



**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
MARCH 13, 2009**

CALL TO ORDER

Mr. Gregory Finch, Chair, called the meeting to order at 3:31 p.m. at the Department of Consumer Affairs, El Dorado Room, 1625 North Market Boulevard, Sacramento, California.

ROLL CALL

Board Members Present: Gregory Finch, Public Member, Chair
Toni O'Neill, CSR, Licensee Member, Vice Chair
Elizabeth Lasensky, Public Member
Lori Gualco, Public Member

Staff Members Present: Yvonne K. Fenner, Executive Officer
Dianne R. Dobbs, Staff Counsel

A quorum was established and the meeting continued.

MINUTES OF THE JANUARY 30, 2009 MEETING

Ms. O'Neill moved to approve the minutes. Second by Ms. Lasensky. **MOTION CARRIED.**

BOARD AND STAFF APPEARANCES

Mr. Finch reported no appearances on behalf of the Board in the relatively short time since the last meeting.

Ms. O'Neill chaired the meeting of the Backup Audio Media (BAM) Task Force held on January 31, 2009.

Ms. Lasensky reported numerous e-mails and phone calls with the Executive Officer and noted that she is going to be a speaker at the California Official Court Reporters Association convention in San Francisco in April. She also noted she had completed many of her training requirements.

Ms. Gualco reported that since the last meeting she attended she met with David Brown to go over her input for strategic planning as well as a telephone conference with Ms. Fenner on the same topic.

Ms. Fenner reported participating in the BAM meeting in January. She reported attending a meeting of the Northern California Court Reporters Association where Jim Cassie, lobbyist for CCRA, gave an overview of the bill process and an update on current legislation. She reported attending a DCA leadership forum for executive officers and bureau chiefs. She noted her attendance at the CSR exam in Los Angeles, where she had an opportunity to attend the Reporters Association of Public Schools (RAPS) meeting as well as a luncheon to celebrate its 30th anniversary. While in the LA area, she and Mr. Brown gave a seminar on enforcement at the annual convention of the Deposition Reporters Association. She reported that she and Connie Conkle, the Board's enforcement analyst, attended an Enforcement Forum put on by DCA. She summed up by reporting her attendance at a training class for the new electronic expense reimbursement program, which Mr. Finch also had attended earlier that day.

EXECUTIVE OFFICER REPORT

Ms. Fenner pointed out the Board's budget, noting that as we get closer to the fiscal year-end and expenses come in and contracts close out and funds are unencumbered, the bottom line will be more in line with earlier staff reports.

There being no questions on the CRB budget, Ms. Fenner moved on to the state budget, reporting that the 2009/10 budget was signed on the 20th of February. As part of that budget, a furlough program was introduced and the CRB office was closed the first and third Friday of February as well as the first Friday in March. There will be an additional furlough day in March at the discretion of the employee and arranged with their supervisor. It basically means a 10-percent pay cut for staff and two discretionary furlough days at this point, subject to change as an agreement is reached with the unions.

Reporting on the February CSR exam in LA, there were 87 candidates taking the dictation exam. Results from the written exams are as noted on page 23. Ms. Fenner noted that putting on a dictation exam for less than a hundred candidates is very expensive and noted that the Board may want to go from three exams to only two exams per year, when the contracts are up for renewal next year.

Ms. Fenner drew the Board members' attention to the matrix of proposed articles for the next edition of CRB Today newsletter. Mr. Finch confirmed that the upcoming edition would be delivered 100-percent electronically. In response to finding out that the Board has hundreds rather than thousands of e-mails, Ms. O'Neill suggested when the new CRB Today is posted to the Web site and distributed, perhaps the associations would consider notifying their members of the newsletter's availability.

REPORT ON LEGISLATION

Ms. Fenner noted that we are at the beginning of a new legislative year and that at the time the agenda came out, we were tracking three bills:

- AB 5 (Evans) Civil Discovery – on consent calendar in Assembly Judiciary Committee
- AB 48 (Portantino) Private Postsecondary Education – hearing cancelled at author's request
- AB 176 (Silva) Code Maintenance – hearing set for 3/17

The following bills were reported to the Board members for information only as bills the CRB would be adding to the tracking list:

AB 170 (Mendoza) Rough draft transcripts
AB 250 (Miller) Trial timing
AB 484 (Eng) FTB & professional or occupational license
AB 996 (Anderson) Continuous hours of operation for court
AB 1461 (Ruskin) Shorthand reporting (expands CRB oversight to all business entities)
SB 377 (Corbett) Judgeships
SB 544 (Committee on Judiciary) Clean up omnibuss
SB 638 (Negrete McLeod) Regulatory boards

BACKUP AUDIO MEDIA (BAM) BEST PRACTICES

Ms. O'Neill reported that the BAM Task Force completed its work on best practices. She gave a general background on the Task Force's method of attack and noted the draft was now before the Board for its approval. She clarified that best practices are recommendations to the licensee and as such will not carry any enforcement duties or penalties. On behalf of the BAM Task Force, Ms. O'Neill submitted the Best Practices to the Board for adoption.

Ms. Lasensky noted she was impressed with the work done by the Task Force. Ms. O'Neill expressed her gratitude for a dedicated, involved, vocal group.

Ms. Lasensky moved to adopt the Task Force's draft as the CRB's Best Practices for the use of BAM. Second by Ms. Gualco. **MOTION CARRIED.**

Mr. Finch echoed Ms. Lasensky's sentiments and added that he thinks work such as the Best Practices for BAM truly serve the consumer.

PIVOTAL COURT REPORTING CENTER

Item dropped from the agenda as application was withdrawn.

STRATEGIC PLANNING

Before going into the specific objectives of the Strategic Plan, Mr. Finch acknowledged while there are specific things that need to be done for the ongoing work of the Board, he urged that the highest priority be placed on letting the public know what court reporters do and what they don't do.

Under Professional Qualifications, items 1 through 5 were approved with the proposed target dates. On item 6, continuing mandatory education, Ms. Gualco asserted it would be hard to get this signed by the Governor in light of tough economic times and that this would not be a good time to pursue this legislation. Ms. O'Neill shared her historical perspective that similar legislation has been vetoed in the past and we need to explore the reason behind resistance to CE for court reporting as opposed to other vocations. The consensus was item 6 would be delayed until the perception of what court reporters do can be changed.

Under Practice Standards, items 2, 3 and 5 were approved as proposed. Item 4 was changed only to note that it is time to reinstitute the Technology Committee as a standing committee. The target date on item 1 was changed to January 2010.

Under Enforcement, Ms. Fenner noted that in between the time that the Board was working on the Strategic Plan and asserted its interest in pursuing legislation regarding firm oversight and the meeting date, AB 1461 (Ruskin) was introduced. It is co-sponsored by the Deposition Reporters Association and the California Court Reporters Association and contains the

language the Board adopted last year. Ms. O'Neill moved that staff work with the associations on AB 1461, including offering a letter of support. Ms. Lasensky seconds. After discussion, Ms. Gualco moved that Board instruct the Executive Officer compare the language of the bill with the language the Board approved last year and if the language is substantially similar to the current bill, write a letter of support. Ms. O'Neill adopted Ms. Gualco's modification of the motion. Ms. Lasensky seconded the motion as modified. **MOTION CARRIED.**

Item 2 was approved with the proposed target date.

Under Consumer Information, after much discussion, all items were approved with proposed target dates.

Under Organizational Effectiveness, all items were approved with proposed target dates.

Ms. Lasensky moved to adopt the overall Strategic Plan as amended. Ms. O'Neill seconded. **MOTION CARRIED.**

PUBLIC COMMENT

Mr. Matt Spivek asked how the Board would get involved in a specific infraction of the BAM Best Practices, if at all. It was noted that best practices are suggestions and not enforceable like statutes. Mr. Spivek asked if the Board anticipates seeking legislation to move the BAM Best Practices to statute. Mr. Finch noted that it's really a work in progress, but sitting at this meeting, that is not the anticipation of the Board. Mr. Spivek also asked for clarification of No. 5, asking if the intent was to have the reporter disclose before the proceeding if he or she is using BAM. Ms. O'Neill noted that that applies specifically if it's being offered as a value-added service. Ms. Sheri Turner Gray requested that the Board keep track of any calls coming in regarding BAM as background for potential legislation in the future.

A concern was raised that BAM Best Practices would be included on the CSR exam. Mr. Finch clarified that exam questions go through a rigorous process before being included on an actual exam. He further noted that the Best Practices would move forward into legislation without substantial documentation of specific complaints.

Mr. Spivek also raised a concern about video depositions where off-the-record discussions are sometimes inadvertently picked up.

FUTURE MEETING DATES

Next meeting will be June 26th in Los Angeles at a time to be decided. After that will be October 16th in Sacramento.

Ms. Turner Gray added CCRA's convention to the calendar, October 10-12, in Palm Desert, and invited the Board to attend.

ADJOURNMENT

The meeting was adjourned at 5:20 p.m.



GREGORY FINCH, Board Chair

11/13/09

DATE



YVONNE K. FENNER, Executive Officer

11/18/09

DATE