the regulatory process in this case because the CCP is not within the Board's practice act.

Ms. Sunkees stated that consumers need an unbiased licensed professional who treats all parties equally. She believed the court reporter must charge all parties the expedite fee. She added that expedites are a value-added service like realtime and rough drafts. It would be unfair to charge only one party for all services provided. She shared that AB 177 amended Government Code 69951 in September 2021, which allows reporters to charge 50% more for a daily copy fee in court for both the original and any copies. She suggested a provision that requires the reporter to provide the transcript to the copy party within 10 business days if they do not want to pay an expedite fee.

Mr. Dodge-Nam indicated that he did not believe it was in the best interest of the consumer to charge an expedited fee to the copy party. There may be an advantage created by one party who has more money and obtains the transcript before the disadvantaged party. He acknowledged the value of the reporters and stated that reporters should charge an appropriate expedite fee to the ordering party that does not rely on charging an additional fee to the copy party. He remarked that the language states to make the transcript available at the same time, not to make it available to order. He opposed allowing an expedited copy fee.

Mr. Mnayan suggested that the copy party be charged a discounted expedite fee.

Ms. Brewer stated that a thriving deposition market is in the best interest of the consumers. She believed that consumers have a right to fair charges and to not be disadvantaged, however, asserted that providers should also not be disadvantaged. She also stated that the noticing party pays a greater portion of the transcription and that expedite fees are paid on a proportional basis. She stated that deposition fees are not regulated and, therefore it would be problematic to regulate one thing and not others. She agreed expedites are a value-added service that they should be allowed to charge for.

Mr. Dodge-Nam agreed that having an attractive marketplace and industry is important and benefits everyone. He indicated that expedited copy fees is not the right way to make that happen. He added that deposition fees are not regulated, and court reporters can charge more to the noticing party to justify the costs; however, it would not be appropriate to potentially disadvantage the copy party if they cannot pay the expedite fee.

Ms. Geoffroy reiterated that any percentage, sliding scale, or alternating copy price is not supported by the current statute which the Legislature dictated to say that the copy party only pays for a copy and that services are born by the requesting party. A delegated waiting period would also not be supported by the statute. The Board would need to pursue legislative change which may cause the Board to lose control over how the legislation is adopted. The Legislature may accept, deny, accept in part, alter, reverse, go completely opposite, or refuse to adopt any proposal the Board brings forward. The Legislature may set guidelines, caps, or other mandate on what a court reporter may charge for any expedited fees or services instead of there being an open market.

Ms. Tugade called for public comment.

Mary Pierce thanked Ms. Sunkees and Ms. Brewer for their comments and agreed with their position. She stated that the CCP 2025.320(b) states that all services and products offered shall be made available and argued that it does not mean "shall be provided to." Expedites are a value-added service that is available and can be declined.

Ms. Geoffroy provided information on what the Board would need to do to prepare a legislative proposal change. The Board may need to specify things such as where they want to add in a restrictive timeline for providing the non-expedited transcript and provide what it believes would be a reasonable expedited transcript fee. Depending on how restrictive the amended legislative language is, the Board may be able to further implement regulatory language to be specific to its licensee population.

*Ms. Sunkees moved that expedite fees can be charged to all parties. Ms. Brewer seconded the motion. Ms. Tugade called for public comment.*

Ms. Pierce thanked the Members for their motion but requested an amendment to indicate that all parties ordering or asking for an expedited service on their transcript may be changed for that value-added service.

Ms. Geoffroy suggested the Board avoid a compound motion and start with a basic statement. Additional motions or instructions may be made to further clarify the details.

Cindy Vega thanked the Members and agreed with Ms. Pierce.

Teresa Kusar stated that she fears there will be more transcript sharing with counsel if this is passed, resulting in both the court reporter and agency to lose on the copy charges.

Mr. Dodge-Nam reiterated his opposition to the motion. He believes strongly in the need to earn a living and charge appropriate fees; however, this is not the way to do it. A disadvantage is created by allowing one party to receive the transcript at an earlier time.

Ms. Brewer commented that the expedite fee is no different than other services that a court reporter charges such as rough drafts and realtime. She stated that if a party wants to be on equal footing with a noticing party who orders a transcript, they have to order a transcript and they are charged for it. All parties must be treated fairly in the interest of all the consumers.

Ms. Tugade sympathized with the need for addressing costs for both parties but stated that access to a competent workforce was also imperative for consumers. She believed the motion to be the best way forward.

Ms. Gwaltney echoed the comments made by Ms. Brewer, Ms. Sunkees, and Ms. Pierce. She did not believe that the court reporter should be responsible to give away their services for free in order to create a fair playing field for the litigants.

Ms. Geoffroy clarified that it is the role of the Legislature to determine what is fair. They have set their intent on who shall pay, and the Board would essentially be asking them to reverse that. The Legislature will do whatever it wishes to do and may further codify what charges or percentage of fees can be charged and to whom.

Ms. Pierce stated that expedite charges are not in the code anywhere. She requested the Board consider limiting the delay period to three to five days for the parties not wishing to order the expedite. She shared concern over the practice of firms cost-shifting fees from the ordering party to the copy party to give a deal to their client.

Ms. Geoffroy stated that the Board would interpret expedite fees through regulation since the Code is silent. However, the Legislature did set forth its intent that the requesting party shall bear the cost of the requested services.

Ms. Costa thanked the Board for their discussion. She shared her experience as a former court reporting firm manager. She asserted that communication between the firm and the parties can help avoid any disputes over fees.

A vote was conducted by roll call.

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

Opposed: Mr. Dodge-Nam

Absent: None

Abstain: None

Recusal: None

### ***MOTION CARRIED***

***The Board took a break at 3:31 p.m. and returned to open session at 3:45 p.m.***

#### 10. LICENSE/CERTIFICATE RECIPROCITY

Ms. Fenner reported that the Office of Professional Examination Services (OPES) held a linkage study workshop with California court reports acting as subject matter experts to evaluate the Certified Verbatim Reporter certification issued by the national Verbatim Reporters Association. Staff is currently waiting on a report from OPES after which it will be added to the agenda of a future Board meeting for discussion.

#### 11. JUDICIAL COUNCIL REQUEST FOR WORKFORCE SURVEY

Ms. Fenner indicated that the Board received a request from the Judicial Council to conduct a workforce survey of court reporters. Judicial Council is hoping to gain an understanding of the population of licensed reporters in California and examining changes to the population over time. They have offered to be a source of feedback and input in developing the survey's goals and questions. She stated that she and Ms. Tugade would be meeting with the Judicial Council on December 14, 2023, and would bring the Board's feedback and questions to the meeting.

Ms. Brewer requested they seek additional information regarding any costs that would be borne by the Board. Ms. Sunkees questioned what benefits the Board or consumers would gain from the project. She shared concerns over staff time and delays in efforts toward the Board's strategic goals. Mr. Dodge-Nam and Mr. Mnayan agreed.

Ms. Tugade acknowledged that it may be a difficult and expensive undertaking and hoped to gain more information at the upcoming meeting. She called for public comment.

Ms. Gwaltney requested additional information regarding the Judicial Council's request be relayed to her via email.

Ms. Costa expressed concern over privacy issues with sharing personal information.

Ms. Gaskill thanked the Board for questioning why the information was being requested.

#### 12. BEST PRACTICE POINTERS TASK FORCE

Ms. Fenner indicated that many of the Board's best practice pointers are in need of review and possible updating. Additionally, she received several requests from the industry for

some new topics. Staff requested a Board member be appointed to chair the Best Practice Pointer Task Force.

Ms. Tugade appointed Ms. Brewer and Ms. Sunkees as co-chairs of the task force.

Experienced reporters wishing to be considered for appointment to the task force as a member should contact Ms. Fenner or Ms. Bruning. The meetings will be open to the public.

Ms. Costa stated that she sent a list of ten best practice pointers that need to be updated. Ms. Fenner indicated that she will forward that list to the task force once it convenes.

Mr. Dodge-Nam thanked Ms. Brewer and Ms. Sunkees for serving on the task force.

Ms. Vega inquired if the meetings would be remote and when they would start. Ms. Fenner responded that the meetings might be held remotely. There was not yet a timeline to begin meetings.

### 13. FUTURE MEETING DATES

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

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

***The Board convened into closed session at 4:14 p.m.***

### 14. CLOSED SESSION

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

***The Board returned to open session at 4:46 p.m.***

### ADJOURNMENT

Ms. Tugade adjourned the meeting at 4:46 p.m.

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DENISE TUGADE, Board Chair

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DATE

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YVONNE K. FENNER, Executive Officer

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DATE

COURT REPORTERS BOARD MEETING – APRIL 4, 2024

**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.

**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 – FM7 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
- Attachment 6, Item 4.4 – Exam Statistics by Reporting Method

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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): 1113110 Support  
Fiscal Month: 7  
Fiscal Year: 2023 - 2024  
Run Date: 02/26/2024

PERSONAL SERVICES

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5100	PERMANENT POSITIONS	\$392,000	\$411,533	\$408,000	\$35,936	\$248,608	\$0	\$248,608	\$426,863	-\$18,863
5100	TEMPORARY POSITIONS	\$11,000	\$16,058	\$11,000	\$1,817	\$12,070	\$0	\$12,070	\$25,535	-\$14,535
5105-5108	PER DIEM, OVERTIME, & LUMP SUM	\$14,000	\$9,983	\$14,000	\$1,100	\$10,156	\$0	\$10,156	\$12,000	\$2,000
5150	STAFF BENEFITS	\$231,000	\$259,663	\$246,000	\$24,668	\$168,661	\$0	\$168,661	\$292,706	-\$46,706
	PERSONAL SERVICES	\$648,000	\$697,237	\$679,000	\$63,521	\$439,496	\$0	\$439,496	\$757,104	-\$78,104

OPERATING EXPENSES & EQUIPMENT

Fiscal Code	Line Item	PY Budget	PY FM13	Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Projections to Year End	Balance
5301	GENERAL EXPENSE	\$9,000	\$5,675	\$9,000	\$294	\$2,481	\$1,026	\$3,506	\$7,266	\$1,734
5302	PRINTING	\$1,000	\$9,661	\$1,000	\$14	\$4,515	\$12,177	\$16,692	\$8,710	-\$7,710
5304	COMMUNICATIONS	\$2,000	-\$1,868	\$2,000	\$420	\$1,155	\$0	\$1,155	\$2,676	-\$676
5306	POSTAGE	\$0	\$3,132	\$0	\$0	\$1,101	\$0	\$1,101	\$2,698	-\$2,698
5308	INSURANCE	\$0	\$6	\$0	\$0	\$0	\$0	\$0	\$10	-\$10
53202-204	IN STATE TRAVEL	\$18,000	\$2,178	\$18,000	\$1,241	\$2,601	\$0	\$2,601	\$4,000	\$14,000
5322	TRAINING	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
5324	FACILITIES	\$49,000	\$55,580	\$49,000	\$4,785	\$32,649	\$23,043	\$55,692	\$57,474	-\$8,474
53402-53403	C/P SERVICES (INTERNAL)	\$278,000	\$23,826	\$278,000	\$440	\$12,123	\$0	\$12,123	\$26,137	\$251,863
53404-53405	C/P SERVICES (EXTERNAL)	\$89,000	\$63,794	\$89,000	\$4,743	\$35,432	\$9,133	\$44,564	\$86,993	\$2,007
5342	DEPARTMENTAL PRORATA	\$159,000	\$141,639	\$168,000	\$0	\$120,750	\$0	\$120,750	\$168,000	\$0
5342	DEPARTMENTAL SERVICES	\$0	\$118,356	\$0	\$19,925	\$46,505	\$0	\$46,505	\$88,338	-\$88,338
5344	CONSOLIDATED DATA CENTERS	\$3,000	\$2,406	\$3,000	\$3	\$24	\$0	\$24	\$2,500	\$500
5346	INFORMATION TECHNOLOGY	\$2,000	\$0	\$2,000	\$0	\$1,117	\$0	\$1,117	\$1,117	\$883
5362-5368	EQUIPMENT	\$2,000	\$0	\$3,000	\$0	\$0	\$0	\$0	\$2,000	\$1,000
54	SPECIAL ITEMS OF EXPENSE	\$0	\$659	\$0	\$33	\$33	\$0	\$33	\$200	-\$200
	OPERATING EXPENSES & EQUIPMENT	\$612,000	\$425,045	\$622,000	\$31,899	\$260,485	\$45,379	\$305,863	\$458,119	\$163,881
	OVERALL TOTALS	\$1,260,000	\$1,122,282	\$1,301,000	\$95,420	\$699,980	\$45,379	\$745,359	\$1,215,223	\$85,777

	REIMBURSEMENTS	-\$18,000	-\$2,999	-\$18,000	\$95,420	\$699,980	\$45,379	\$745,359	-\$2,656	\$70,433
	OVERALL NET TOTALS	\$1,242,000	\$1,119,283	\$1,283,000	\$95,420	\$699,980	\$45,379	\$745,359	\$1,212,567	6.59%



**0771 - Court Reporter's Board Fund Analysis of Fund Condition**  
**(Dollars in Thousands)**  
**2024-25 Governor's Budget with FM 7 Projections**

Prepared 3.18.2024

	<b>Actual 2022-23</b>	<b>CY 2023-24</b>	<b>BY 2024-25</b>	<b>BY +1 2025-26</b>	<b>BY +2 2026-27</b>
<b>BEGINNING BALANCE</b>	\$ 1,068	\$ 1,291	\$ 1,385	\$ 1,360	\$ 1,112
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,101	\$ 1,291	\$ 1,385	\$ 1,360	\$ 1,112
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>					
Revenues					
4121200 - Delinquent fees	\$ 25	\$ 21	\$ 23	\$ 23	\$ 23
4127400 - Renewal fees	\$ 1,267	\$ 1,299	\$ 1,283	\$ 1,283	\$ 1,283
4129200 - Other regulatory fees	\$ 4	\$ 9	\$ -	\$ -	\$ -
4129400 - Other regulatory licenses and permits	\$ 83	\$ 38	\$ 39	\$ 39	\$ 39
4163000 - Income from surplus money investments	\$ 33	\$ 34	\$ 19	\$ 19	\$ 15
Totals, Revenues	\$ 1,412	\$ 1,401	\$ 1,364	\$ 1,364	\$ 1,360
Revenue Transfer to Transcript Reimbursement Fund per B&P Code Section 8030.2C	\$ -	\$ -	\$ -	\$ -200	\$ -200
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ 0	\$ -200	\$ -200
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 1,412	\$ 1,401	\$ 1,364	\$ 1,164	\$ 1,160
<b>TOTAL RESOURCES</b>	\$ 2,513	\$ 2,692	\$ 2,749	\$ 2,524	\$ 2,272
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 1,119	\$ 1,212	\$ 1,300	\$ 1,339	\$ 1,379
9892 Supplemental Pension Payments (State Operations)	\$ 25	\$ 25	\$ 16	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 78	\$ 70	\$ 73	\$ 73	\$ 73
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 1,222	\$ 1,307	\$ 1,389	\$ 1,412	\$ 1,452
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 1,291	\$ 1,385	\$ 1,360	\$ 1,112	\$ 820
Months in Reserve	11.9	12.0	11.6	9.2	6.8

**NOTES:**

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

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

Prepared 3.18.2024

2024-25 Governor's Budget

	Actual 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27
BEGINNING BALANCE	\$ 570	\$ 408	\$ 262	\$ 116	\$ 166
Prior Year Adjustment	\$ 1	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 571	\$ 408	\$ 262	\$ 116	\$ 166
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4163000 - Income from surplus money investments	\$ 10	\$ 4	\$ 4	\$ 0	\$ 0
Totals, Revenues	\$ 10	\$ 4	\$ 4	\$ 0	\$ 0
Revenue Transfer from Court Reporters Fund per B&P Code Section 8030.2(d)	\$ -	\$ -	\$ -	\$ 200	\$ 200
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ 200	\$ 200
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 10	\$ 4	\$ 4	\$ 200	\$ 200
TOTAL RESOURCES	\$ 581	\$ 412	\$ 266	\$ 316	\$ 366
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	\$ 116	\$ 166	\$ 216

NOTES:

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure projected static in BY and ongoing.

**Consumer Protection Enforcement Initiative  
Fiscal Year 2023-2024 Enforcement Report -- CSR only  
July 1, 2023 - February 29, 2024**

**Consumer Complaints - Intake**

<b>Complaints (Intake)</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
Received	7	18	6	10	9	3	10	10					73
Closed without Referral for Investigation	0	0	0	0	0	0	0	0					0
Referred for Investigation	7	18	6	10	9	3	10	10					73
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1	1	1	1	1					1
Pending	0	0	0	0	0	0	0	0					0

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

# Consumer Protection Enforcement Initiative

## Fiscal Year 2023-2024 Enforcement Report -- CSR only

### July 1, 2023 - February 29, 2024

#### Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened *	7	18	6	10	9	3	10	10					73
Closed *	14	9	12	12	5	6	8	12					78
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	127	40	31	43	84	36	78	44					62
Pending *	10	19	13	11	15	12	14	12					13 ^
<b>Field Investigation (Sworn)</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
Assignment for Sworn Field Investigation *	0	0	0	0	0	0	0	0					0
Closed *	0	0	0	0	0	0	0	0					0
Average Days to Close (from start of investigation to investigation closure or referral to AG) *	0	0	0	0	0	0	0	0					0
Pending *	0	0	0	0	0	0	0	0					0
<b>All Investigations</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
Opened **	7	18	6	10	9	3	10	10					73
Closed **	14	9	12	12	5	6	8	12					78
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	127	40	31	43	84	36	78	44					62
Pending **	10	19	13	11	15	12	14	12					13 ^

\* 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 only July 1, 2023 - February 29, 2024

### 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	0	0	3	0					5
AG Cases Pending	2	2	3	3	3	3	6	6					4
<b>SOIs/Accusations</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
SOIs Filed	0	0	0	0	0	0	0	0					0
SOIs Withdrawn	0	0	0	0	0	0	0	0					0
SOIs Dismissed	0	0	0	0	0	0	0	0					0
SOIs Declined	0	0	0	0	0	0	0	0					0
Average Days to Complete SOIs (from AG referral to SOI filed)	0	0	0	0	0	0	0	0					0
Accusations Filed	0	0	0	0	1	0	0	1					2
Accusations Withdrawn	0	0	0	0	0	0	0	0					0
Accusations Dismissed	0	0	0	0	0	0	0	0					0
Accusations Declined	0	0	0	0	0	0	0	0					0
Average Days to Complete Accusations (from AG referral to accusation filed)	0	0	0	0	62	0	0	132					97
Petition to Revoke Probation (PRP)	0	0	0	0	0	0	0	0					0
Average Days to Complete PRP	0	0	0	0	0	0	0	0					0
<b>Decisions/Stipulations</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
Proposed/Default Decisions	0	1	0	0	0	0	0	0					1
Stipulations	0	0	0	0	0	0	0	1					1

Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	0	1	0	0	0	0	0					1
complaint receipt to imposing formal discipline [Straightline]	0	0	236	0	0	0	0	0					236
Interim Suspension Orders	0	0	0	0	0	0	0	0					0
<b>Citations</b>	<b>July</b>	<b>August</b>	<b>Sept.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>	<b>January</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
Final Citations	2	2	1	1	1	1	1	3					12
Average Days to Complete [Straightline] (from complaint receipt to citation issued)	34	39	24	119	49	22	60	45					46 ^

# Consumer Protection Enforcement Initiative

## Fiscal Year 2023-2024 Enforcement Report -- CRF only

### July 1, 2023 - February 29, 2024

#### Consumer Complaints - Intake

Complaints (Intake)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	2	1	5	4	7	2	2	2					25
Closed without Referral for Investigation	0	0	0	0	0	0	0	0					0
Referred for Investigation	2	1	5	4	7	2	2	2					25
Average Days to Close (from receipt of complaint to closure or referral for investigation)	1	1	1	1	1	1	1	1					1
Pending	0	0	0	0	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	7	2	2	2					25
Closed *	2	1	2	5	5	3	3	1					22
Average Days to Close (from start of investigation to investigation closure or referral to AG) [Straightline] *	14	37	50	38	20	62	67	56					41
Pending *	3	3	6	5	7	5	4	5					5 <sup>^</sup>

#### Field Investigation (Sworn)

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	1	0	0					1
Closed*	0	0	0	0	0	0	0	0					0
Average Days to Close (from start of investigation to investigation closure or referral to AG)*	0	0	0	0	0	0	0	0					0
Pending*	0	0	0	0	0	1	1	1					0

#### All Investigations

All Investigations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Opened **	2	1	5	4	7	2	2	2					25
Closed **	2	1	2	5	5	3	3	1					22
Average Days to Close (from receipt of complaint to investigation closure or referral to AG) [Straightline] **	14	37	50	38	20	62	67	56					41
Pending **	3	3	6	5	7	6	5	6					5 <sup>^</sup>

\* Complaints assigned from intake.

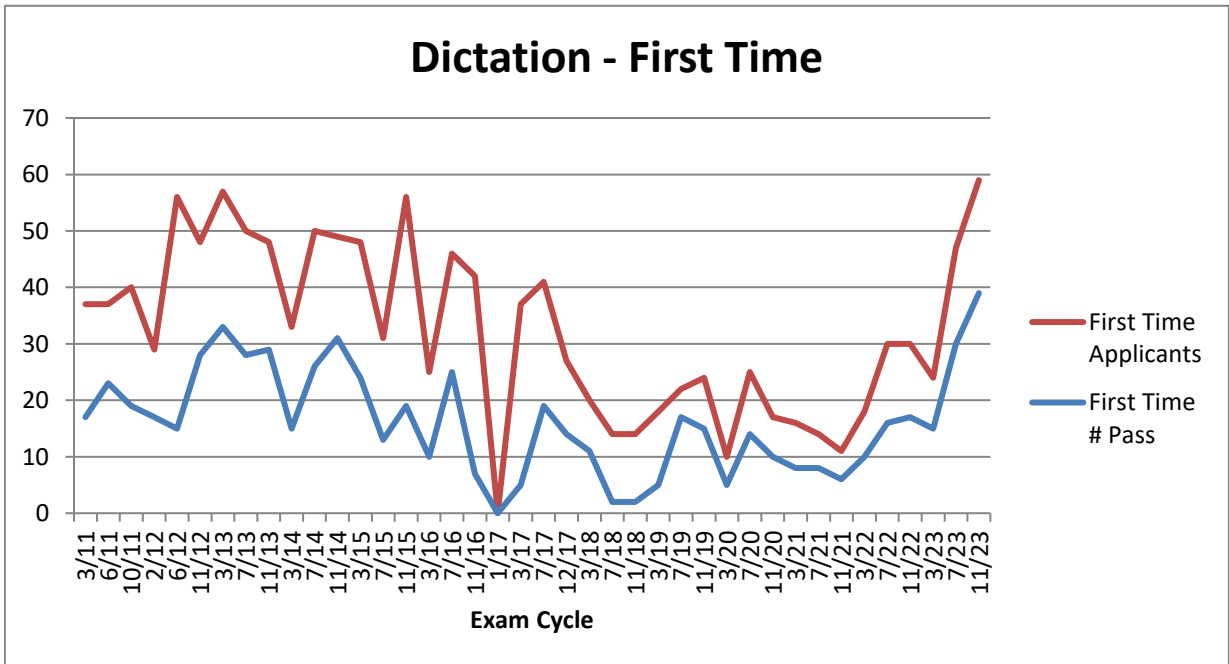
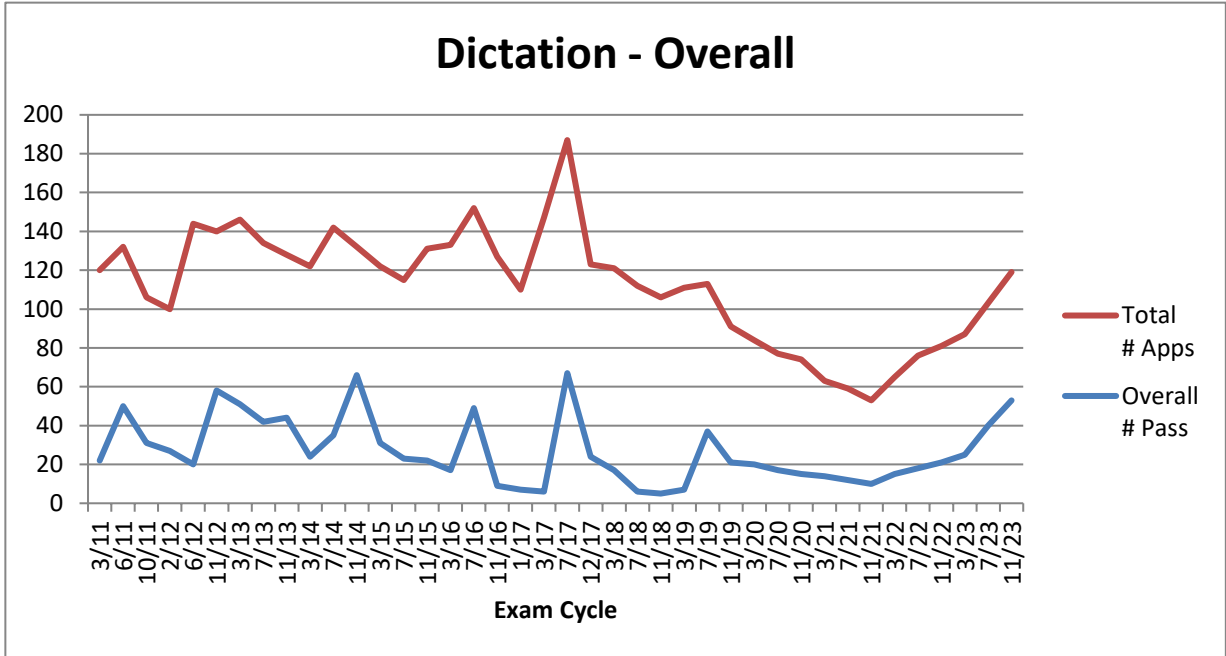
\*\* Complaints from desk and sworn.

^ Average number of cases pending.

Dictation Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Mar 2011	120	22	18.3%	37	17	45.9%
Jun 2011	132	50	37.9%	37	23	62.2%
Oct 2011	106	31	29.2%	40	19	47.5%
Feb 2012	100	27	27.0%	29	17	58.6%
Jun 2012	144	20	13.9%	56	15	26.8%
Nov 2012	140	58	41.4%	48	28	58.3%
Mar 2013	146	51	34.9%	57	33	57.9%
Jul 2013	134	42	31.3%	50	28	56.0%
Nov 2013	128	44	34.4%	48	29	60.4%
Mar 2014	122	24	19.7%	33	15	45.5%
Jul 2014	142	35	24.6%	50	26	52.0%
Nov 2014	132	66	50.0%	49	31	63.3%
Mar 2015	122	31	25.4%	48	24	50.0%
July 2015	115	23	20.0%	31	13	41.9%
Nov 2015	131	22	16.8%	56	19	33.9%
March 2016	133	17	12.8%	25	10	40.0%
July 2016	152	49	32.2%	46	25	54.3%
Nov 2016	127	9	7.1%	42	7	16.7%
Jan 2017 (Nov 2016 retest)	110	7	6.4%	n/a	n/a	n/a
Mar 2017	147	6	4.1%	37	5	13.5%
Jul 2017	187	67	35.8%	41	19	46.3%
Dec 2017	123	24	19.5%	27	14	51.9%
Mar 2018	121	17	14.0%	20	11	55.0%
Jul 2018	112	6	5.4%	14	2	14.3%
Nov 2018	106	5	4.7%	14	2	14.3%
Mar 2019	111	7	6.3%	18	5	27.8%
Jul 2019	113	37	32.7%	22	17	77.3%
Nov 2019	91	21	23.1%	24	15	62.5%
Mar 2020	84	20	23.8%	10	5	50.0%
Jul 2020	77	17	22.1%	25	14	56.0%
Nov 2020	74	15	20.3%	17	10	58.8%
Mar 2021	63	14	22.2%	16	8	50.0%
Jul 2021	59	12	20.3%	14	8	57.1%
Nov 2021	53	10	18.9%	11	6	54.5%
Mar 2022	65	15	23.1%	18	10	55.6%
Jul 2022	76	18	23.7%	30	16	53.3%
Nov 2022	81	21	25.9%	30	17	56.7%
Mar 2023	87	25	28.7%	24	15	62.5%
Jul 2023	103	40	38.8%	47	30	63.8%
Nov 2023	119	53	44.5%	59	39	66.1%

## Dictation Exam

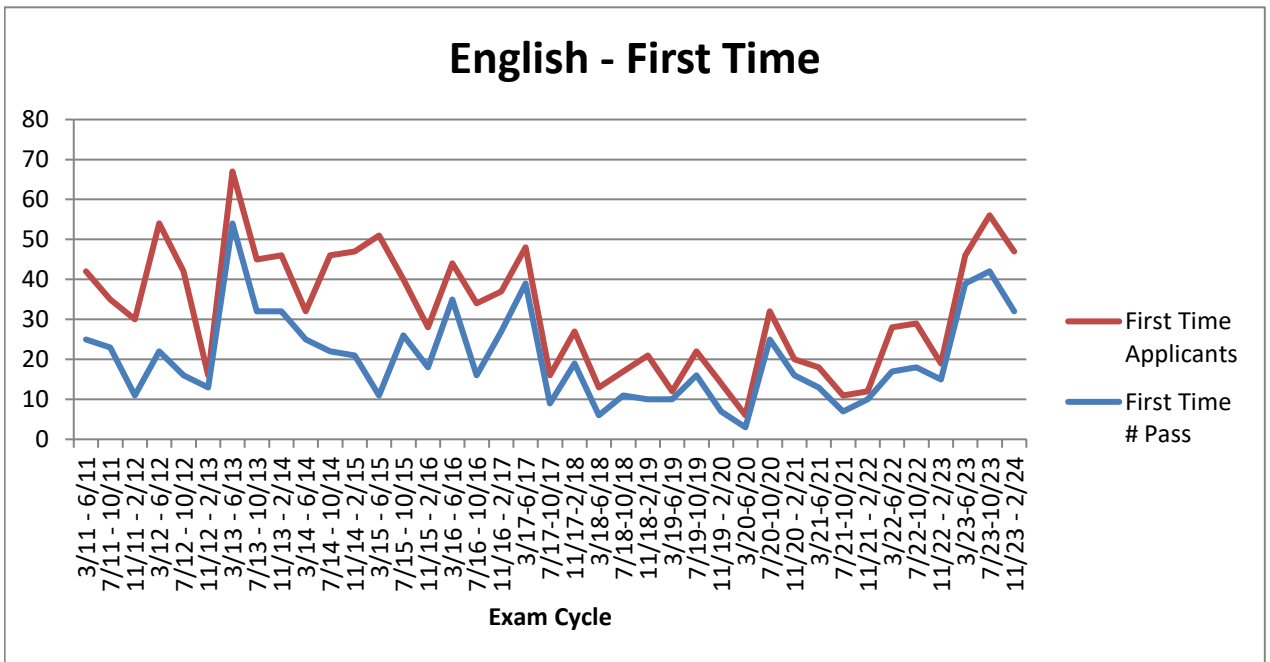
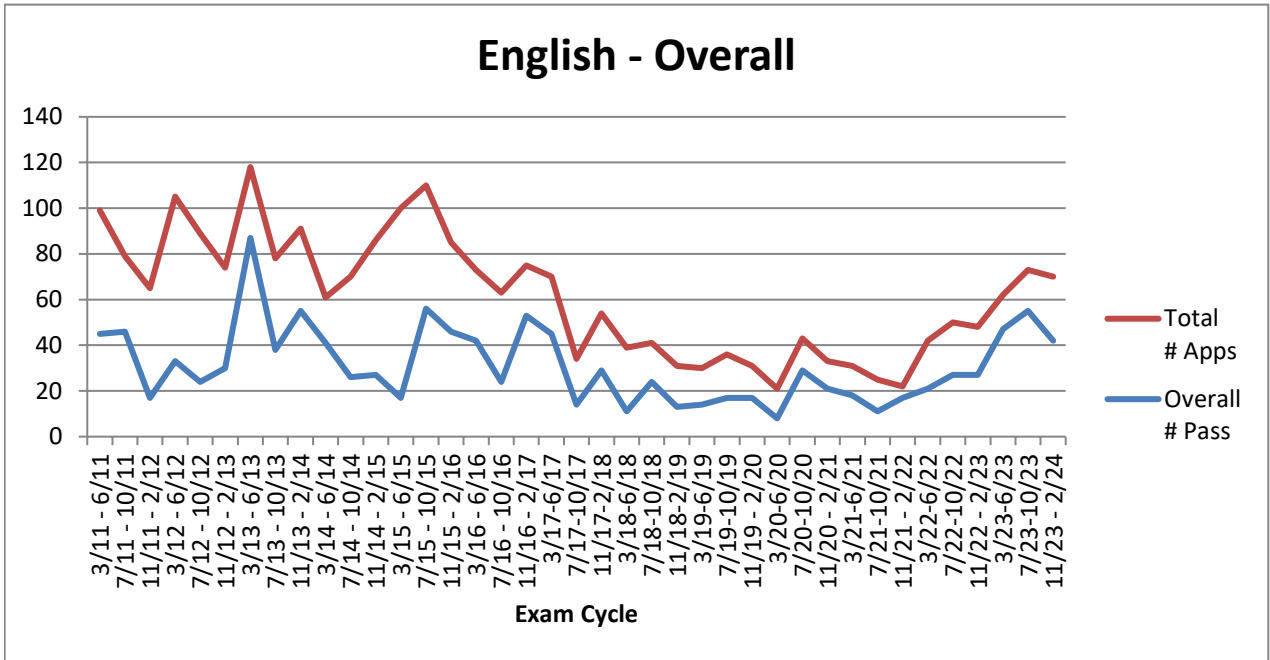




## English Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Mar 2011 - Jun 2011	99	45	45.5%	42	25	59.5%
Jul 2011 - Oct 2011	79	46	58.2%	35	23	65.7%
Nov 2011 - Feb 2012	65	17	26.2%	30	11	36.7%
Mar 2012 - Jun 2012	105	33	31.4%	54	22	40.7%
Jul 2012 - Oct 2012	89	24	27.0%	42	16	38.1%
Nov 2012 - Feb 2013	74	30	40.5%	16	13	81.3%
Mar 2013 - Jun 2013	118	87	73.7%	67	54	80.6%
Jul 2013 - Oct 2013	78	38	48.7%	45	32	71.1%
Nov 2013 - Feb 2014	91	55	60.4%	46	32	69.6%
Mar 2014 - Jun 2014	61	41	67.2%	32	25	78.1%
Jul 2014 - Oct 2014	70	26	37.1%	46	22	47.8%
Nov 2014 - Feb 2015	86	27	31.4%	47	21	44.7%
Mar 2015 - Jun 2015	100	17	17.0%	51	11	21.6%
Jul 2015 - Oct 2015	110	56	50.9%	40	26	65.0%
Nov 2015 - Feb 2016	85	46	54.1%	28	18	64.3%
Mar 2016 - Jun 2016	73	42	57.5%	44	35	79.5%
Jul 2016 - Oct 2016	63	24	38.1%	34	16	47.1%
Nov 2016 - Feb 2017	75	53	70.7%	37	27	73.0%
Mar 2017 - Jun 2017	70	45	64.3%	48	39	81.3%
Jul 2017 - Oct 2017	34	14	41.2%	16	9	56.3%
Nov 2017 - Feb 2018	54	29	53.7%	27	19	70.4%
Mar 2018 - Jun 2018	39	11	28.2%	13	6	46.2%
Jul 2018 - Oct 2018	41	24	58.5%	17	11	64.7%
Nov 2018 - Feb 2019	31	13	41.9%	21	10	47.6%
Mar 2019 - Jun 2019	30	14	46.7%	12	10	83.3%
Jul 2019 - Oct 2019	36	17	47.2%	22	16	72.7%
Nov 2019 - Feb 2020	31	17	54.8%	14	7	50.0%
Mar 2020 - Jun 2020	21	8	38.1%	6	3	50.0%
Jul 2020 - Oct 2020	43	29	67.4%	32	25	78.1%
Nov 2020 - Feb 2021	33	21	63.6%	20	16	80.0%
Mar 2021 - Jun 2021	31	18	58.1%	18	13	72.2%
Jul 2021 - Oct 2021	25	11	44.0%	11	7	63.6%
Nov 2021 - Feb 2022	22	17	77.3%	12	10	83.3%
Mar 2022 - Jun 2022	42	21	50.0%	28	17	60.7%
Jul 2022 - Oct 2022	50	27	54.0%	29	18	62.1%
Nov 2022 - Feb 2023	48	27	56.3%	19	15	78.9%
Mar 2023 - Jun 2023	62	47	75.8%	46	39	84.8%
Jul 2023 - Oct 2023	73	55	75.3%	56	42	75.0%
Nov 2023 - Feb 2024	70	42	60.0%	47	32	68.1%

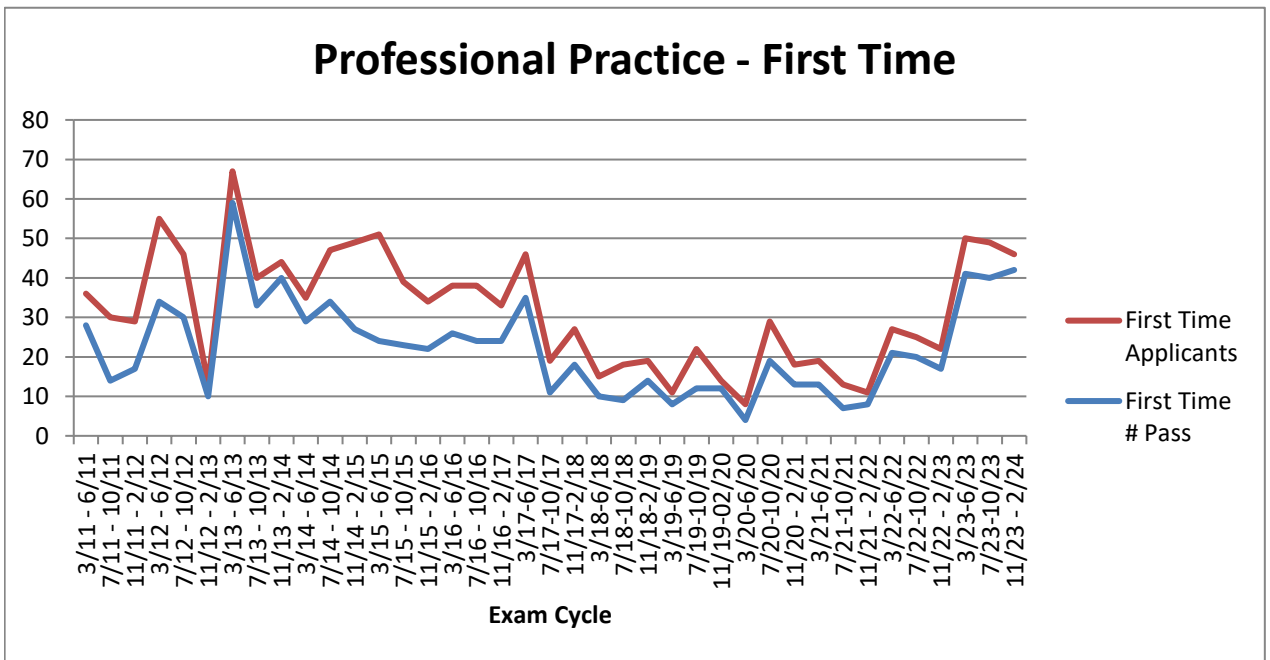
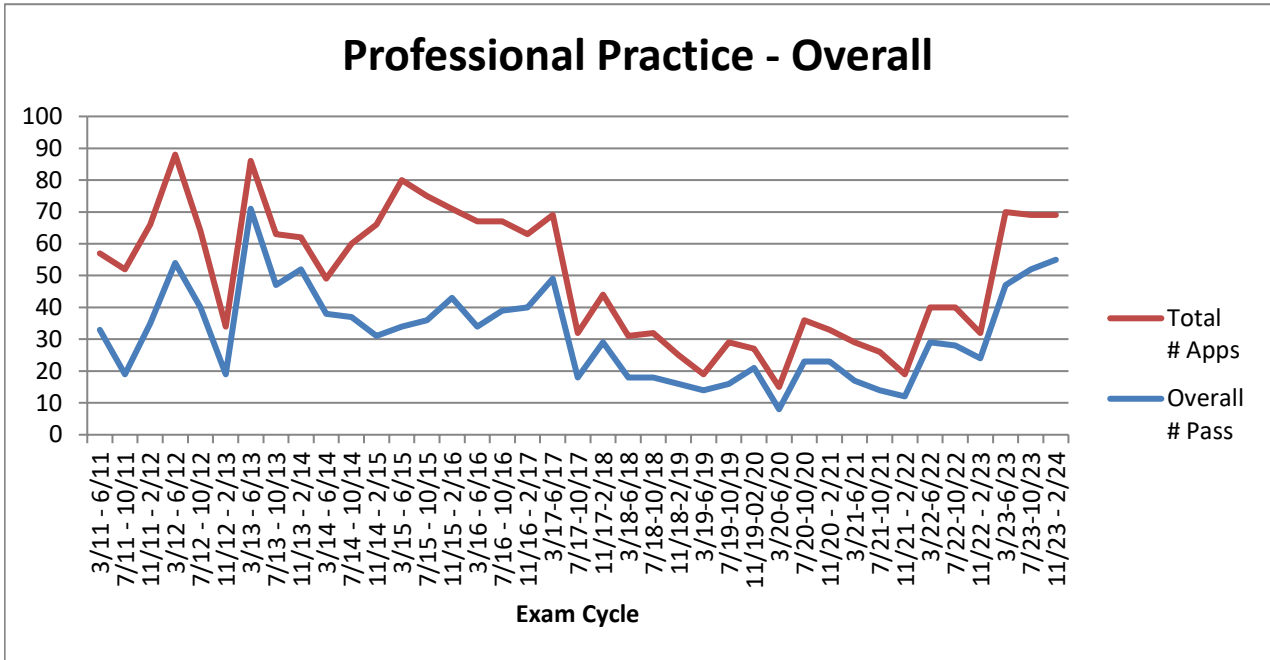
## English Exam



## Professional Practice Exam

Exam Cycle	Total # Apps	Overall # Pass	Overall % Pass	First Time Applicants	First Time # Pass	First Time % Pass
Mar 2011 - Jun 2011	57	33	57.9%	36	28	77.8%
Jul 2011 - Oct 2011	52	19	36.5%	30	14	46.7%
Nov 2011 - Feb 2012	66	35	53.0%	29	17	58.6%
Mar 2012 - Jun 2012	88	54	61.4%	55	34	61.8%
Jul 2012 - Oct 2012	64	40	62.5%	46	30	65.2%
Nov 2012 - Feb 2013	34	19	55.9%	13	10	76.9%
Mar 2013 - Jun 2013	86	71	82.6%	67	59	88.1%
Jul 2013 - Oct 2013	63	47	74.6%	40	33	82.5%
Nov 2013 - Feb 2014	62	52	83.9%	44	40	90.9%
Mar 2014 - Jun 2014	49	38	77.6%	35	29	82.9%
Jul 2014 - Oct 2014	60	37	61.7%	47	34	72.3%
Nov 2014 - Feb 2015	66	31	47.0%	49	27	55.1%
Mar 2015 - Jun 2015	80	34	42.5%	51	24	47.1%
Jul 2015 - Oct 2015	75	36	48.0%	39	23	59.0%
Nov 2015 - Feb 2016	71	43	60.6%	34	22	64.7%
Mar 2016 - Jun 2016	67	34	50.7%	38	26	68.4%
Jul 2016 - Oct 2016	67	39	58.2%	38	24	63.2%
Nov 2016 - Feb 2017	63	40	63.5%	33	24	72.7%
Mar 2017 - Jun 2017	69	49	71.0%	46	35	76.1%
Jul 2017 - Oct 2017	32	18	56.3%	19	11	57.9%
Nov 2017 - Feb 2018	44	29	65.9%	27	18	66.7%
Mar 2018 - Jun 2018	31	18	58.1%	15	10	66.7%
Jul 2018 - Oct 2018	32	18	56.3%	18	9	50.0%
Nov 2018 - Feb 2019	25	16	64.0%	19	14	73.7%
Mar 2019 - Jun 2019	19	14	73.7%	11	8	72.7%
Jul 2019 - Oct 2019	29	16	55.2%	22	12	54.5%
Nov 2019 - Feb 2020	27	21	77.8%	14	12	85.7%
Mar 2020 - Jun 2020	15	8	53.3%	8	4	50.0%
Jul 2020 - Oct 2020	36	23	63.9%	29	19	65.5%
Nov 2020 - Feb 2021	33	23	69.7%	18	13	72.2%
Mar 2021 - Jun 2021	29	17	58.6%	19	13	68.4%
Jul 2021 - Oct 2021	26	14	53.8%	13	7	53.8%
Nov 2021 - Feb 2022	19	12	63.2%	11	8	72.7%
Mar 2022 - Jun 2022	40	29	72.5%	27	21	77.8%
Jul 2022 - Oct 2022	40	28	70.0%	25	20	80.0%
Nov 2022 - Feb 2023	32	24	75.0%	22	17	77.3%
Mar 2023 - Jun 2023	70	47	67.1%	50	41	82.0%
Jul 2023 - Oct 2023	69	52	75.4%	49	40	81.6%
Nov 2023 - Feb 2024	69	55	79.7%	46	42	91.3%

## Professional Practice Exam



## Exam Statistics by Reporting Method

### Steno Writers

<b>Exam Cycle</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
Nov 2022	75	17	22.7%	24	13	54.2%
Mar 2023	83	23	27.7%	21	13	61.9%
Jul 2023	87	29	33.3%	32	19	59.4%
Nov 2023	78	25	32.1%	23	15	65.2%

### Voice Writers

<b>Exam Cycle</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
Nov 2022	6	4	66.7%	6	4	66.7%
Mar 2023	4	2	50.0%	3	2	66.7%
Jul 2023	16	11	68.8%	15	11	73.3%
Nov 2023	41	28	68.3%	36	24	66.7%

### Overall

<b>Exam Cycle</b>	<b>Total # Apps</b>	<b>Overall # Pass</b>	<b>Overall % Pass</b>	<b>First Time Applicants</b>	<b>First Time # Pass</b>	<b>First Time % Pass</b>
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%
Nov 2023	119	53	44.5%	59	39	66.1%

**AGENDA ITEM 5 – Fee and Fee Cap Increase**

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Agenda Description: Discussion and possible action to approve legislative language to raise license and renewal fees and fee cap.

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Brief Summary:

Issue Number 2 of the sunset background paper from the legislature pertains to the fiscal solvency of the Board. In response, staff has worked with budget staff to set out the following effects from different levels of increases.

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Support Documents: Fee/Revenue Analysis

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Recommended Board Action: Staff recommends the Board evaluate the budget scenarios and decide when action will be needed to raise fees to keep the Board fiscally solvent.

Possible Motion:

I move to instruct staff to work with Board counsel and the legislature to amend Business and Professions Code 8031 to increase fees to (XX).

<b>Court Reporters Board of CA Fees by Type</b>				
<b>Fee Type</b>	<b>Current Fee CCR 2450</b>	<b>Statutory Maximum BPC 8031/8051</b>	<b>Workload Analysis</b>	<b>Proposed Fee Example</b>
Change of Address	\$20	\$50	\$70	\$70
Duplicate License/Certificate	\$5	\$10	\$149	\$100
Application for Examination	\$40	\$40	\$196	\$100
Initial License Fee	\$225	\$250	\$321	\$325
Dictation Exam Fee	\$25	\$75	\$192	\$100
English Exam Fee	\$25	\$75	\$192	\$100
Professional Practice Exam Fee	\$25	\$75	\$192	\$100
Initial License Fee 1/2	\$112.5	\$125	\$161	\$163
Initial Registration Fee - CRF	\$500	\$500	\$552	\$550
Annual Renewal Fee	\$225	\$250	\$251	\$325
Annual Renewal Fee - CRF	\$500	\$500	\$642	\$550
Delinquent Renewal Fee	\$113	\$125	\$126	\$163

## Court Reporters Board of CA Revenues by Fee Type

Fee Type	Apps Per Year	Current Revenues CCR 2450	Projected Revenues BPC 8031/8051	Projected Revenues Workload	Projected Revenues Proposed Example
Change of Address	1	\$20	\$50	\$70	\$70
Duplicate License/Certificate	6	\$25	\$50	\$745	\$500
Application for Examination	143	\$5,720	\$5,720	\$28,028	\$14,300
Initial License Fee	48	\$10,800	\$12,000	\$15,408	\$15,600
Dictation Exam Fee	318	\$7,950	\$23,850	\$61,056	\$31,800
English Exam Fee	196	\$4,900	\$14,700	\$37,632	\$19,600
Professional Practice Exam Fee	180	\$4,500	\$13,500	\$34,560	\$18,000
Initial License Fee 1/2	20	\$2,250	\$2,500	\$3,210	\$3,250
Initial Registration Fee - CRF	5	\$2,500	\$2,500	\$2,760	\$2,750
Annual Renewal Fee	5,600	\$1,260,000	\$1,400,000	\$1,405,600	\$1,820,000
Annual Renewal Fee - CRF	60	\$30,000	\$30,000	\$38,520	\$33,000
Delinquent Renewal Fee	<b>205</b>	\$23,063	\$25,625	\$25,728	\$33,313
<b>Total Revenues:</b>		<b>\$1,351,728</b>	<b>\$1,530,495</b>	<b>\$1,653,317</b>	<b>\$1,992,183</b>



2024-25 Governor's Budget FM7

<b>All Fees @ Statutory Caps &amp; New Initial/Renewal Caps (eff 7/1/2025)</b>	Actual 2022-23	CY 2023-24	BY 2024-25	BY +1 2025-26	BY +2 2026-27	BY +3 2027-28	BY +4 2028-29	BY +5 2029-30	BY +6 2030-31
BEGINNING BALANCE	\$ 1,068	\$ 1,291	\$ 1,314	\$ 1,289	\$ 1,603	\$ 1,878	\$ 2,018	\$ 2,114	\$ 2,169
Prior Year Adjustment	\$ 33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,101	\$ 1,291	\$ 1,314	\$ 1,289	\$ 1,603	\$ 1,878	\$ 2,018	\$ 2,114	\$ 2,169
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS									
Revenues									
4121200 - Delinquent fees	\$ 25	\$ 21	\$ 23	\$ 23	\$ 23	\$ 23	\$ 23	\$ 23	\$ 23
4127400 - Renewal fees	\$ 1,267	\$ 1,299	\$ 1,283	\$ 1,283	\$ 1,283	\$ 1,283	\$ 1,283	\$ 1,283	\$ 1,283
4127400 - Renewal fees (@ Statutory Caps)	\$ -	\$ -	\$ -	\$ 140	\$ 139	\$ 140	\$ 139	\$ 140	\$ 139
Additional fee revenue required for TRF transfer	\$ -	\$ -	\$ -	\$ 420	\$ 418	\$ 420	\$ 418	\$ 420	\$ 418
4129200 - Other regulatory fees	\$ 4	\$ 9	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4129400 - Other regulatory licenses & permits	\$ 83	\$ 38	\$ 39	\$ 39	\$ 39	\$ 39	\$ 39	\$ 39	\$ 39
4129400 - Other regulatory licenses & permits (@ Statutory Caps)	\$ -	\$ -	\$ -	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
Additional fee revenue required for TRF transfer	\$ -	\$ -	\$ -	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4
4163000 - Income from surplus money investments	\$ 33	\$ 34	\$ 19	\$ 27	\$ 31	\$ 34	\$ 36	\$ 36	\$ 37
Totals, Revenues	\$ 1,412	\$ 1,401	\$ 1,364	\$ 1,938	\$ 1,939	\$ 1,945	\$ 1,944	\$ 1,947	\$ 1,945
Transfers and Other Adjustments									
Transfer to Transcript Reimb Fund (0410) per BPC Sec 8030.2C	\$ -	\$ -	\$ -	\$ -200	\$ -200	\$ -300	\$ -300	\$ -300	\$ -300
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ -200	\$ -200	\$ -300	\$ -300	\$ -300	\$ -300
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 1,412	\$ 1,401	\$ 1,364	\$ 1,738	\$ 1,739	\$ 1,645	\$ 1,644	\$ 1,647	\$ 1,645
TOTAL RESOURCES	\$ 2,513	\$ 2,692	\$ 2,678	\$ 3,027	\$ 3,342	\$ 3,523	\$ 3,662	\$ 3,761	\$ 3,814
Expenditures:									
1111 DCA Regulatory Boards, Bureaus, Divisions (State Ops)	\$ 1,119	\$ 1,283	\$ 1,300	\$ 1,339	\$ 1,379	\$ 1,421	\$ 1,463	\$ 1,507	\$ 1,552
9892 Supplemental Pension Payments (State Ops)	\$ 25	\$ 25	\$ 16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9900 Statewide General Admin Exp (Pro Rata) (State Ops)	\$ 78	\$ 70	\$ 73	\$ 85	\$ 85	\$ 85	\$ 85	\$ 85	\$ 85
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 1,222	\$ 1,378	\$ 1,389	\$ 1,424	\$ 1,464	\$ 1,506	\$ 1,548	\$ 1,592	\$ 1,637
FUND BALANCE									
Reserve for economic uncertainties	\$ 1,291	\$ 1,314	\$ 1,289	\$ 1,603	\$ 1,878	\$ 2,018	\$ 2,114	\$ 2,169	\$ 2,177
Months in Reserve	11.2	11.4	10.9	13.1	15.4	16.1	16.4	16.3	16.0

NOTES:

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.
3. 6.0 Month Reserve Balance Required for TRF Transfers

**AGENDA ITEM 6 – Legislation**

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

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

6.1 [AB 477](#) (Waldron) – (Died) 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.

6.2 \*\*\*[SB 662](#) (Rubio) – Courts: court reporters.. (Died) 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.

6.3 \*\*\*[SB 802](#) (Roth) – Licensing boards: disqualification from licensure: criminal conviction. (Assembly Business & Profession Committee) 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: Opposition letter to SB 662

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Recommended Board Action: Informational only.

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DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD**

OF CALIFORNIA

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833

Phone (916) 263-3660 / Toll Free: 1-877-327-5272

Fax (916) 263-3664 / [www.courtreportersboard.ca.gov](http://www.courtreportersboard.ca.gov)

January 4, 2024

Attachment  
Agenda Item 6.2

Honorable Susan Rubio, Senator  
1021 O Street, Suite 8710  
Sacramento, CA 95814-4900

Re: Opposition to Senate Bill 662

Dear Senator Rubio:

The Court Reporters Board of California (Board) is in opposition to SB 622, which would expand the use of electronic recording in California courts.

While we appreciate the difficulty the courts are having with their attempt to be competitive in the court reporting marketplace, using electronic recording is a disservice to litigants. Although electronic recording may be used in certain environments, such as courts that do not have frequent transcript requests, realtime court reporters remain the most reliable and accurate method of making the record. Even assuming the recording is of a quality that would allow accurate transcription, the litigant will need to find someone to do such transcription without the benefit of knowing who is speaking and what the quality of the recording may be.

It is the position of the Board that offering an inferior record to litigants is unacceptable and measures must be taken to ensure a verbatim record produced by a neutral professional for all litigants.

The Board is taking the lead and partnering in a number of ongoing efforts to increase the workforce supply and access to court reporters, including establishing licensure for voice writing court reporters, exploring license reciprocity, and outreach efforts to schools and trade associations. Additionally, the Board funds the Transcript Reimbursement Fund, an aid to access for qualified indigent litigants.

For all of these reasons, we oppose SB 622. Thank you for your work in protecting the consumers of California.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Denise Tugade'.

Denise Tugade, Chair  
Court Reporters Board

CC: Department of Consumer Affairs Legislative Unit

**AGENDA ITEM 7 – Regulations**

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Agenda Description: Sections 2420, 2422, and 2473 – Examination Results &  
Transcript Format  
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Brief Summary:

This regulations package was submitted to OAL and was published in Notice Register 2023, Number 52-Z, on Friday, December 29, 2023.

The Board received comments during the public comment period. Comments are currently being summarized with proposed responses.

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Support Documents: None  
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Recommended Board Action: Informational only.

COURT REPORTERS BOARD MEETING – APRIL 4, 2024

**AGENDA ITEM 8 – Sunset Review**

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Agenda Description: Review and approval of draft sunset issues responses.  
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Brief Summary:

The Sunset Background Paper for the CRB prepared by the Legislature was published on March 6, 2024, (Attachment 1). Board Chair Tugade and Vice Chair Sunkees prepared remarks for the Sunset Review hearing on March 14, 2024. The Board has until April 14, 2024, to submit responses to the background paper. The proposed draft is offered as Attachment 2.

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Support Documents:

- Attachment 1 – Background Paper for Court Reporters Board
- Attachment 2 – Draft Response to Issues in Background Paper

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Recommended Board Action: Staff recommends the Board review the draft responses to issues in the background paper for finalization and submission to the Legislature by April 14, 2024.

Sample Motion: I move to approve the draft responses to the Background Paper (as amended) and instruct staff to submit it to the Legislature by April 14, 2024.

# **BACKGROUND PAPER FOR The Court Reporters Board**

**Joint Sunset Review Oversight Hearing, March 12, 2024  
Assembly Committee on Business and Professions and the  
Senate Committee on Business, Professions, and Economic Development**

## **IDENTIFIED ISSUES, BACKGROUND, AND RECOMMENDATIONS**

### **BRIEF OVERVIEW OF THE COURT REPORTERS BOARD**

The Court Reporters Board of California (CRB or Board) is the state entity responsible for licensing and regulating shorthand reporting professionals in the state. The practice of shorthand reporting consists of making a verbatim record of a court hearing, deposition, or other litigation-related proceeding where an accurate transcript is essential. Traditional stenographic shorthand reporting is performed by composing written symbols or abbreviations in shorthand or machine writing; however, the practice has recently been expanded to include voice writing, wherein the verbatim record is created through use of a closed microphone voice dictation silencer, steno mask, or similar device using oral shorthand and voice notes. The CRB also approves court reporting schools and oversees the Transcript Reimbursement Fund (TRF).

Licensees of the CRB are referred to as “certified shorthand reporters,” or CSRs. As of December 2023, approximately 4,752 CSRs hold an active certificate from the Board. This number has steadily decreased in recent years; the number of active CSRs has dropped more than 19 percent since the CRB’s last sunset review. Meanwhile the number of CSRs identified as practicing outside of California has steadily grown, with an increase of more than 22 percent over the past four years. This shift has coincided with a debate over the role of out-of-state corporations that offer reporting services in California, with 213 firms registered with the CRB since its registration program was implemented in mid-2023.

While statistics indicate that the shorthand reporting profession is declining in terms of the number of certificate holders, its importance remains vital. The creation and preservation of an accurate record is considered essential to the principles of justice and fairness in the judicial system. Shorthand reporters working as official reporters in a courtroom are officers of the court and the transcripts they are trusted to impartially and accurately produce are foundational to the right of appeal. Freelance reporters, who typically provide services in other litigation-related proceedings such as depositions, are equally important, particularly when recording statements given under penalty of perjury.

Discussions about the future of the shorthand reporting profession remain ongoing. As concerns grow about the capacity of a dwindling workforce to meet the requirements of the judicial system, new technologies and business models will continue to be considered as solutions. However, any proposal must preserve the CRB’s dual priorities: “protection of the public” and “protection of all litigants whose rights to personal freedom and property are affected by the competency of shorthand reporter.”

## History of Shorthand Reporting Regulation in California

It has been suggested that the earliest history of shorthand reporting could be traced back to Ancient Rome, when Marcus Tullius Tiro invented a form of shorthand using thousands of symbols known as Tironian notes—some of which are still used by stenographers today. English physician Timothie Bright would later invent what has been called modern shorthand in the 1500s, followed by the introduction of numerous other systems over the next several hundred years. By the twentieth century, the invention of stenotype machines transformed shorthand reporting into primarily a machine-based profession, with persistent technological advancement leading to the modern day.<sup>1</sup>

The earliest forebear to the CRB was created in 1951 as the State Board of Examiners of Shorthand Reporters, which was established as a five-member entity within the Department of Professional and Vocational Standards (precursor to the Department of Consumer Affairs, or DCA). Senate Bill 783 was authored by Senator Earl Desmond, Chair of the Senate Committee on Business and Professions, along with other coauthors including the Chair of the Senate Committee on the Judiciary, Senator Jack Tenney.<sup>2</sup> The stated purpose of Senate Bill 783 was “to encourage proficiency in the practice of shorthand reporting as a profession; to promote efficiency in court and general reporting; and to extend to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those engaged in it.”<sup>3</sup> The provisions of Senate Bill 783 were subsequently codified in 1953 through Senate Bill 552 (Desmond),<sup>4</sup> and the Board’s name was soon changed to the Certified Shorthand Reporters Board.<sup>5</sup>

Prior to the creation of the Board, the Government Code provided that “no person shall be appointed to the position of official reporter of any court unless there is satisfactory evidence of his good moral character, and unless he has been first examined as to his competency by at least three members of the bar practicing in the court and designated by the judge or judges of the court.” Senate Bill 783 established a uniform mechanism of confirming the competence of a reporter, and provided that “no personal shall practice the art of shorthand reporting ... unless such person be the holder of a certificate in full force and effect from the board.” However, two exemptions were included. First, Senate Bill 783 exempted public employees working as hearing reporters for a district attorney or any state department or agency. This exemption would later be narrowed to only hearing reporters employed by the state.<sup>6</sup>

Second, the bill included the following significant exemption: “Nothing in this act shall be construed to prohibit the employment of any person not holding a certificate until a certified shorthand reporter is available.” This second exemption broadly allowed courts to utilize the services of any person they considered sufficiently competent to serve as official reporter, regardless of whether they held a certificate from the Board, if they determined that a CSR was not readily available. In 1961, Assembly Bill 2420 (Sumner) was enacted to clarify in the Government Code that to be an official reporter of any court, an individual must either be examined by three designated attorneys *or* hold a certificate as a shorthand reporter from the Board.<sup>7</sup>

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<sup>1</sup> McCay, Kelly Minot. “All the World Writes Short Hand: The Phenomenon of Shorthand in Seventeenth-Century England.” *Book History* 24, 2021.

<sup>2</sup> Senator Tenney’s first wife, whom he abandoned in 1920 to become a musician and bandleader, was a stenographer.

<sup>3</sup> Chapter 1679, Statutes of 1951.

<sup>4</sup> Chapter 191, Statutes of 1953.

<sup>5</sup> Chapter 453, Statutes of 1955.

<sup>6</sup> Chapter 983, Statutes of 1999.

<sup>7</sup> Chapter 2062, Statutes of 1961.

The courts' putatively limited authority to use noncertified reporters was presumably provided by SB 783 in consideration of the fact that the Board was newly established and that a significant population of certificate holders would likely not be immediately available throughout the state. However, the exemption remained in statute until the early 1980s, decades after the Board was established. Senate Bill 1699 (Petris), signed into law in 1982, enacted various reforms to the Board and removed the exemption for the courts to employ a noncertified shorthand reporter when a CSR is deemed unavailable, effective February 1, 1984. The bill provided that noncertified persons employed as hearing officers prior to January 1, 1983 would remain exempted.<sup>8</sup> Subsequent legislation would update the Government Code to reflect the requirement that all official court reporters must hold a license from the Board.<sup>9</sup>

Numerous other legislative measures have been proposed and considered over the years since the Board was established. One significant measure was Assembly Bill 1017 (Alatorre), which was enacted in 1980 to require the Board to establish a Transcript Reimbursement Fund (TRF) for the purpose of reimbursing indigent and low-income persons for shorthand reporter transcript costs. In doing so, the bill expanded the Board's mission to include "extend[ing] court and general reporting services to the public otherwise unable to afford such services."<sup>10</sup> This legislation was part of a compromise with freelance reporters, whose chargeable rates would no longer be prescribed in statute. Fees collected by the Board from certificate holders continue to be the dedicated, though arguably at times unreliable, source of funds for the state's transcript reimbursement program. This program was expanded in 2011 to additionally allow pro se litigants to apply for transcript reimbursement.<sup>11</sup>

One long debated issue is the role of the Board in overseeing corporations engaged in providing shorthand reporting services. In 1972, Assembly Bill 970 (Foran) was enacted to allow for corporations to practice shorthand reporting. This bill authorized the Board to issue a certificate of registration to a corporation pursuant to the Moscone-Knox Professional Corporation Act upon satisfactory completion of various requirements, including the reporting of information to the Board regarding its officers and employees.<sup>12</sup> However, this authority was repealed in 1992 by Assembly Bill 2743 (Frazee), reportedly because it was deemed duplicative of the Secretary of State's filing requirements and laws generally governing professional corporations.<sup>13</sup>

In subsequent years, a debate persisted around how the Board should oversee entities incorporated outside California that are not owned or operated by CSRs. In 2011, the CRB sought to confirm its authority to issue a citation and fine to U.S. Legal, an out-of-state firm accused of violating gift-giving provisions. In an unpublished opinion, the court ruled that even if U.S. Legal was rendering court reporting services in California and was in violation of gift-giving regulations, the CRB is not empowered to impose citations or fines against U.S. Legal because U.S. Legal was not a "professional corporation" but was instead a "foreign professional corporation." A related private attorney general suit was subsequently dismissed for lack of standing. After several years of discussion, the Legislature enacted Senate Bill 241 (Umberg) in 2021, which established a requirement that all firms seeking to provide shorthand reporting services in California, including foreign corporations, register with the Board and designate a reporter-in-charge to oversee compliance with California requirements.<sup>14</sup>

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<sup>8</sup> Chapter 1265, Statutes of 1982.

<sup>9</sup> Chapter 1316, Statutes of 2002.

<sup>10</sup> Chapter 1350, Statutes of 1980.

<sup>11</sup> Chapter 518, Statutes of 2010.

<sup>12</sup> Chapter 1306, Statutes of 1972.

<sup>13</sup> Chapter 2743, Statutes of 1992.

<sup>14</sup> Chapter 214, Statutes of 2021.



Other measures enacted in the years following the Board's establishment include additional legislation in 1972 providing the Board with the responsibility of recognizing and approving court reporting schools and programs. Subsequent legislation was enacted in 1988 to prohibit the Board from approving correspondence programs.<sup>15</sup> In 2002, this authority was expanded to include the ability to issue citations and fines to court reporting schools.<sup>16</sup>

In the early 1990s, several pieces of legislation were proposed to existentially reconsider the structure and placement of the Board. During this time, the Board had reported that its special fund was running a deficit and that a 25 percent fee increase was needed to remain solvent. Assembly Bill 585 (Knight) in 1993 proposed to abolish the Board and create instead a Shorthand Reporters Program within the DCA. In 1994, Senate Bill 2037 (McCorquodale) proposed to transfer the Board to the Judicial Council as part of the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions proposed reorganization of entities under the DCA. These bills failed to pass out of committee, as did Assembly Bill 1869 (Anderson) in 2008, which proposed to abolish the CRB along with virtually every other DCA entity.

In 1994, AB 1807 (Bronshvag) changed the Board's name to the Court Reporters Board, as it is known today.<sup>17</sup>

## **Mission Statement**

According to the CRB's most recent Strategic Plan, its mission statement is as follows:

***“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.”***

## **Board Membership**

The CRB consists of five members. Three members are public members and two members are required to have been actively certified as CSRs for the preceding five years.<sup>18</sup> The Governor is responsible for appointing one public member as well as the two certified members; the Speaker of the Assembly and the Senate Committee on Rules each appoint one additional public member. Members of the Board may be removed from office by their appointing authority. Board members serve four-year terms and may not serve more than two consecutive terms; however, members may serve up to one additional year pending the appointment of their successor.<sup>19</sup>

All members of the Board receive customary per diem compensation.<sup>20</sup> The Board is required to elect a chair and vice chair at its first meeting of each new fiscal year. The Board is required to keep a complete record of all its proceedings and all certificates issued, renewed, or revoked, together with a detailed statement of receipts and disbursements.<sup>21</sup>

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<sup>15</sup> Chapter 1327, Statutes of 1988.

<sup>16</sup> Chapter 615, Statutes of 2001.

<sup>17</sup> Chapter 26, Statutes of 1994.

<sup>18</sup> Bus. & Prof. Code, § 8000

<sup>19</sup> Bus. & Prof. Code, § 8001

<sup>20</sup> Bus. & Prof. Code, § 8002

<sup>21</sup> Bus. & Prof. Code, § 8003

The current composition of the Board is as follows:

Name and Bio	Appointment	Expiration of Current Term	Appointing Authority
<p style="text-align: center;"><b>Denise Tugade (<i>Chair</i>)</b> <b>Public Member</b></p> <p>Ms. Tugade is a Government Relations Advocate for SEIU United Health Workers (UHW) West. She previously served as staff in the California State Assembly from 2017 to 2020, most recently as Legislative Director for California State Assemblymember Christy Smith (D-Santa Clarita). She was the Assembly Democrats Volunteer and Mail Tree Program Coordinator for the Christy Smith for State Assembly Campaign in 2018. Tugade was a Legislative Aide for Assemblymember Lorena Gonzalez (D-San Diego) and was Communications Director and a Legislative Assistant for then-California State Assemblymember Monique Limón. She was a Senior Associate, AGILE and Human Centered Designed Lead, and Social Media Manager at Cambria Solutions, Inc. from 2015 to 2017. Tugade was a District Coordinator for the 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>	05/05/2021	06/01/2024	Governor
<p style="text-align: center;"><b>Robin Sunkees (<i>Vice Chair</i>)</b> <b>Professional Member</b></p> <p>Ms. Sunkees of Carlsbad is a freelance reporter focusing on pro tem work for the court. She was an official court reporter for the San Diego County Superior Court from 1991 to 2022, and an official court reporter for the Maricopa County Superior Court from 1986 to 1991. She was a court reporter for M.L. Spicer Reporting from 1985 to 1986. Ms. Sunkees is a member of the San Diego Superior Court Reporters Association, California Court Reporters Association, and the National Court Reporters Association.</p>	11/20/2019	06/01/2025	Governor
<p style="text-align: center;"><b>Laura P. Brewer</b> <b>Professional Member</b></p> <p>Ms. Brewer, of Nevada City, has been a court reporter since 1981, working as a freelance deposition reporter and 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	06/01/2025	Governor

<p style="text-align: center;"><b>Mike Dodge-Nam</b> <b>Public Member</b></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>	06/28/2023	06/01/2027	Assembly Speaker
<p style="text-align: center;"><b>Arteen Mnayan</b> <b>Public Member</b></p> <p>Mr. Mnayan of Los Angeles is an attorney in the Land Use and Public Policy, Regulatory &amp; Political Law practice of Mayer Brown LLP’s Los Angeles office. He primarily represents investors and developers in all aspects of the real estate entitlement and development process, focusing on land use entitlement matters, helping developers navigate state and local regulations and authorities, government outreach, and California Environmental Quality Act compliance. As an active member of the policy and land use community, he serves on the Los Angeles Business Council’s Legislative Affairs Committee and the Valley Industry and Commerce Association’s Land Use Committee and serves on the boards and committees of several non-profit organizations. During law school, he externed for the Central District of California Bankruptcy Court for the Honorable Victoria S. Kaufman. He earned his law degree from Loyola Law School, Los Angeles, and his undergraduate degree from the University of Southern California.</p>	06/14/2022	06/01/2027	Senate Rules

**Staff**

Statute authorizes the CRB to appoint an Executive Officer. The CRB’s current Executive Officer is Yvonne Fenner, who has served in that role since 2009 after previously working as a licensee and serving as a board member and then staff analyst. In addition to an Executive Officer, statute authorizes the CRB to employ “other employees as may be necessary, subject to civil service and other law.”<sup>22</sup> As of June 1, 2023, the Board had 4.5 total authorized positions as well as one blanket position. These positions are divided between Enforcement; Licensing and Exams; and Administrative, Board and Enforcement Committee Outreach, School Compliance, and Transcript Reimbursement Fund programs.

The CRB reports that it lost its half-time analyst assigned to TRF workload during the COVID-19 pandemic. This resulted in a temporary application processing backlog. This position was subsequently increased to full-time in July of 2023, which has reduced the backlog.

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<sup>22</sup> Bus. & Prof. Code, § 8005

## Fiscal and Fund Analysis

As with other entities under the DCA, the CRB is special funded and receives the majority of its funding from fees charged to the individuals and entities it oversees. Fees are deposited into the Court Reporters' Fund. Money in that fund is available to the CRB only upon appropriation by the Legislature.<sup>23</sup> Statute generally prohibits DCA entities from having more than 24 months of funding in reserve.<sup>24</sup>

The CRB also administers the TRF. Per statute, fee revenue in excess of funds needed to support the Board's operating budget for the fiscal year are transferred to the TRF to reimburse indigent and low-income persons, as well as pro se litigants, for shorthand reporter transcript costs. When there is sufficient revenue to sustain the CRB's operations for at least six months of its operating budget, statute provides that up to \$300,000 is transferred to the TRF each year in \$100,000 increments.<sup>25</sup> While the CRB is the only dedicated revenue source for the TRF, there was a one-time transfer of \$500,000 from the General Fund to the TRF in 2021. In Fiscal Year (FY) 2022-23, 94 requests for reimbursement were approved, totaling \$120,816 in disbursed funds.

As of December 2023, the CRB had 10.6 months in reserve, which generally represents a healthy fund condition. However, the Board notes that it has seen cost savings from remote meetings and testing implemented during the COVID-19 pandemic, and that these savings are likely to become reduced. The CRB takes care to avoid falling below a six month reserve so that the TRF may remain funded.

Approximately 93 percent of the CRB's revenue is derived from CSR certificate renewal fees. The Board last increased its fees through regulation from \$125 to \$225 beginning in 2019. This increase allowed the TRF to continue to be administered. The statutory cap on the CRB's license and renewal fees is \$250. The fee charged for firm registration is set in regulation at \$500 annually. The CRB has indicated that it will likely need to increase its fees to their statutory caps in the near future to ensure that it maintains at least six months in reserve beyond FY 2026-27.

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

<sup>23</sup> Bus. & Prof. Code, § 8030

<sup>24</sup> Bus. & Prof. Code, § 128.5

<sup>25</sup> Bus. & Prof. Code, § 8030.2

As indicated below, the CRB’s expenditures have remained relatively consistent over the past several years. Enforcement expenditures have varied slightly based on costs incurred from the Attorney General’s representation of the Board, and there were some cost savings relating to examination during the COVID-19 pandemic. Administration costs—which include costs for executive staff, administrative support, and fiscal services—have remained the largest share of the CRB’s expenditures.

<b>Expenditures by Program Component</b>										
<i>(Dollars in Thousands)</i>	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
<b>TOTALS</b>	\$640	\$410	\$644	\$453	\$562	\$385	\$615	\$362	\$700	\$444

## Licensing

The number of applications to the CRB for new certificates was 68 in FY 2022-23, with 5,516 certificates renewed during that time. The number of applicants for new certificates has remained consistently low each year since the Board’s last review. Meanwhile, the total number of CSRs has decreased each year.

<b>Licensing Data by Type</b>		
	Application Type	Received
FY 2018-19	(Exam)	54
	(License)	32
	(Renewal)	6306
FY 2019-20	(Exam)	60
	(License)	66
	(Renewal)	6019
FY 2020-21	(Exam)	55
	(License)	39
	(Renewal)	5815
FY 2021-22	(Exam)	77
	(License)	35
	(Renewal)	5668
FY 2022-23	(Exam)	107
	(License)	68
	(Renewal)	5516

As of July 1, 2023, there are 6,562 licensed CSRs in California, of which 5,584 licensees are active and in good standing. Beginning in 2022, the CRB began registering firms offering reporting services in the state. The CRB reports that it has registered 213 firms, of which 26 are out-of-state. It is rare that an application for licensure is denied by the Board, with only six total denials since FY 2018-19.

CSR Population						
		FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
	Active	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

Generally, the CRB’s application processing timelines have been consistently prompt since its last sunset review. Most applications are processed within two to five business days. The CRB reports that it does not have a backlog of applications due to these swift processing timelines.

## Education

There are multiple pathways to licensure as a CSR. A majority of applicants qualify to take the CSR examination through completion of a training program from a recognized court reporting school.<sup>26</sup> If an applicant graduates from a program outside of California, to qualify to take the CSR examination they must possess a certificate from the National Court Reporters Association or from the National Verbatim Reporters Association demonstrating proficiency in machine shorthand reporting or voice writing.

Statute provides the CRB with responsibility for approving court reporting schools in California. To be eligible for approval by the CRB, a school must either be a California public school, a school accredited by the Western Association of Schools and Colleges, or a private school approved by the Bureau for Private Postsecondary Education (BPPE).<sup>27</sup> Schools are required to notify the CRB of their intent to offer a program in court reporting and to provide a copy of their curriculum for approval. Once approved, schools receive provisional recognition. They must then operate for at least three years and graduate at least one student before being granted full recognition. Additionally, schools must notify the CRB when they intend to discontinue a program.

Each year, court reporting schools must provide the CRB with an up-to-date school catalog that includes its course offerings and staff. The CRB may remove recognition of a school that does not meet the minimum requirements. The CRB is authorized to discipline schools for violations of the law, including through the issuance of citations and fines.<sup>28</sup> The CRB maintains a roster of approved court reporting schools. Currently, there are eight schools recognized by the CRB in California:

- College of Marin/Indian Valley Campus – *Novato, Public School*
- Cypress College Court Reporting – *Cypress, Public School*
- Downey Adult School – *Downey, Public School*
- Humphreys University – *Stockton, Private School*
- South Coast College – *Orange, Private School*
- Taft College Court Reporting – *Shafter, Public School*
- Tri Community Adult Education – *Covina, Public School*
- West Valley Community College – *Saratoga, Public School*

<sup>26</sup> Bus. & Prof. Code, § 8020

<sup>27</sup> Bus. & Prof. Code, § 8027

<sup>28</sup> Bus. & Prof. Code, § 8027.5

## Continuing Education

The CRB does not require CSRs to take continuing education as a condition of license renewal. Legislation to require CSRs to meet continuing education requirements has previously been considered, with the CRB’s support. To date, none of these proposals have been successful, with several measures vetoed by previous governors. However, the Judicial Council does require continuing education for court employees, which includes those employed as court reporters.

## Examination

Applicants for licensure as a CSR must pass a three-part examination. First, the applicant must pass a written portion on Professional Practice, which consists of 100 multiple choice questions testing the applicant’s knowledge of medical and legal terminology, ethics, and code requirements. A 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 third part of the CSR examination is a practical or skills portion, which consists of a 15-minute exercise on dictation and transcription. This test has recently been offered online through a third-party vendor using live proctors. A courtroom or deposition situation is replicated via pre-recorded video, averaging a speed of 200 words per minute. Examinees report the dictation on a shorthand machine or using voice writing equipment. The examinees are given two hours to transcribe ten minutes of their notes and are graded on their transcription. Successful candidates must achieve 97.5% accuracy.

All three portions of the CSR examination must be passed within three years unless the CRB’s executive officer has granted a one-year extension. The examination is offered three times per year, and each portion may be taken up to three times per year. If an applicant fails one portion of the examination, they are only required to retake that one portion within the three years. All examinations are in English.

The following chart contains passage rates for each of the three portions of the CSR examination, both by first time candidates and overall. While there have at times been relatively low passage rates for the written portions of the examination, the passage rates for the practical portion are inarguably very low. In FY 2022-23, 73.8 percent of all candidates failed this portion of the examination, and that number has been as high as 94.5 percent in FY 2018-19. Across all portions, first time candidate passage rates are substantially better than the overall number that includes repeat takers, which is typical for professional examinations.

CSR Examination Passage Rates				
		Dictation/Skills	English	Professional Practice
FY 2018-19	Number of 1 <sup>st</sup> Time Candidates	46	50	48
	Pass %	19.6%	62.0%	64.6%
	Fail %	80.4%	38.0%	35.4%
	Number of Overall Candidates	329	102	76
	Overall Pass %	5.5%	50.0%	63.2%
	Overall Fail %	94.5%	50.0%	36.8%

FY 2019-20	Number of 1 <sup>st</sup> Time Candidates	56	42	44
	Pass %	66.1%	61.9%	63.6%
	Fail %	33.9%	38.1%	36.4%
	Number of Overall Candidates	288	88	71
	Overall Pass %	27.1%	47.7%	63.4%
	Overall Fail %	72.9%	52.3%	36.6%
FY 2020-21	Number of 1 <sup>st</sup> Time Candidates	58	70	66
	Pass %	55.2%	77.1%	68.2%
	Fail %	44.8%	22.9%	31.8%
	Number of Overall Candidates	214	107	98
	Overall Pass %	21.5%	63.6%	64.3%
	Overall Fail %	78.5%	36.4%	35.7%
FY 2021-22	Number of 1 <sup>st</sup> Time Candidates	43	51	51
	Pass %	55.8%	66.7%	70.6%
	Fail %	44.2%	33.3%	29.4%
	Number of Overall Candidates	177	89	85
	Overall Pass %	20.9	55.1%	64.7%
	Overall Fail %	79.1	44.9%	35.3%
FY 2022-23	Number of 1 <sup>st</sup> Time Candidates	84	94	97
	Pass %	57.1%	76.6%	80.4%
	Fail %	42.9%	23.4%	19.6%
	Number of Overall Candidates	244	160	142
	Overall Pass %	26.2%	63.1%	69.7%
	Overall Fail %	73.8%	36.9%	30.3%

The CRB conducted an occupational analysis in 2021 through the DCA's Office of Professional Examination Services (OPES). This analysis was intended to ensure that the CSR examination was sufficiently testing candidates on the skills and knowledge needed to enter the court reporting profession. The results of the OPES analysis provide the basis for the license examinations. The CRB typically conducts an occupational analysis every five to seven years.

## Enforcement

According to the CRB, approximately 120 complaints are filed with the Board each year, with a majority of complaints involving a question of untimeliness of transcript delivery or the accuracy of a transcript of legal proceedings. The CRB now also receives complaints about registered firms. One full-time analyst performs all enforcement-related activities within the CRB. Staff works to resolve cases through informal mediation when possible, and the Board states that most licensees are cooperative.

The CRB's target for complaint intake is five days, which is being met. The CRB has a target of 60 days for intake to investigation; the average intake and investigation time during the period since the last sunset review is 146 days, with about half of investigations meeting the 60-day goal. The CRB's target for formal discipline is 540 days; the average number of days for formal discipline is 331.



<b>Enforcement Statistics</b>						
	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	
<b>COMPLAINTS</b>	CSR	CSR	CSR	CSR	CSR	CRF
Received	122	115	105	111	113	41
Source of Complaint						
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
<b>INVESTIGATION</b>	CSR	CSR	CSR	CSR	CSR	CRF
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
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
Accusations Filed	4	4	4	3	2	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	55	90	125	62	85	0
<b>DISCIPLINE</b>	CSR	CSR	CSR	CSR	CSR	CRF
AG Cases Initiated (cases referred to the AG in that year)	4	8	6	3	2	0
<b>DISCIPLINARY OUTCOMES</b>	CSR	CSR	CSR	CSR	CSR	CRF
Revocation	3	3	3	1	1	0
Surrender	1	0	1	1	0	0
Probation only	4	1	2	0	0	0
Public Reprimand / Public Reproval / Public Letter of Reprimand	0	1	1	0	0	0
<b>DISCIPLINARY ACTIONS</b>	CSR	CSR	CSR	CSR	CSR	CRF
Proposed Decision	2	0	2	0	0	0
Default Decision	1	3	2	1	1	0
Stipulations	5	2	3	1	0	0
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	152	174	184	143	105	0
Average Days from Closure of Investigation to Imposing Formal Discipline	283	243	237	237	163	0
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	337	298	328	415	180	0

## **Public Information Policies**

The CRB regularly utilizes its internet website to provide information to licensees, applicants, and the public. The CRB works with the 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 CRB also uses an e-mail subscription service to alert interested parties regarding its activities. The CRB states that it continually seeks to develop other outreach methods, including renewal form inserts and webinars.

## **COVID-19 Pandemic Response**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency as a result of the impacts of the COVID-19 public health crisis. Legislation was passed to waive the requirement for the court reporter to be in the physical presence of a party witness; this waiver was ultimately made permanent. The CRB states that it was a challenge to transition the in-person skills portion of the license exam to an online platform, but that this was able to be achieved through an existing contract with a third-party vendor. The CRB believes that this transition has been a success, resulting in cost savings for both applicants and the Board.

## **PRIOR SUNSET REVIEW: CHANGES AND IMPROVEMENTS**

The CRB last underwent sunset review in 2019. During the prior sunset review, committee staff raised a number of issues and provided recommendations. Below is a summary of actions which have been taken since that time to address these issues. Previous issues that were not completely addressed or are otherwise still of concern are further discussed under “Current Sunset Review Issues.”

**Prior Issue #1: What is the status of the Transcript Reimbursement Fund?** The sunset review background paper asked the CRB to report on the most recent revenue and expenditure projections for the Court Reporters’ Fund and when transfers to the TRF would resume. The CRB responded at the time that an approved increase in license fees would allow the Board to better predict when a transfer to the TRF could be made, and that the goal was to transfer \$100,000 as soon as possible. Subsequently, the CRB reopened the TRF in November of 2020 with an initial transfer of \$100,000 from the Court Reporters’ Fund. The CRB 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 informed the state trade associations. Since reopening the TRF, the CRB has processed 765 applications, approving \$377,682.

**Prior Issue #2: Should certified shorthand reporters be allowed to use “voice writing” systems?** The background paper suggested updating statute to clarify that voice writing is authorized as a method of shorthand reporting. The CRB supported this change, stating that it believed voice writing and steno writing to be the same skill but using differing technologies to capture the shorthand. The CRB originally proposed testing current licensees who want to switch from steno writing to voice writing but determined it does not have legislative authority to do so. Language to formally license voice writers was proposed for the CRB’s sunset bill in 2019 but was not ultimately included in the final version of the bill; however, subsequent trailer bill language enacted in 2022 resulted in the CRB’s implementation of voice writing licensure since November of 2022.

**Prior Issue #3: Should the Board require certified shorthand reporters to meet new continuing education requirements?** Committee staff requested that the CRB report on what information it believed 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. In its response, the CRB recommended 30 hours of continuing education over a three-year period. However, this recommendation has not been effectuated and there remains no continuing education requirements under the CRB.

**Prior Issue #4: What is the Board’s plan for implementing an online skills examination?** The prior sunset background paper recommended that the CRB report to the Committees on its efforts to implement online testing, including the time frame for implementation, projected costs/cost savings, the procedures that would be used to ensure that the online test is secure, and protections that would be used to prevent fraudulent test taking. The CRB responded that it was finalizing its contract to implement online skills testing and planned to begin to offer an online option in July 2019. 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 COVID-19 pandemic necessitated that the testing be offered only via a remote platform.

**Prior 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?** The Committees raised the question of whether recent changes in the law relating to independent contractors impacted the CRB. The Board responded that any implications to the industry were outside the CRB's scope. The CRB maintains that it does not have jurisdiction over whether a court reporting firm decides to hire shorthand reporters as employees or independent contractors.

**Prior Issue #6: Is the Board able to enforce court reporting statutes against foreign court reporting corporations?** The CRB's prior sunset review background paper discussed the longstanding issue of foreign court reporting corporations and efforts to hold them accountable under California law. The CRB acknowledged that it was not able to enforce the entirety of court reporting statutes against foreign court reporting corporations, though recent legislation had enabled them to bring a civil action against firms in certain instances. Language originally proposed in the CRB's sunset bill in 2019 was ultimately included in legislation enacted in 2021 that allowed the Board to begin registration of all court reporting firms. Registration began in 2022, and the CRB reports that it believes the new program to be a huge benefit to the consumers of California.

**Prior Issue #7: What is the status of BreZE implementation by the Board?** The sunset review background paper asked the CRB to update the Committees on the current status of its Organization Change Management Process and the most recent timelines for replacing its existing information technology system. The CRB provided an update about its plan to move through the Project Approval Lifecycle process for its upgrade to its business processes. Ultimately, the CRB decided not to use the BreZE platform, and it instead used off-the-shelf license management software currently utilized by other boards under the DCA. 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's processes. The project is scheduled for completion on June 30, 2024.

**Prior Issue #8: Necessary technical changes to Chapter 13 of the Business and Professions Code (Section 8000 et seq.)** The Committees suggested several technical changes to the CRB's Act, which were subsequently implemented with the CRB's support.

**Prior Issue #9: Should the licensing and regulation of shorthand reporters be continued and be regulated by the Board?** The CRB's sunset date was extended by four years, and then subsequently extended one additional year.

# CURRENT SUNSET REVIEW ISSUES FOR THE COURT REPORTERS BOARD

## ADMINISTRATIVE ISSUES

**ISSUE #1:** *Board Membership Composition. Does the CRB’s current membership provide for adequate professional expertise in balance with independent representation of the public?*

**Background:** Statute currently provides that the CRB “consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued [by the Board] who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.” When there are no vacancies on the Board, this typically results in the public members representing a slight majority of the CRB’s composition. This public member majority presumably safeguards the CRB from any risks implicated by the Supreme Court’s 2015 decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, which ruled that a state regulatory board featuring a majority share of active market participants may not be subject to *Parker* antitrust litigation immunity.

While current law now allows for CSRs to practice either through stenographic shorthand or machine writing or through voice writing, there is no requirement that either category of professional be represented on the CRB. It is likely that the interests of both traditional shorthand reporters and voice writers are effectively identical, given that they are both afforded the same scope and both practice as licensed CSRs. However, it may still be worth considering whether the viewpoints of CSRs with each respective type of training would be of value on the Board.

**Staff Recommendation:** *The Board should provide the Committees with any perspective it may have on whether its current board composition provides the maximum amount of expertise.*

## FISCAL ISSUES

**ISSUE #2:** *Fiscal Solvency. Does the potential need for future revenue increases warrant an adjustment of the statutory cap on fees currently charged by the CRB to its licensees?*

**Background:** As previously discussed, approximately 93 percent of the CRB’s revenue is derived from CSR certificate renewal fees, which were last increased through regulation from \$125 to \$225 beginning in 2019. The current statutory cap on the CRB’s license and renewal fees is \$250, while the fee charged for firm registration is set in regulation as \$500 annually. In its report to the Committees, the CRB indicated that it believes its statutory fee caps should be increased so that it would have flexibility in the future to adjust its fees through regulation to an extent that allows it to maintain at least six months in reserve. Because this fee income funds not only the CRB’s operations but also the funding of the TRF, it is important that revenue remain sufficient to meet future projected needs. However, because the TRF’s funding mechanism results in the CRB’s fees being treated as taxes under California law, any proposed increase to the caps should be carefully considered and negotiated with stakeholders.

**Staff Recommendation:** *The Board should make recommendations to the Committees regarding what amounts it believes are appropriate for its statutory fee caps and work with the Legislature and stakeholders to negotiate any changes it believes are necessary.*

**ISSUE #3: *Transcript Reimbursement Fund. Is the current mechanism for providing funding from the CRB to assist indigent litigants with transcript costs both appropriate and effective?***

**Background:** As previously discussed, the CRB oversees the TRF, a special fund fully financed by a portion of the revenue from fees charged to CSRs and registered firms. Per statute, fee revenue in excess of funds needed to support the Board's operating budget for the fiscal year is transferred to the TRF to reimburse indigent and low-income persons, as well as pro se litigants, for shorthand reporter transcript costs. When there is sufficient revenue to sustain the CRB's operations for at least six months of its operating budget, statute provides that \$300,000 be transferred to the TRF each year in \$100,000 increments.

The TRF consists of a Pro Bono program (used to reimburse costs incurred by attorneys representing litigants at no cost to the litigant) and a Pro Per Program (used to reimburse costs for pro se litigants representing themselves), both of which ensure all litigants have access to court reporting transcripts for civil cases. Historically, the TRF was underutilized by indigent and low-income litigants represented by pro bono attorneys or qualified non-profit entities. The Pro Per Program was subsequently created in order to maximize the benefits of the TRF and expand access to justice for those most in need.

In 2021, language enacted in the Budget increased the maximum amount of funding allowable per case from \$1,500 to \$2,500 for pro se applicants and from \$20,000 to \$30,000 for pro bono applicants, and the annual limit of \$75,000 for pro per cases was eliminated. That Budget Act also allowed for funding from sources other than licensing fees, without impacting the \$300,000 annual transfer limit from the Court Reporters' Fund to the TRF. Another budget vehicle subsequently made a one-time appropriation of \$500,000 from the General Fund to the TRF.

The CRB's sunset bill in 2019 included language that required the CRB to report information to the Legislature for purposes of determining the feasibility of funding the TRF through a distinct assessment collected separately from certificate fees. The CRB subsequently submitted a report in July of 2022 that provided data about the number of reimbursement requests it had received, approved, and denied, as well as data relating to the amount of funds disbursed. The report indicated that a total of 5,893 certificates were either issued or renewed in FY 2020-21, and that a combined \$104,464 was disbursed for pro bono and pro se litigants, with approximately \$14,000 in overhead costs. Rudimentary (and likely insufficiently comprehensive) calculations would suggest that each licensee therefore paid approximately \$20 that fiscal year to fund disbursements made from the TRF.

While the CRB's report provided valuable information about the status of the TRF program, it did not include any specific recommendations about how its funding mechanism could be transitioned to a separate fee assessment. It is probable that any attempt to roughly approximate the dollar value of individual licensee contributions to the TRF program's activities based on the reported data would not produce a reliably accurate number. Nevertheless, as the CRB goes through another sunset review, it is still worth discussing whether such a change could be successfully effected to provide for a more stable funding mechanism for the TRF.

**Staff Recommendation:** *The Board should inform the Committees of any discussions it has had about the potential to change the mechanism by which the TRF is funded by imposing an assessment with a fixed dollar amount on each certificate fee rather than making \$100,000 lump sum transfers to the fund only when fiscal conditions allow.*

## LICENSING ISSUES

### **ISSUE #4: *Voice Writers. Has implementation legislation authorizing the CRB to license voice writers been successful thus far?***

**Background:** When the CRB last underwent sunset review in 2019, statute only recognized the authority of CSRs in California to practice through a traditional shorthand or machine shorthand writing system to create a stenographic record. However, new technologies had since become available that allowed CSRs to practice using a “voice writing” system. When voice writing, a reporter speaks into a stenomask or closed microphone voice dictation silencer using oral shorthand and voice notes, which a computer then runs a type of voice recognition software to create a record of the proceedings.

At the time, voice writing had never been used in California courts or depositions (though it was sometimes used in the military judicial system). Advocates for voice writing argued that the system was significantly faster and easier to become proficient in voice writing than traditional stenography. As discussed in the CRB’s 2019 sunset background paper, it usually took two to four years of training to become a traditional stenographer, with completion rates as low as 10 percent for students enrolled in a program. It was suggested that this was due to the technical difficulty of recording spoken conversation at the 200 words per minute standard that is required for certification in California. Meanwhile, voice writing was believed to typically require approximately 9 to 18 months of training, with a completion rate could be as high as 90 percent. These statistics indicated that a much higher percent of the general population can be trained to transcribe a conversation using voice writing methods than can be trained using traditional stenography.

In February of 2019, the CRB announced that it had decided to recognize voice writing as a permissible form of shorthand reporting in California. The Board voted to allow applicants to use voice writing technology when taking their license examination, effectively allowing voice writers to become licensed as CSRs. While it was unclear how many potential applicants would immediately seek to obtain licensure through voice writing, given the relative nascence of educational curricula in voice writing at recognized court reporting schools, the CRB argued that recognizing voice writers would help meet the state’s ongoing need for more professional reporters to meet the demands of the judicial system.

Concerns were raised during the CRB’s 2019 sunset review that the Board may have exceeded its statutory authority by acting to recognize voice writers without legislation or regulation. The Committees also argued that the CRB’s proposed approach potentially would not provide sufficient protection to the public, as it did not include a mechanism to require CSRs to only utilize the technology that they had demonstrated competence with through the practical examination. The background paper suggested that if voice writing were to be allowed, there should be some form of endorsement or notation on a CSR’s certificate indicating which methods of reporting they had demonstrated competence in through examination, with their practice limited to those methods.

Assembly Bill 1520 (Low), the Board’s sunset extension vehicle in 2019, was subsequently amended to provide express authority to the CRB to recognize voice writing and to establish necessary safeguards. Language was included in early iterations of the bill to add the term “voice recognition technology” to the statutory definition of shorthand reporting. The bill further required the CRB to indicate on each certificate whether the licensee had met the Board’s examination requirements through the use of stenography, voice writing, or both.

However, concerns were subsequently raised that the term “voice recognition technology” was overbroad in its potential application, and that additional language was needed to ensure equitable treatment of CSRs employed by the courts. As a result, the Assembly Bill 1520 sunset bill was amended again to remove the language that would have recognized voice writing and to instead explicitly prohibit the Board from issuing a certificate by means of voice writing or voice recognition technology. Further language was included in the bill expressing the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing in the future.

Several years later, discussions about how voice writing could be formally incorporated into the practice of shorthand reporting took place again through the Budget Act of 2022. Following a series of discussions with professional stakeholders, Assembly Bill 156 (Committee on Budget) was amended to repeal the prohibition against licensing voice writers and to enact language defining “voice writing” and authorizing the CRB to allow applicants to pass the license examination through voice writing. The bill required the Board to indicate on each certificate which qualifying methodology the certificate holder had used to pass their examination requirements. The bill also prohibited both the CRB and employers from differentiating among certificate holders based on the method of qualification.

The CRB began licensing voice writers in November of 2022. In its report submitted to the Committees in December of 2023, the CRB stated that it had issued 16 licenses to voice writers, and that four of the recognized court reporting programs had added voice writing to their curricula. The CRB indicates that enrollment is increasing, and that because voice writing requires a shorter period of training, it anticipates more applicants applying to become CSRs through voice writing systems, which may partly alleviate the state’s workforce shortage. Meanwhile, the CRB indicates that it has a pending regulations package that was submitted to the Office of Administrative Law on November 1, 2023 to update its curriculum requirements to include voice writing.

The updates provided by the CRB in late 2023 regarding the licensure of voice writings are promising. It would be useful to receive further updates about the program, particularly given the role that voice writers could potentially play in addressing workforce shortages in California. If there are ways that the Legislature could further assist in the implementation of voice writing licensure, this could also be considered as part of the CRB’s sunset review.

***Staff Recommendation:*** *The Board should provide the Committees with additional updates about its implementation of voice writing licensure.*

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***ISSUE #5: Digital Monitors. Should the CRB’s oversight jurisdiction be extended to include digital monitors?***

**Background:** According to the CRB’s report to the Committees, there are firms that are currently 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. The CRB states that this type of recording is currently not regulated or overseen by the Board. The CRB also suggests that attorneys often do not know that this form of recording is taking place until the end of the proceeding (if at all) and may be under the assumption that a CSR is handling the reporting and transcribing of the proceeding. The CRB has attempted to address this concern by engaging in a public information campaign called “Five Reasons to Use a Licensed Court Reporter,” which was distributed to the State Bar and distributed through the Board’s website and social media accounts.



In its report to the Committees, the CRB suggests that the Legislature consider requiring the Board to oversee the practice of digital monitors and set standards for digital monitoring. The CRB also recommends the enactment of legislation requiring a court reporter to state their name and license number on the record before beginning to report a proceeding, which the Board believes would serve to further protect consumers from unlicensed activity. It would be beneficial to hear more from the CRB about issues concerning digital monitoring and its proposals to increase oversight of this practice.

***Staff Recommendation:*** *The Board should provide the Committees with more information about the potential need for oversight and regulation of digital monitors and provide any language that it recommends be included on this topic in its sunset bill.*

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***ISSUE #6: Captioning Professionals. Should the CRB additionally enforce requirements and standards for instantaneous transcription services for the hearing impaired?***

***Background:*** Another issue raised by the CRB in its report to the Committees relates to captioning. According to the CRB, court reporters who provide instantaneous translation of a proceeding for the hearing impaired are referred to as captioners. These professionals are frequently utilized in educational settings, as well as in a variety of social and professional settings such as conferences and church services. Currently, there is national certification that can be obtained on a voluntary basis, but the CRB reports that there is no regulation or oversight in California. The CRB argues that this lack of standards leaves the consumer vulnerable to poorly skilled practitioners and recommends that the Legislature consider requiring the Board to set standards and oversee the practice of captioning in California.

***Staff Recommendation:*** *The Board should inform the Committees of what, if any, legislative action it believes is necessary to ensure a proper level of regulation of captioners in the state.*

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***ISSUE #7: Provisional Licensing. Should the CRB be authorized to grant provisional certificates for specified periods of time?***

***Background:*** As discussed throughout this background paper, there is a recognized shortage of CSRs in California, and the state has struggled to grow its workforce to meet the demands of the judicial system. In 2023, the Legislature considered Senate Bill 662 (Rubio), which was sponsored by the Family Violence Appellate Project and the Legal Aid Association of California. The bill would have authorized the CRB to issue a provisional certificate, valid up to three years, to an individual who has not passed the California examination for licensure but is eligible to take the examination, or who has passed the Registered Professional Reporter examination administered by the National Court Reporters Association. The author of this bill argued that a provisional licensing program would significantly expand the pool of CSRs who would be available to work in California courts.

When Senate Bill 662 was considered by the Senate Committee on Business, Professions, and Economic Development, that committee identified several potential issues with its provisional licensing proposal. The committee analysis noted that individuals practicing under a provisional certificate would not be required to meet the same level of requirements that a current CSR must meet in order to practice, arguably establishing a two-tiered system of practitioners. Concerns were also raised about the CRB's ability to monitor a provisional certificate holder's employment status and what enforcement mechanisms would exist.

In light of the issues raised in the bill analysis, Senate Bill 662 was amended in committee to remove references to provisional licensing, and language was added to instead require the CRB to evaluate the appropriateness and necessity of existing examination requirements. The CRB would then be expected during its sunset review to inform the Committees about whether the examination should remain in place and what incentives and other efforts could be undertaken to increase CSR workforce capacity. Subsequently, the bill, which proposed several other controversial changes to the law, was held on the Senate Committee on Appropriations suspense file, and that language was not enacted. Nevertheless, it would be beneficial to hear from the CRB about the potential of provisional licensing or whether existing examination requirements are necessary for all CSRs practicing in the state for any length of time.

**Staff Recommendation:** *The Board should inform the Committees of any positions it has taken on the topic of provisional licensure.*

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**ISSUE #8:** *Fair Chance Licensing Act. What is the status of the Board’s implementation of Assembly Bill 2138?*

**Background:** In 2018, Assembly Bill 2138 (Chiu/Low) was signed into law, substantially reforming the license application process for individuals with criminal histories. Under this legislation, an application may only be denied on the basis of prior misconduct if the applicant was formally convicted of a substantially related crime or was subjected to formal discipline by another licensing board. Further, prior convictions and disciplinary histories are ineligible for consideration after seven years, with the exceptions of serious, violent, and registerable felonies, as well as financial crimes for certain boards.

Because Assembly Bill 2138 significantly modified current practice for boards in their review of applications for licensure, it was presumed that its implementation would require changes to existing regulations for every board impacted by the bill. The CRB reports that it completed its regulations in 2021, and the CRB may have input on the effect that Assembly Bill 2138 has had on its ability to protect the public. However, the CRB has reported that since its last sunset review in 2019, there have been no denials for license or registration based on criminal history since the last sunset review. Therefore, it is likely that the prior legislation has not had any meaningful impact on the CRB’s functions.

**Staff Recommendation:** *The Board should provide the Committees with an update on its implementation of Assembly Bill 2138 and whether it has had any impact on its licensing activities.*

**EDUCATION AND EXAMINATION ISSUES**

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**ISSUE #9:** *Examination Passage Rates. Could the Board assist applicants in passing the required CSR examination, given historically low passage rates?*

**Background:** As previously discussed, the CSR licensing examination has seen significantly low overall passage in recent years, particularly for the skilled portion of the examination, where the failure rate for all candidates has averaged 70 percent to 80 percent each year and was as high as 94.5 percent in FY 2018-19. The CRB uses first-time passage rates to evaluate its examinations, which tend to be markedly higher than overall rates, and the Board points out in its report to the Committees that it has no way of knowing how intensively repeat failing applicants practice for the exam. Nevertheless, it has historically been argued that this low passage rate has further exacerbated the ongoing workforce issues within the shorthand reporting profession.

In September of 2023, the Judicial Council of California sent a letter to the CRB to request “support in addressing California’s court reporter shortage.” The Judicial Council suggested that the CRB “consider leveraging its expertise to improve pass rates,” pointing to its own success with increasing pass rates for the Bilingual Interpreting Examination by contracting with a vendor to provide a free instructor-led education program for individuals who it identified as “near passers” who only narrowly failed the exam. The CRB may consider instituting a program similar to the Judicial Council’s as a way of improving passage rates and making further effort to address persistent workforce issues.

***Staff Recommendation:*** *The Board should provide its perspective on whether it could implement a program for assisting near-passers of the CSR examination.*

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**ISSUE #10:** *Continuing Education. Should continuing education be required for CSRs?*

**Background:** The question of whether CSRs should be required to take continuing education has been debated numerous times in the past. Legislation was proposed in 2008 through Assembly Bill 2189 (Karnette), which the CRB supported. This bill was vetoed by Governor Arnold Schwarzenegger, who argued that the requirements “impose an additional burden on the regulated profession without justifying a compelling need.” This proposal was attempted again in 2011 through Senate Bill 671 (Price), which was again vetoed, this time by Governor Jerry Brown, who stated that “the whole idea of legally mandated ‘continuing education’ is suspect in my mind” and called the requirements of the bill “an unwarranted burden.” A third bill was attempted in 2015—Assembly Bill 804 (Hernández)—and was again vetoed by Governor Brown, who simply stated in his message that he had not changed his mind.

Whether CSRs should be required to take continuing education was raised in the CRB’s 2019 sunset background paper, which acknowledged that the Board believed the lack of continuing education “may result in shorthand reporters no longer being aware of current requirements on the profession.” No requirement was subsequently included in the Board’s sunset bill, and there is no significant likelihood that one would be included during the current session. However, given historic interest in the topic, the CRB may wish to inform the committees if it still recommends requiring continuing education.

***Staff Recommendation:*** *The Board should inform the Committees of whether it continues to recommend imposing continuing education requirements on CSRs.*

### **ENFORCEMENT ISSUES**

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**ISSUE #11:** *Court Reporting Firms. Have new registration requirements on court reporting corporations successfully provided for enhanced oversight?*

**Background:** During the CRB’s 2015 sunset review, it was noted that there was a substantial amount of unlicensed activity relating to foreign corporations who offered court reporting services in California without authorization from the CRB. Previously in 2007, in response to complaints about unethical gift-giving and violations of minimum transcript format standards, a task force was appointed by the CRB to study the issue of firm oversight. The task force determined that a legislative fix was necessary to address this issue, which led to several years of attempted legislation to provide for meaningful oversight of unlicensed out-of-state firms by the CRB. Assembly Bill 1461 (Ruskin) was first introduced in 2009 to clarify that business entities providing or arranging for shorthand reporting services in the state were required to comply with California law; however, the bill failed to pass.

In 2010, the CRB received a complaint that a Texas-based corporation was violating gift-giving provisions, and after investigation, the CRB issued a citation and fine. The corporation denied the CRB's jurisdiction to issue the citation, and the CRB brought suit in April of 2011 for declaratory relief (*Court Reporters Board v. U.S. Legal*). After a hearing, the Court ruled in an unpublished opinion that even if the corporation was rendering court reporting services in California and was in violation of gift-giving regulations, the CRB was not authorized to take action against it, as it was not a "professional corporation" but instead a "foreign professional corporation" as defined under the Corporations Code.

Legislation was again unsuccessfully attempted to bring foreign court reporting firms under the jurisdiction of the CRB, including Senate Bill 270 (Mendoza) in 2015 and Assembly Bill 1660 (Kalra) in 2017. In his veto of Assembly Bill 1660, Governor Brown alluded to "matters that are currently under review by an appellate court" and stated a preference for waiting for the outcome of litigation. This message was understood to be in reference to a case similar to the CRB's litigation involving a private attorney general suit brought under California's Unfair Competition Law. Ultimately, this litigation resulted in a ruling for the plaintiff, but it was determined that the plaintiff did not have standing to sue, resulting in no greater clarity of how out-of-state firms may be regulated within California.

During the CRB's 2019 sunset review, the background paper analyzed the issue of out-of-state firms and concluded: "Given the recent court ruling, the Committees may wish to consider whether it would be appropriate to revisit the issue of requiring out-of-state firms to register with the Board if they are engaged in arranging for shorthand reporting services." Provisions were then amended into the CRB's sunset bill, Assembly Bill 1520 (Low) to provide for a firm registration program. That language was then removed from the bill in the Senate Committee on Appropriations. In 2020, Assembly Bill 1469 (Low) was amended to include those same provisions; however, the bill was similarly held under submission on the suspense file of the Senate Committee on Appropriations.

Legislation to create a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the CRB was finally enacted as part of Senate Bill 241 (Umberg) in 2021. The provisions in the bill, which were substantially similar to language proposed during the CRB's 2019 sunset review, give the CRB clear statutory oversight over firms outside of California by requiring all court reporting firms to designate a licensed representative who is accountable to the CRB. This is accomplished through a concept referred to as the "reporter-in-charge" mechanism.

Under the CRB's new registration program, every firm owned by a nonlicensee seeking to provide services within California must register with the Board and designate one professional who holds a certificate issued by the CRB who is responsible for ensuring compliance with California law. This enables the CRB to utilize its existing authority to regulate firms that would otherwise be considered outside its jurisdiction. While not every employee of the firm must be certificated, an accountable representative of the firm would be entirely subject to existing CRB regulation. Every registered firm, through its reporter-in-charge, is therefore responsible for complying with all laws and regulations relating to shorthand reporting in California, and firm registrations may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the Board deems fit for violations of law.

Registration of court reporting firms began in July of 2022, and as of July 1, 2023, there were 213 firms registered with the CRB. In its report to the Committees, the CRB refers to the registration program as "a huge benefit to the consumers of California" and states that the Board is now able to investigate and act when there are violations of California law. As the CRB undergoes its first sunset review since the enactment of firm registration requirements, it should provide additional updates to the Committees about its implementation of the program and recommendations to ensure that it remains successful.

**Staff Recommendation:** *The Board should provide the Committees with an update regarding its implementation of Senate Bill 241 and whether it believes firm registration continues to be a success.*

**ISSUE #12:** *Additional Title Protection. Should the term “voice writer” be reserved for use only by individuals in possession of an applicable certificate from the CRB?*

**Background:** Statute has long prohibited any person other than a CSR from using the title “certified shorthand reporter,” or the abbreviation “C.S.R.,” or any other words or symbols indicating or tending to indicate that they are certified by the CRB. In 2022, Assembly Bill 156 (Committee on Budget) expanded this list of protected titles and terms to additionally protect the phrases “stenographer,” “reporter,” “court reporter,” “deposition reporter,” or “digital reporter,” in combination with words or phrases related to the practice of shorthand reporting that indicate certification. However, while that bill also expanded the practice of a CSR to include voice writing, it did not reserve the term “voice writer” for use by CSRs. Doing so may be advisable to recognize new terms associated with privileged practice.

**Staff Recommendation:** *The Board should inform the Committees of whether it believes the term “voice writer” should be reserved for use only by CSRs.*

### **PRACTICE ISSUES**

**ISSUE #13:** *Artificial Intelligence (AI). Have recent technological developments in AI impacted the practice of shorthand reporting to an extent where the CRB should be tasked with imposing safeguards?*

**Background:** In its report to the Committees, the CRB highlighted several challenges posed to the court reporting industry by the advent of new innovative AI technologies. Specifically, the CRB explains that certain features like auto-captioning in remote meeting platforms are becoming increasingly common, wherein automatic speech recognition can be used to produce accurate captions and transcripts when people are speaking clearly and slowly. The CRB is concerned that this may lead to a perception that AI could one day replace court reporters, making it even more difficult to encourage new entrants into the shorthand reporting profession.

Furthermore, the CRB points out in its report that automatic speech recognition features are being added to court reporting software, with AI making suggestions to the reporter as to what words it believes are being heard, which the reporter may then choose to either accept or reject. This technology could potentially result in up to 100 percent of translation being performed by AI, which has serious implications for consumers who expect a transcript to be produced by an objective, unbiased professional who is responsible for the record. While the CRB has not recommended any specific legislative action to address its concerns about the use of AI in shorthand reporting, it acknowledges the importance of remaining abreast of changes in technology and updates to court reporting software involving these technologies.

**Staff Recommendation:** *The Board should provide the Committees with additional information about how AI is impacting the profession and assist with the development of any future legislative proposals to address potential concerns.*

**ISSUE #14: Remote Reporting. How has the rapidly growing practice of reporting remotely impacted the ability of shorthand reporters to reliably provide an accurate record of a proceeding?**

**Background:** Throughout the COVID-19 pandemic, courts and legal professionals increasingly used remote technology to conduct the business of the judicial system. In February 23, 2021, the Senate and Assembly Judiciary committees held a joint informational hearing: *COVID and the Courts: Assessing the Impact on Access to Justice, Identifying Best Practices, and Plotting the Path Forward*. During this hearing, the committees discussed how remote court appearances had become standard practice as a way of complying with state and local orders to stay at home and socially distance. The hearing background paper reported that at that time, 38 courts permitted remote appearances in all case types, whereas only one court had permitted such appearances prior to the pandemic.

Legislation was subsequently enacted and extended to codify the authority of the courts to utilize remote technology in specified legal processes and proceedings, even after the declared emergency was terminated. However, within these discussions a concern has been voiced that remote technology can impact the ability of a court reporter to accurately prepare a transcript of the proceeding. In an opposition letter to Senate Bill 241 (Umberg), which established a statutory framework for remotely conducting court proceedings in civil cases, representatives of labor organizations representing court reporters and court personnel explained that “court reporters have experienced any manner of faulty technology from dropped calls, to unintelligible speech, to people talking over one another, to facilitators not recognizing those who wish to speak, throughout the pandemic.”

The CRB recognized these issues in its report to the Committees, stating that while some licensees have reported lengthy trials remotely without problems, others have reported being unable to hear to produce a record and unable to communicate with the parties. The CRB states that remote proceedings can be comparable to in-person proceedings when minimum technical standards are met; 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. Trailer bill language that extended the authority for civil courts to use remote technology required the Judicial Council to adopt minimum standards by April 1, 2024, including mandating reliable high-speed internet connections in the courtroom so that court reporters and other officials can appropriately see and hear remote participants. As the state progresses in its use of remote technology, the CRB should remain actively engaged.

**Staff Recommendation:** *The Board should update the Committees on steps are being taken in California to resolve concerns from CSRs about their ability to transcribe remote proceedings.*

**WORKFORCE ISSUES**

**ISSUE #15: Workforce Shortage. How can the CRB act to address the increasing challenges in sustaining and growing the supply of shorthand reporters?**

**Background:** The longstanding and persistent issues relating to workforce insufficiencies in the shorthand reporting profession have been discussed repeatedly in this background paper, as they are interrelated to numerous practice concerns, regulatory challenges, and controversial proposals. While for a number of years courts were allowed to employ unlicensed individuals as reporters when a CSR was unavailable, this language has long since been repealed. Modern efforts to restore such flexibility for the courts have been indisputably unsuccessful.

Any proposal to allow courts to employ lesser-trained professionals, or to utilize technologies that undermine the role of a licensed reporter, have been subjected to cogent arguments about the compelling need to ensure the complete, accurate, and impartial production of a record for all court proceedings as an essential element of equal access to justice. However, the inadequate availability of CSRs in California is a problem that is both widely recognized and arguably growing. In FY 2014-15, there were 6,848 active CSRs in California; by FY 2017-18 this number had fallen to 5,886 active CSRs; this year, there was a reported 4,752 active CSRs in the state.

This consistent downward trend over the past decade reflects a more than 30 percent decrease in the CSR population, with no immediate evidence of impending reversal. The diminishing population of licensed reporters has been blamed by various parties on various factors, including an alleged “aging out” of the profession, low passage rates for the CSR examination, and the closure of court reporting schools. Regardless of whether there is any clear cause for the decreasing workforce, what remains undeniable are both the present and potential impacts on the rights and responsibilities of all parties in the judicial process.

In the Judicial Council’s September 6, 2023 letter to the CRB, it highlighted a belief that “the declining number of court reporters threatens access to justice for court users, especially Californians who cannot afford to pay for their own reporter in cases where a court reporter is not required.” As part of its request for support from the CRB, the Judicial Council asked that the Board administer a workforce survey of California’s CSR population. The letter pointed out that prior surveys have been conducted by the University of California, San Francisco in collaboration with the Board of Registered Nursing and that a similar survey could allow the CRB and CSR employers, including the courts, “to access the necessary data for addressing reporter recruitment and retention need.”

If the CRB were to engage in administering such a survey, it would be just one step within a comprehensive solution to the state’s workforce crisis. There is arguably hope that enacted proposals to grow the CSR population have already made an impact and those strategies may show greater success in the future, such as the recent implementation of licensure for CSRs utilizing voice writing. Looking ahead, the CRB is encouraged to offer any potential solutions it believes could contribute in any meaningful way to supporting the CSR workforce, particularly in cases where the Legislature could partner in developing and effectuating solutions.

***Staff Recommendation:*** *The Board should inform the Committees as to whether it believes that conducting a workforce survey would be a valuable step toward addressing the declining CSR population, and the Board should provide the Committees with any additional recommendations it has for addressing ongoing workforce challenges.*

### **TECHNICAL CLEANUP**

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#### **ISSUE #16:** *Technical Cleanup. Is there a need for technical cleanup?*

**Background:** As the profession continues to evolve and new laws are enacted, provisions of the Business and Professions Code relating to shorthand reporting may become outmoded or superfluous.

**Staff Recommendation:** *The Board should recommend cleanup amendments for inclusion in its sunset bill.*

**CONTINUED REGULATION OF THE SHORTHAND REPORTING PROFESSION**  
**BY THE COURT REPORTERS BOARD**

**ISSUE #17:** *Continued Regulation. Should the licensing of shorthand reporters be continued and be regulated by the Board?*

**Background:** While debate will persist regarding how California should move into the future with regards to the shorthand reporting profession and how new technologies should be incorporated into the judicial system, the ongoing need for strong regulation and oversight of shorthand reporters is clear. The CRB's role in ensuring that licensed CSRs possess sufficient education and training to perform competently, as well as its responsibility for holding those licensees accountable to professional standards, remains as necessary as ever. The CRB should be continued so that its important work may continue as the Legislature engages in further discussions regarding how to balance the interests of all stakeholders in pursuit of the universally shared goals of promoting the profession and preserving access to a fair and accurate record of all court proceedings.

**Staff Recommendation:** *The Board's current regulation of shorthand reporting should be continued, with potential reforms, to be reviewed again on a future date to be determined.*



## CURRENT SUNSET REVIEW ISSUES FOR THE COURT REPORTERS BOARD

### ADMINISTRATIVE ISSUES

**ISSUE #1:** *Board Membership Composition. Does the CRB's current membership provide for adequate professional expertise in balance with independent representation of the public?*

**Background:** Statute currently provides that the CRB “consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued [by the Board] who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.” When there are no vacancies on the Board, this typically results in the public members representing a slight majority of the CRB’s composition. This public member majority presumably safeguards the CRB from any risks implicated by the United States Supreme Court’s 2015 ruling in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* that a state regulatory board with a majority share of active market participants may not be subject to *Parker* antitrust litigation immunity.

While current law now allows for CSRs to practice either through stenographic shorthand or machine writing or through voice writing, there is no requirement that either category of professional be represented on the CRB. It is likely that the interests of both traditional shorthand reporters and voice writers are effectively identical, given that they are both afforded the same basic scope and practice as CSRs. However, it may still be fair to consider whether the viewpoints of CSRs with both types of training would be of value on the Board.

**Staff Recommendation:** *The Board should provide the Committees with any perspective it may have on whether its board composition should be updated to provide the maximum amount of expertise.*

**BOARD RESPONSE:** The duties of a court reporter are the same no matter what method they choose to become licensed in. The Board knows of no issues particular to voice writing and, therefore, sees no need to specially call for one of the licensee members to be a voice writer. Machine writers and voice writers should be completely interchangeable in all settings. 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.

### FISCAL ISSUES

**ISSUE #2:** *Fiscal Solvency. Does the potential need for future revenue increases warrant an adjustment of the statutory cap on fees currently charged by the CRB to licensees?*

**Background:** As previously discussed, approximately 93 percent of the CRB’s revenue is derived from CSR certificate renewal fees, which were last increased through regulation from \$125 to \$225 beginning in 2019. The current statutory cap on the CRB’s license and renewal fees is \$250, while the fee charged for firm registration is set in regulation as \$500 annually. In its report to the Committees, the CRB indicated that it believed its statutory fee caps should be increased so that it would have flexibility in the future to increase its fees through regulation to an extent that allows it to maintain at least six months in reserve. Because this fee income funds not only the CRB’s operations but also the funding of the TRF, it is important that revenue remain sufficient to meet future projected needs. However, because the

TRF's funding mechanism results in the CRB's fees being considered taxes under California law, any proposed increase to the caps should be carefully considered and negotiated with stakeholders.

**Staff Recommendation:** *The Board should make recommendations to the Committees regarding what amounts it believes are appropriate for its statutory fee caps and work with the Legislature and stakeholders to negotiate any increases it believes are necessary.*

**BOARD RESPONSE:** As a result of discussion at the April 4, 2024, meeting, the Board recommends the fee cap be increased to XX.

**ISSUE #3:** *Transcript Reimbursement Fund. Is the current mechanism for providing funding from the CRB to assist indigent litigants with transcript costs appropriate and effective?*

**Background:** As previously discussed, the CRB oversees the TRF, a special fund fully financed by a portion of fees collected from CSRs and registered firms. The TRF consists of a Pro Bono program (used to reimburse costs incurred by attorneys representing litigants at no cost to the litigant) and a Pro Per Program (used to reimburse costs for litigants representing themselves), both of which ensure indigent litigants have access to court reporting transcripts for civil cases. Historically, the TRF was underutilized by indigent litigants represented by pro bono attorneys or qualified non-profit entities, and the Pro Per Program was implemented in order to maximize the benefits of the TRF and expand access to justice to those most in need.

In 2021, language enacted through the Budget increased the maximum amount of funding allowed per case from \$1,500 to \$2,500 for pro se applicants and from \$20,000 to \$30,000 for pro bono applicants, and eliminated the annual limit of \$75,000 for pro per cases. That legislation also allowed funding from sources other than licensing fees without impacting the \$300,000 annual transfer limit from the Court Reporters' Fund to the TRF. Another budget vehicle made a one-time appropriation of \$500,000 from the General Fund to the TRF.

Per statute, fee revenue in excess of funds needed to support the Board's operating budget for the fiscal year are transferred to the TRF to reimburse indigent and low-income persons, as well as pro se litigants, for shorthand reporter transcript costs. When there is sufficient revenue to sustain the CRB's operations for at least six months of its operating budget, statute provides that \$300,000 be transferred to the TRF each year in \$100,000 increments.

The CRB's 2019 recent sunset bill, enacted in 2019, included language that required the CRB to report information to the Legislature to determine the feasibility of funding the Transcript Reimbursement Fund through a distinct assessment collected separately from certificate fees. The CRB subsequently submitted a report in July of 2022 that provided data about the number of reimbursement requests received, approved, and denied, as well as data relating to the amount of funds disbursed. The report indicated that a total of 5,893 certificates were either issued or renewed in FY 2020/21, and that a combined \$104,464 was disbursed for Pro Bono and Pro Per litigants, with approximately \$14,000 in overhead. Rudimentary (and likely insufficiently comprehensive) calculations would suggest that each licensee paid approximately \$20 that fiscal year to fund disbursements made from the TRF.

While the CRB's report provided valuable information about the status of the TRF program, it did not include any specific recommendations about how the funding mechanism could be transitioned to a separate assessment. It is probable that any attempt to roughly approximate the dollar value of individual

licensee contributions to the TRF program's activities from the reported data would not be sure to produce a reliable or accurate number. As the CRB goes through another sunset review process, it may still be worth discussing whether such a change could be successfully effected.

**Staff Recommendation:** *The Board should inform the Committees of any discussions it has had about the potential to change the mechanism by which the TRF is funded by imposing an assessment with a fixed dollar amount on each license fee rather than through \$100,000 lump sum transfers to the fund only when fiscal conditions allow.*

**BOARD RESPONSE:** The Board is open to suggestions on alternate ways to fund the TRF. However, assessing a fixed dollar amount is somewhat problematic as the number of licensees constantly changes and so it seems that the Board would have recurring regulations packages to set the TRF fee. The Board is fully aware of the importance of the TRF and is committed to ensuring the fund remains open. It reviews the overall fund condition of the Board as well as closely monitors the expenditure report provided at each meeting.

### **LICENSING ISSUES**

**ISSUE #4:** *Voice Writers. Has implementation of the CRB's authority to license voice writers been successful?*

**Background:** During the period when the CRB last underwent sunset review in 2019, statute only recognized the authority of CSRs in California to practice through a traditional shorthand or machine shorthand writing system to create a stenographic record. However, new technologies had become available that allowed CSRs to practice using a "voice writing" system. When voice writing, a reporter speaks into a stenomask or closed microphone voice dictation silencer using oral shorthand and voice notes, which a computer then runs a type of voice recognition software to create a record of the proceedings.

At the time, voice writing had never been used in California courts or depositions (though it was sometimes used in the military judicial system). Advocates for voice writing argued that the system was significantly faster and easier to become proficient in voice writing than traditional stenography. As discussed in the CRB's 2019 sunset background paper, it usually took two to four years of training to become a traditional stenographer, with completion rates as low as 10 percent for students enrolled in a program. It was suggested that this was due to the technical difficulty of recording spoken conversation at the 200 words per minute standard that is required for certification in California. Meanwhile, voice writing was believed to typically require approximately 9 to 18 months of training, with a completion rate could be as high as 90 percent. These statistics indicated that a much higher percent of the population can be trained to transcribe a conversation using voice writing than traditional stenography.

In February of 2019, the CRB announced that it had decided to recognize voice writing as a form of shorthand reporting in California. The Board voted to allow applicants to use voice writing technology for their license examination, making them eligible to become licensed as CSRs. While it was unclear how many potential applicants would immediately seek to obtain licensure through voice writing, given the relative nascence of educational curricula in voice writing at recognized court reporting schools, the

CRB argued that recognizing voice writers would help meet the state's ongoing need for more professional reporters to meet the demands of the judicial system.

Concerns were raised during the CRB's 2019 sunset review that the Board may have exceeded its statutory authority by acting to recognize voice writers without legislation or regulation. The Committees also argued that the CRB's proposed approach potentially would not provide sufficient protection to the public, as it did not include a mechanism to require CSRs to only utilize the technology that they had demonstrated competence with through the practical examination. The background paper suggested that if voice writing were to be allowed, there should be some form of endorsement or notation on a CSR's certificate indicating which methods of reporting they had demonstrated competence in through examination, with their practice limited to those methods.

To expressly provide the CRB with authority to recognize voice writing and to establish safeguards, language was included in early iterations of Assembly Bill 1520, the Board's sunset extension vehicle in 2019, to add the term "voice recognition technology" to the statutory definition of shorthand reporting. The bill further required the CRB to indicate on each certificate whether the licensee has met the Board's examination requirements through the use of stenography, voice writing, or both. However, concerns were subsequently raised that the term "voice recognition technology" was potentially overbroad in its potential application, and that additional language was needed to ensure equitable treatment of CSRs employed by the courts. As a result, the CRB's sunset bill was amended to remove the language that would have recognized voice writing and to instead explicitly prohibit the Board from issuing a certificate by means of voice writing or voice recognition technology. Further language was included in the bill expressing the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing in the future.

Several years later, discussions about how voice writing could be formally incorporated into the practice of shorthand reporting took place again through the Budget Act of 2022. Following a series of discussions with professional stakeholders, Assembly Bill 156 (Committee on Budget) was amended to repeal the prohibition against licensing voice writers and to enact language defining "voice writing" and authorizing the CRB to allow applicants to pass the license examination through voice writing. The bill required the Board to indicate on each certificate whether the certificate holder met the examination requirements using a qualifying methodology. The bill also prohibited both the CRB and employers from differentiating among certificate holders based on the method of qualification.

The CRB began licensing voice writers in November of 2022. In its report submitted to the Committees in December of 2023, the CRB stated that it had issued 16 licenses to voice writers, and that four of the recognized court reporting programs had added voice writing to their curriculum. The CRB indicated that enrollment is increasing, and because voice writing requires a shorter period of training, it anticipates more applicants applying to be CSRs through voice writing systems, which will hopefully alleviate the workforce. Meanwhile, the CRB indicated in its report that it had a pending regulations package that was submitted to the Office of Administrative Law on November 1, 2023 to update the curriculum requirements to include voice writing.

The updates regarding voice writing licensure provided by the CRB in late 2023 as part of its report to the Committees is promising. It would be useful to receive further updates about the program,

particularly given the role that voice writers will potentially play in addressing workforce shortages in California. If there are ways that the Legislature could further enhance the implementation of voice writing licensure, this could also be considered as part of the CRB's sunset review.

**Staff Recommendation:** *The Board should provide the Committees with additional updates about its implementation of voice writing licensure and speak to whether it has continued to be a success.*

**BOARD RESPONSE:** Licensing voice writers has proven to be successful. We have seen the addition of voice writing programs in many of the court reporting programs recognized by the CRB, where enrollment is growing to the point that some schools have a waiting list and are hiring additional staff for their court reporting programs.

Voice writing programs are also offered nationally; so there are a multitude of training programs available to potential students.

The number of first-time voice writers taking the license exam has gone from 1% in November of 2020, when we opened the exam to them, to 43% for the most recent exam in November of 2024. In hard numbers, we have gone from 11 first-time applicants, both machine and voice, in November of 2020 to 59 first-time applicants, both machine and steno, in November of 2024.

The Board has licensed 42 voice writers to date and some are already working as official reporters as the courts are hiring.

**ISSUE #5:** *Digital Monitors. Should the CRB's jurisdiction be expanded to include the oversight of digital monitors?*

**Background:** According to the CRB's report to the Committees, 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.

The CRB states that this type of recording is currently not regulated or overseen by the Board. The CRB also suggests that attorneys often do not know that this form of recording is taking place until the end of the proceeding (if at all) and may be under the assumption that a licensed reporter is handling the reporting and transcribing of the proceeding. The CRB has attempted to address this concern by engaging in a public information campaign called "Five Reasons to Use a Licensed Court Reporter," which was distributed to the State Bar and distributed through the Board's website and social media accounts.

In its report to the Committees, the CRB suggested that the Legislature consider requiring the Board to oversee the practice of digital monitors and set standards for digital monitoring. The CRB also recommended the enactment of legislation requiring a court reporter to state their name and license number on the record before beginning to report a proceeding, which the Board believes would serve to further protect consumers from unlicensed activity. It would be beneficial to hear more from the CRB about issues concerning digital monitoring and its proposals to increase oversight of this practice.

**Staff Recommendation:** *The Board should provide the Committees with more information about the potential need for oversight and regulation of digital monitors and provide any language that it recommends be included on this topic in its sunset extension vehicle.*

**BOARD RESPONSE:** The Board has received a few complaints from attorneys saying that they did not know the person recording the proceeding was a digital recorder and letters of instruction on the law have gone out to firms. The Board has encouraged licensees to state their license number at the beginning of each proceeding, but it would aid consumers if that were a law which required them to do so. Attorneys do have the right to stipulate to the use of a digital recorder to record a deposition. It seems unlikely the use of digital recorders will fade away; therefore, the Board recommends the Legislature task it with oversight of that related industry, from establishing certification standards to licensing and enforcement.

**ISSUE #6:** *Captioning Professionals. Should the CRB additionally enforce requirements and standards for instantaneous transcription services for the hearing impaired?*

**Background:** Another issue raised by the CRB in its report to the Committees relates to captioning. According to the CRB, court reporters who provide instantaneous translation of a proceeding for the hearing impaired are called captioners. These professionals are frequently used in educational settings as well as a variety of social and professional settings, such as conferences and church services. Currently, there is national certification that can be obtained on a voluntary basis, but the CRB reports that there are no standards or oversight in California. The CRB argues that this leaves the consumer vulnerable to poorly skilled practitioners and recommends that the Legislature consider requiring the Board to set standards and oversee the practice of captioning in California.

**Staff Recommendation:** *The Board should inform the Committees of what, if any, legislative action it believes is necessary to ensure the proper level of regulation of captioners in the state.*

**BOARD RESPONSE:** As the Board has not received complaints regarding quality of captioning work in California, we feel no legislative action of this segment of the industry is necessary at this time.

**ISSUE #7:** *Provisional Licensing. Should the CRB be authorized to grant provisional licenses for specified periods of time?*

**Background:** As discussed throughout this background paper, there is a recognized shortage of CSRs in California, and the state has struggled to grow the workforce to meet the demands of the judicial system. In 2023, the Legislature considered Senate Bill 662 (Rubio), which was sponsored by the Family Violence Appellate Project and the Legal Aid Association of California. The bill would have authorized the CRB to issue a provisional certificate, valid up to three years, to individuals who have not passed the California examination for licensure but is eligible to take the examination, or who has passed the Registered Professional Reporter examination administered by the National Court Reporters Association. The author of this bill argued that this provisional licensing program would significantly expand the pool of CSRs who would be available to work in California courts.

When Senate Bill 662 was considered by the Senate Committee on Business, Professions, and Economic Development, that committee identified several potential issues with provisional licensing portions of the bill. The staff analysis noted that individuals practicing under a provisional license would do so without meeting all of the same level of requirements that a current CSR must obtain in order to practice,

arguably establishing a two-tiered system of practitioners. Concerns were also raised about the CRB's ability to monitor a provisional license holder's employment status and what enforcement mechanisms would exist.

In light of the issues raised in the bill analysis, Senate Bill 662 was amended in committee to remove references to provisional licensing, and language was added to instead require the CRB to evaluate the appropriateness and necessity of the existing examination and should provide information to the Legislature during the CRB's upcoming sunset review oversight about whether the examination should remain in place, as well as what incentives and other efforts could be undertaken to increase CSR workforce capacity. Subsequently, the bill, which proposed several other controversial changes to the law, was held on the Senate Committee on Appropriations suspense file, and that language was not enacted. Nevertheless, it would be beneficial to hear from the CRB about the potential for provisional licensing or whether existing examination requirements are necessary for all CSRs practicing in the state for any length of time.

**Staff Recommendation:** *The Board should provide the Committees with any positions it has taken on the topic of provisional licensure and whether it believes additional action should be taken to review the appropriateness and necessity of current examination requirements.*

**BOARD RESPONSE:** The Board has provided feedback on provisional licensing when the language appeared in SB 662 last year. The Board supports provisional licensing for holders of the RPR or CVR. Those provisional licensees should have one year to pass the Professional Practice exam, which is unique to California's statutes and regulations. Upon passing the Professional Practice exam, the provisional license would be converted to a full CSR license. Provisional license holders would be subject to the same fees and enforcement oversight as full CSRs as they will be held to the same standards of practice.

**ISSUE #8:** *Fair Chance Licensing Act. What is the status of the Board's implementation of Assembly Bill 2138 (Chiu/Low)?*

**Background:** In 2018, Assembly Bill 2138 (Chiu/Low) was signed into law, making multiple substantial reforms to the license application process for individuals with criminal records. Under the legislation, an application may only be denied on the basis of prior misconduct if the applicant was formally convicted of a substantially related crime or was subject to formal discipline by a licensing board. Further, prior conviction and discipline histories are ineligible for disqualification of applications after seven years, with the exception of serious and registerable felonies, as well as financial crimes for certain boards.

Because Assembly Bill 2138 significantly modifies current practice for boards in their review of applications for licensure, it was presumed that its implementation would require changes to current regulations for every board impacted by the bill. The CRB reports that it completed its regulations in 2021. The CRB may have input on the effect that Assembly Bill 2138 has had on its ability to protect the public and whether any changes should be made to that law. However, the CRB has reported that since its last sunset review in 2019, there have been no denials for license or registration based on criminal history since the last sunset review. Therefore, it is likely that the prior legislation has not had any meaningful impact on the CRB's functions.

**Staff Recommendation:** *The Board should provide the Committees with an update on its implementation of Assembly Bill 2138 and inform the Committees of whether it has had any impact on its licensing activities.*

**BOARD RESPONSE:** The requirements set out in AB 2138 have been fully implemented by the Board and has had no impact on licensing activities.

### **EDUCATION AND EXAMINATION ISSUES**

**ISSUE #9:** *Examination Passage Rates. Could the Board assist applicants in passing the required licensing exam, given historically low passage rates?*

**Background:** As previously discussed, the CSR licensing examination has seen significantly low overall passage in recent years, particularly for the skilled portion of the examination, where the failure rate for all candidates has averaged between 70 percent to 80 percent each year and was as high as 94.5 percent in FY 2018/19. The CRB uses first-time passage rates to evaluate its examinations, which tend to be markedly higher than overall rates, and the Board points out in its report to the Committees that it has no way of knowing how intensively repeat failing applicants practice for the exam. Nevertheless, it has been fairly argued that this low passage rate has only exacerbated the current workforce issues within the shorthand reporting profession.

In September of 2023, the Judicial Council of California sent a letter to the CRB requesting to request “support in addressing California’s court reporter shortage.” In its letter, the Judicial Council suggested that the CRB “consider leveraging its expertise to improve pass rates.” The Judicial Council pointed to its own success with increasing pass rates for the Bilingual Interpreting Examination by contracting with a vendor to provide a free instructor-led education program for individuals who it identified as “near passers” who only narrowly failed the exam. The CRB may consider instituting a program similar to the Judicial Council’s as a way of improving passage rates and making further effort to address persistent workforce issues.

**Staff Recommendation:** *The Board should speak to whether it believes implementing some form of program for assisting near passers of the CSR exam would be of value.*

**BOARD RESPONSE:** The Board has been tasked with developing and administered the testing standards for entry-level practice. For the Board to “assist” candidates would be a clear conflict of interest. The task of assisting students in reaching the necessary skill level to pass the exam should be taken on by the schools and the trade associations who exist to promote their members and the industry.

The Board is looking at changing its four-voice testing format to the universal testing format used by national associations and other states. This will help candidates better prepare for the exam as there is more practice material available for the standard format.

**ISSUE #10:** *Continuing Education. Should continuing education be required for shorthand reporters seeking renewal of their certificates?*

**Background:** The question of whether CSRs should be required to take continuing education has been debated numerous times in the past. Legislation was proposed in 2008 through Assembly Bill 2189 (Karnette), which the CRB supported. This bill was vetoed by Governor Arnold Schwarzenegger, who



argued that the requirements “impose an additional burden on the regulated profession without justifying a compelling need.” This legislation was attempted again in 2011 through Senate Bill 671 (Price), which was again vetoed, this time by Governor Jerry Brown, who stated that “the whole idea of legally mandated ‘continuing education’ is suspect in my mind” and called the requirements of the bill “an unwarranted burden.” A third bill was attempted in 2015—Assembly Bill 804 (Hernández)—and was again vetoed by Governor Brown, who simply stated in his message that he had not changed his mind.

Whether CSRs should be required to take continuing education was raised in the CRB’s 2019 sunset background paper, which acknowledged the Board’s position was that the lack of continuing education may result in shorthand reporters no longer being aware of current requirements on the profession.” No requirement was subsequently included in the Board’s sunset bill, and there is no significant likelihood that one would be included during the current session. However, given historic interest in the topic, the CRB may wish to inform the committees if it still recommends requiring continuing education.

**Staff Recommendation:** *The Board should inform the Committees of whether it continues to believe that imposing continuing education requirements on CSR is advisable.*

**BOARD RESPONSE:** The Board continues to hold the opinion that continuing education is a necessary component of consumer protection to ensure licensees remain up to date on changes to the laws and regulations. The Judicial Council understands the value of continuing education for all court employees, including court reporters. The Board believes this should be an industry-wide requirement.

Technology is moving so quickly and another reason that licensees must keep abreast of current trends.

### **ENFORCEMENT ISSUES**

**ISSUE #11:** *Additional Title Protection. Should the term “voice writer” be reserved for use only by individuals in possession of an applicable certificate from the CRB?*

**Background:** Statute has long prohibited any person other than a CSR from using the title “certified shorthand reporter,” or the abbreviation “C.S.R.,” or any other words or symbols indicating or tending to indicate that they are certified by the CRB. In 2022, Assembly Bill 156 (Committee on Budget) expanded this list of protected titles and terms to additionally protect the phrases “stenographer,” “reporter,” “court reporter,” “deposition reporter,” or “digital reporter,” in combination with words or phrases related to the practice of shorthand reporting that indicate certification. However, while that bill also expanded the practice of a CSR to include voice writing, it did not reserve the term “voice writer” for use by CSRs. Doing so may be advisable to recognize new terms associated with privileged practice.

**Staff Recommendation:** *The Board should inform the Committees of whether it believes the term “voice writer” should reasonably be protected for use by CSRs.*

**BOARD RESPONSE:** The Board does not see a need to add “voice writer” to the title protection offered in statute. The term merely refers to the specific method used to accomplish the larger titles of court reporter or deposition reporter.

**ISSUE #12: Foreign Court Reporting Firms. Have new requirements on foreign court reporting corporations to establish a California-licensed “reporter-in-charge” successfully provided for enhanced state oversight?**

**Background:** During the CRB’s 2015 sunset review, it was noted that there was a substantial deal of unlicensed activity relating to foreign corporations who offered court reporting services in California without authorization from the CRB. Previously in 2007, in response to complaints about unethical gift-giving and violations of the minimum transcript format standards, a task force was appointed by the CRB to study the issue of firm oversight. The task force determined that a legislative fix was necessary to address this issue, which began several years of attempted legislation to provide for some meaningful oversight of unlicensed out-of-state firms by the CRB. Assembly Bill 1461 (Ruskin) was introduced in 2009 to clarify that business entities providing or arranging for shorthand reporting services in the state was required to comply with California law; however, the bill failed to pass.

In 2010, the CRB received a complaint that a Texas-based corporation was violating gift-giving provisions, and after investigation, the CRB issued a citation and fine. The corporation denied the CRB’s jurisdiction to issue it the citation, and the CRB brought suit in April of 2011 for declaratory relief (*Court Reporters Board v. U.S. Legal*). After a hearing, the Court ruled in an unpublished opinion that, even if the corporation was rendering court reporting services in California and was in violation of gift-giving regulations, the CRB is not authorized to impose citations or fines against it as it was not a “professional corporation” but instead a “foreign professional corporation,” as defined under the Corporations Code.

Legislation was again attempted unsuccessfully to bring foreign court reporting firms under the jurisdiction of the CRB, including Senate Bill 270 (Mendoza) in 2015 and Assembly Bill 1660 (Kalra) in 2017. In his veto of AB 1660 (Kalra), Governor Brown alluded to “matters that are currently under review by an appellate court” and stated a preference for waiting for the outcome of litigation prior to deciding on the bill. This message was understood to be in reference to a case similar to the CRB’s litigation involving a private attorney general suit brought under California’s Unfair Competition Law. Ultimately, this litigation resulted in a ruling for the plaintiff, but it was subsequently determined that the plaintiff did not have standing to sue, resulting in no greater clarity of how out-of-state firms may be regulated within California.

During the CRB’s 2019 sunset review, the committee background paper analyzed the out-of-state firm issue and concluded: “Given the recent court ruling, the Committees may wish to consider whether it would be appropriate to revisit the issue of requiring out-of-state firms to register with the Board if they are engaged in arranging for shorthand reporting services.” Provisions were then placed into the CRB’s sunset bill, AB 1520 (Low) to provide for a firm registration program. That language was eventually removed from that bill in the Senate Committee on Appropriations. In 2020, AB 1469 (Low) was amended to include those same provisions; however, the bill was held on the Senate Committee on Appropriations suspense file.

Finally, legislation to create a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the CRB was enacted as part of Senate Bill 241 (Umberg) in 2021. The bill, which was substantially similar to language proposed during the CRB’s 2019 sunset review, gave the CRB clear statutory oversight over firms outside of California by requiring a representative of each firm be at all times fully accountable to the CRB as a CSR. This is accomplished through a concept referred to as the “reporter-in-charge” mechanism.

Under the CRB's new firm registration program, every out-of-state firm seeking to provide services within California must register with the Board designate one professional who holds a certificate issued by the CRB as responsible for ensuring compliance with California law. This enables the CRB to utilize its existing administrative infrastructure to regulate firms that would otherwise be considered outside the CRB's jurisdiction. While not every employee of the firm needs a certificate, at least one accountable representative of the firm would be entirely subject to existing CRB regulation. Every registered firm, through its reporter-in-charge, is responsible for complying with all laws and regulations relating to shorthand reporting in California, and firm registrations may also be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the Board deems fit for violations of the law.

Registration of court reporting firms began in July of 2022, and as of July 1, 2023, there were 213 firms registered with the CRB. In its report to the Committees, the CRB refers to the registration program as "a huge benefit to the consumers of California" and states that the Board is now able to investigate and act when there are violations of California law. As the CRB undergoes its first sunset review since the enactment of firm registration requirements, it should provide additional updates to the Committees about its implementation of the program to ensure that it remains successful.

**Staff Recommendation:** *The Board should provide the Committees with an update regarding its implementation of Senate Bill 241 and whether it believes firm registration to be a success.*

**BOARD RESPONSE:** The implementation of SB 241 has resulted in much greater consumer protection and has helped to equalize the marketplace among court reporting firms. The Board has been able to bring firms into compliance when violations have come to light.

### **PRACTICE ISSUES**

**ISSUE #13:** *Artificial Intelligence. Have new developments in technology impacted the practice of shorthand reporting to an extent where the CRB should be tasked with imposing safeguards?*

**Background:** In its report to the Committees, the CRB highlighted several challenges posed to the court reporting industry by the advent of new Artificial Intelligence (AI) technologies. Specifically, the CRB explained that features like auto-captioning in remote meeting platforms are becoming increasingly common, where automatic speech recognition can produce accurate captions and transcripts when people are speaking clearly and slowly. The CRB is concerned that this may lead to a perception that AI could one day replace court reporters, making it even more difficult to encourage entry into the profession.

Further, the CRB points out that automatic speech recognition features are being added to court reporting software, with AI making suggestions as to what words are being heard, which the reporter may then accept or reject. This technology could potentially result in 100 percent of translation being performed by AI, which has serious implications for consumers who expect a transcript to be produced by an objective, unbiased professional who is creating the record. The CRB has not recommended any specific legislative action to address its concerns about the use of AI in shorthand reporting; however, it acknowledges the importance of remaining abreast of changes in technology and updates to court reporting software involving these technologies.

**Staff Recommendation:** *The Board should provide the Committees with additional information about how AI is impacting the profession and assist with the development of any future legislative proposals to address potential concerns.*

**BOARD RESPONSE:** Artificial intelligence is being used currently in many court reporting computer-aided transcription software or CAT software. The CAT software includes settings that will allow the reporter to accept an AI offering of a word all the way to allowing a full AI translation of the proceeding. Clearly in a state as diverse as California, the accuracy of such a translation is going to be heavily dependent upon the human court reporter’s input into the process. Even in a case with a fully controlled proceeding with everyone speaking one at a time with unaccented English, it is vital that a human court reporter be present to attest to the accuracy of the transcript. It is essential that an impartial, unbiased third party certify the accuracy of transcripts of legal proceedings.

**ISSUE #14:** *Remote Reporting. How has the rapidly growing practice of reporting remotely impacted the ability of shorthand reporters to reliably provide an accurate record of a proceeding?*

**Background:** Throughout the COVID-19 pandemic, courts and legal professionals increasingly used remote technology to conduct the business of the judicial system. In February 23, 2021, the Senate and Assembly Judiciary committees held a joint informational hearing, *COVID and the Courts: Assessing the Impact on Access to Justice, Identifying Best Practices, and Plotting the Path Forward*, which in part discussed how remote court appearances had become standard practice as a way of complying with state and local orders to stay at home and socially distance. The hearing background paper reported that at that time, 38 courts permitted remote appearances in all case types, whereas only one court permitted such appearances prior to the pandemic.

Legislation has subsequently been enacted and extended to codify the authority of the courts to utilize remote technology in specified legal processes and proceedings, even after the declared emergency has been terminated. However, within these discussions a concern has been voiced that remote technology can impact the ability of a court reporter to accurately prepare a transcript of the proceeding. In an opposition letter to Senate Bill 241 (Umberg), which established a statutory framework for remotely conducting court proceedings in civil cases, representatives of labor organizations representing court reporters and court personnel explained that “court reporters have experienced any manner of faulty technology from dropped calls, to unintelligible speech, to people talking over one another, to facilitators not recognizing those who wish to speak, throughout the pandemic.”

The CRB recognized these issues in its report to the Committees, stating that while some licensees have reported lengthy trials remotely without problems, others have reported being unable to hear to produce a record and unable to communicate with the parties. The CRB states that remote proceedings can be comparable to in-person proceedings when minimum technical standards are met; 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. Trailer bill language that extended the authority for civil courts to use remote technology required the Judicial Council to adopt minimum standards by April 1, 2024, including mandating reliable high-speed internet connections in the courtroom so that court reporters and other officials can appropriately see and hear remote participants. As the state progresses in its use of remote technology, the CRB should remain actively engaged.

**Staff Recommendation:** *The Board should update the Committees on steps are being taken in California to resolve concerns from CSRs about their ability to transcribe remote proceedings.*

**BOARD RESPONSE:** Remote reporting is here to stay in the deposition field. Attorneys and court reporters have upgraded their equipment and internet service to allow for the reliable connections necessary for accurate reporting.

The same can be accomplished in court for proceedings that qualify for that platform. The money proposed to install electronic recording should be spent on upgrading internet service and improved audio-visual equipment. If one court reporter could cover calendar proceedings, for example, rather than multiple reporters appearing for multiple cases, a more efficient use of the labor supply would result. Certainly, many civil matters, from law and motion to trial, would be suitable for remote reporting. Courts would have an easier time recruiting if reporters could appear remotely for part or all of their job duties. Uniform minimum standards are already being proposed for courts.

### **WORKFORCE ISSUES**

**ISSUE #15:** *Workforce Shortage. How can the CRB act to address the increasing challenge in sustaining and growing the supply of shorthand reporters and its impact on access to justice?*

**Background:** The longstanding and persistent issues relating to workforce insufficiencies in the shorthand reporting profession have been discussed repeatedly in this background paper, as they are interrelated to numerous practice concerns, regulatory challenges, and controversially proposed solutions. While courts for years were allowed to employ unlicensed individuals as reporters until a CSR was available, this language has long been repealed, and modern efforts to restore such flexibility for the courts has been indisputably unsuccessful. Any proposal to allow courts to employ lesser-trained professionals, or to utilize technologies that undermine the role of a licensed reporter, have been subjected to cogent arguments about the compelling need to ensure the complete, accurate, and impartial production of a record for all court proceedings as an essential element of equal access to justice.

However, the inadequate availability of CSRs in California is a problem that is both widely recognized and arguably growing. In FY 2014-15, there were 6,848 active CSRs in California; by FY 2017-18 this number had fallen to 5,886 active CSRs; this year, there was a reported 4,752 active CSRs in the state. This consistent downward trend over the past decade reflects a more than 30 percent decrease in the CSR population, with no immediate evidence of impending reversal. The diminishing population of licensed reporters has been blamed by various parties on various factors, including an alleged “aging out” of the profession, low pass rates for the CSR examination, and the closure of court reporting schools. Regardless of whether there is any clear and indisputable cause for the decreasing workforce, what remains undeniable is the present and potential impacts to the rights and responsibilities of all parties in the judicial process.

In the Judicial Council’s letter to the CRB dated September 6, 2023, it highlighted its belief that “the declining number of court reporters threatens access to justice for court users, especially Californians who cannot afford to pay for their own reporter in cases where a court reporter is not required.” As part of its request for support from the CRB, the Judicial Council asked that the Board administer a workforce survey of California CSR population. The letter pointed out that prior surveys have been conducted by the University of California, San Francisco in collaboration with the Board of Registered Nursing and that a similar survey would allow the CRB and CSR employers, including the courts, “to access the necessary data for addressing reporter recruitment and retention need.”

If the CRB were to engage in administering such a survey, it would likely be just one step in the more comprehensive solution to the state’s workforce challenges. There is hope that some efforts to grow the CSR population have already been achieved and may prove successful in the future, such as the recent implementation of licensure for CSRs utilizing voice writing. Looking ahead, the CRB should feel encouraged to offer any potential solutions it believes could contribute in any meaningful way to

supporting the CSR workforce, particularly those that the Legislature could partner in developing and effectuating.

**Staff Recommendation:** *The Board should inform the Committees as to whether it believes that conducting a workforce survey would be a valuable step toward addressing the declining CSR population, and the Board should provide the Committees with any additional recommendations it has for addressing current workforce challenges.*

**BOARD RESPONSE:** The industry is already reaping the benefits of licensing voice writers as seen in the dramatic increase in enrollment numbers in schools to the increase in number of candidates taking the license exam. This coupled with the expansion of remote reporting will have a significant impact on the workforce issues facing the court reporting industry in recent years.

The Board is supportive of provisional licensing and sees that as an opportunity to expand the available workforce.

Additionally, the Board continues to explore reciprocity opportunities with national certification programs.

The Board is also considering changing the format of its skills exam from four-voice for 15 minutes at 200 words per minute to the universal format of three five-minute tests at 180 words per minute for literary, 200 words per minute for jury charge, and 225 words per minute for Question and Answer.

Much is made of the closure of large number of court reporting schools in California. The Board would point out that while a number of schools recognized by the Board have closed, there are a great many online programs here in California as well as across the country that offer training. There is no lack of access to court reporting training.

With that being said, the Board would love to work with stakeholders to see court reporting programs included in vocational programs from high school through community colleges and adult education schools.

The Board currently gathers demographic information when it conducts its occupational analysis. It is unclear what additional information would result from an additional survey.

### **TECHNICAL CLEANUP**

#### **ISSUE #16: Technical Cleanup. Is there a need for technical cleanup?**

**Background:** As the profession continues to evolve and new laws are enacted, provisions of the Business and Professions Code relating to shorthand reporting may become outmoded or superfluous.

**Staff Recommendation:** *The Board should recommend cleanup amendments for inclusion in its sunset bill.*

**BOARD RESPONSE:** The Board would request a requirement for licensees to provide an email address as part of their information of public record. State license number at beginning of proceeding.

**CONTINUED REGULATION OF THE SHORTHAND REPORTING PROFESSION**  
**BY THE COURT REPORTERS BOARD**

**ISSUE #17:** *Continued Regulation. Should the licensing of shorthand reporters be continued and be regulated by the Court Reporters Board?*

**Background:** While debate will persist regarding how California should move into the future with regards to the shorthand reporting profession and the incorporation of new technologies into the judicial system, the continued need for strong regulation and oversight of shorthand reporters remains clear. The CRB's role in ensuring that licensed CSRs possess sufficient education and training to perform competently, as well as its responsibility for holding those licensees to professional standards, remains as important as ever. The CRB should be continued so that its critical work may continue as the Legislature engages in further discussion about how to balance the interests of all stakeholders in pursuit of a universally shared goal to promote the profession and preserve access to a fair and accurate record of court proceedings.

**Staff Recommendation:** *The Board's current regulation of shorthand reporting should be continued, with potential reforms, to be reviewed again on a future date to be determined.*

**BOARD RESPONSE:** The Board welcomes the opportunity to continue its work on behalf of California consumers.

**AGENDA ITEM 9 – Skills Exam Format**

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Agenda Description: Discussion and possible action to change the format of the skills portion of the license exam from four-voice for 15 minutes at 200 words per minute to the universal format of three five-minute tests at 180 words per minute for literary, 200 words per minute for jury charge, and 225 words per minute for Question and Answer.  
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Brief Summary:

California is the last state to continue to use four-voice testing. Moving the format of the exam to the universal format may make it easier for candidates to prepare for the license exam.

There is a fiscal impact as a new test bank would have to be developed. Two to four exam development workshops staffed with six to eight SMEs would be necessary for the initial test bank. The average cost of a workshop is 4,000-\$5,000.

These exams would be audio-only, and, therefore, the production costs would be lower than the current four-voice videos.

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Support Documents: None  
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Recommended Board Action: Staff recommends the Board move to the universal testing format.

Proposed Motion: I move that the skills exam be changed from four-voice to a universal three-part format and instruct staff to begin the test development process.



**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:

The Board is waiting for the final results from the evaluation by OPES.

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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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COURT REPORTERS BOARD MEETING – APRIL 4, 2024

**AGENDA ITEM 11 – Best Practice Pointers Task Force**

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Agenda Description:

Update on task force to update the current Best Practice Pointers

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Brief Summary:

At the December 13, 2023, meeting, the Board appointed Robin Sunkees and Laura Brewer as co-chairs of the Best Practice Pointers Task Force.

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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: Informational only.

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**AGENDA ITEM 12 – Government Code 69954(b)**

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Agenda Description: Discussion and possible action to discuss copy charges for  
appeals transcripts.  
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Brief Summary:

Government Code 69954(b) states: The fee for a second copy of a transcript on  
appeal in computer-readable format ordered by or on behalf of a requesting party  
within 120 days of the filing or delivery of the original transcript shall be  
compensated at one-third the rate set forth for a second copy of a transcript as  
provided in Section 69950. A reporter may also charge an additional fee not to  
exceed the cost of the medium or any copies thereof.

A consumer brought to the attention of enforcement staff that official reporters  
are charging the full second copy rate rather than the one-third rate as set forth in  
statute, asserting that “computer-readable format specifically means an ASCII  
disk. Board staff agreed with the consumer that a plain reading of the statute  
would include an electronic copy within the meaning of “computer-readable  
format.”

=====  
Support Documents: None  
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Recommended Board Action: Staff recommends the Board instruct enforcement  
staff to continue to use the plain reading of the statute in evaluating complaints  
and recommend the trade associations pursue clarifying legislative language.

COURT REPORTERS BOARD MEETING – APRIL 4, 2024

**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:

CSR Dictation Exam:

March 25 – April 15, 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**

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

**FEBRUARY 2024**

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**MARCH 2024**

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31	Dictation Exam Starts					

**APRIL 2024**

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**MAY 2024**

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**JUNE 2024**

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**JULY 2024**

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28	29	30	31	Dictation Exam Starts		

**AUGUST 2024**

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**SEPTEMBER 2024**

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**OCTOBER 2024**

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27	28	29	30	31		

**NOVEMBER 2024**

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

**DECEMBER 2024**

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

**ACTIVITY**

	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