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

COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JULY 19, 2018

CALL TO ORDER

Ms. Davina Hurt, chair, called the meeting to order at 9:10 a.m. at the Hilton Los Angeles Airport, 5711 West Century Boulevard, Pacific Room A, Los Angeles, California.

ROLL CALL

Board Members Present:	Davina Hurt, Public Member, Chair Elizabeth Lasensky, Public Member, Vice Chair Carrie Nocella, Public Member Toni O'Neill, Licensee Member
Board Members Absent:	Rosalie Kramm, Licensee Member
Staff Members Present:	Yvonne K. Fenner, Executive Officer Shela Barker, Senior Staff Counsel Paula Bruning, Executive Analyst Melissa Davis, TRF Coordinator

A quorum was established, and the meeting continued.

I. APPROVAL OF OCTOBER 27, 2017, MEETING MINUTES

Ms. Nocella moved to approve the minutes as presented. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

II. REPORT OF THE EXECUTIVE OFFICER

A. CRB Budget Report

Ms. Fenner referred to the budget report on page 13 of the Board agenda packet. She stated that there is a projected surplus of 3.6 percent of the Board's budget and offered to answer any questions.

B. Transcript Reimbursement Fund

Ms. Bruning recapped the Board's inability to transfer funds to the Transcript Reimbursement Fund (TRF) due to the diminished budget reserve, causing a temporary shutdown of the program. She stated that on April 10, 2018, staff returned 299 Pro Bono Program applications that were received after July 6, 2017, that had not yet been processed. She added that for fiscal year 2017/18, staff was able to approve $96,200 covering 53 invoices before the shutdown.

Ms. Davis indicated that 188 Pro Per Program applications were returned as a result of the temporary shutdown. Before the shutdown, just under $2,000 was provisionally approved for calendar year 2018. To put it into perspective, she stated that for calendar year 2017, 188 applications were approved totaling more than $47,000.

Ms. Hurt asked if staff had received calls regarding the returned applications. Ms. Davis responded that most callers want to know when funding will be available again, for which she replies that we are working diligently to reopen the program. Ms. Hurt affirmed that the Board has worked to trim its budget by reducing the number of meetings, pursuing online testing, and rightsizing fees.

C. Exams, Including Passing Rates of Recent Exams

Ms. Fenner mentioned the historical examination pass rates found on pages 16 through 21 of the Board agenda packet. She reminded the Board that the statistics are reflective of a very small pool, which can vary greatly in percentage by changing one number.

Ms. Hurt asked if there was something different about the July 2017 dictation exam causing a significant increase in the pass rate. Ms. Fenner responded that Board staff does everything in their ability to offer a test that is consistent in syllabic density and read at 200 words per minute for 15 minutes. She stated that it is unclear why more people pass one exam and fewer pass another exam.

Ms. Fenner reported that 116 candidates are scheduled to take the dictation exam on July 20, 2018, of which there are 11 first-time candidates.

She added that staff is working on the contract for the fall dictation exam in Sacramento and would announce the date once finalized.

D. Enforcement Activities

Ms. Fenner referred to the enforcement statistics on pages 22 and 23 of the Board agenda packet. There were no remarkable trends.

E. School Update, Including Reports on Status of Existing Schools

Ms. Fenner reported that South Coast College acquired a new accreditor who is recognized by the U.S. Department of Education. She also related that Bryan University notified the Board that they will no longer be providing a court reporter program in California.

F. BreEZe

As reported at the October 27, 2017, Board meeting, staff is working with the Department of Consumer Affairs (DCA) SOLID Training and Planning Solutions to map out business processes within the office. Ms. Fenner stated that the process mapping is part of the business modernization goal of the office, including an updated database with the ability to process credit card payments.

G. CRB Today Newsletter, Spring 2018

Ms. Fenner referred to the Spring 2018 CRB Today Newsletter in the Board agenda packet. She stated that production of the Fall 2018 will begin soon and welcomed ideas for articles.

III. FEE INCREASE REGULATION

Ms. Hurt directed the Board to page 77 of the Board agenda packet and indicated that the Board needed to address Comment #1 and the rulemaking package as a whole and provide direction to staff. She welcomed discussion from the members.

Ms. O'Neill, in reference to Comment #1, stated that licensees can allow their license to become delinquent for up to three years without renewing and then renew without paying every year. Ms. Bruning added that there is a 50 percent late fee; however, over a three-year period, the total fee plus the late fee is half of what one would pay if they paid annually.

Ms. O'Neill added that a person may falsely state they are not working in California to receive a reduced fee. She recommended rejecting Comment #1. Ms. Nocella and Ms. Lasensky supported rejection of Comment #1. Ms. Nocella added that it causes unnecessary confusion to consumers when there are multiple license types. Ms. Hurt agreed, adding that staff time and resources remain the same for any type of license; therefore, a reduced fee or frozen license is not practical.

Ms. O'Neill moved to reject Comment #1 because there is a de facto decrease in fees by virtue of having a delinquent license, the operating costs remain the same to staff regardless of license type, the fee is for working in California which one can do by activating the license, and it becomes complicated and causes confusion to the consumer if

there are multiple levels of licensure. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

Ms. Hurt requested the Board consider approval of the Final Statement of Reasons.

Ms. Nocella moved to adopt the Final Statement of Reasons with the rejection of Comment #1. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

IV. SUNSET REVIEW

Ms. Hurt stated that staff recommends that the Board appoint a task force to work with staff in preparing the Sunset Review Report. She expressed the importance of this matter and stated that it is a critical and rewarding task force to be on.

Ms. Lasensky offered that the court reporter shortage should be included in the report. Ms. Hurt added that there are many important topics, including how technology is evolving.

Ms. Fenner indicated that the report is due December 1, 2018, and staff would be compiling the data portion of the report. Staff would work with the task force to develop responses to past and new issues facing the Board, which would be brought in draft form to the Board at the next meeting.

Ms. O'Neill and Ms. Lasensky volunteered to serve on the task force. Ms. Hurt appointed them as such.

Ms. Fenner stated that Board members and consumers may send to staff any issues they would like the Board to address in the sunset review process.

V. LEGISLATION

A. Non-Licensee-Owned Firms Subcommittee Report Including Update on AB 2084 (Kalra) – court reporter providers

Ms. Hurt expressed appreciation to Senator Hill, Assemblymember Kalra, and Assemblymember Mullin for all the work they have done helping the Board with this legislative process.

Ms. Hurt reported that AB 2084 has gone through the Assembly and is now before the Senate. Discussions are now ensuing with the Governor's office regarding the best steps forward. The bill is scheduled to be heard by the Senate Committee on Appropriations on August 6, 2018.

Ms. Lasensky thanked the subcommittee for all their hard work.

B. Consideration of Positions on Legislation

Ms. Fenner referred to the summaries of legislative bills that staff is following on pages 84 through 86 of the Board agenda packet. She stated that bills that are particular to the Board or the industry have been identified with three asterisks. The language of these bills was also included in the Board agenda packet. She requested the Board provide direction on these bills.

AB 2138 (Chiu and Low) – Ms. Fenner said the intent of the bill is to reduce the barriers of licensure for individuals with convictions. The bill outlines specific parameters that all boards and bureaus would be allowed to use when considering an applicant for licensure. Rather than each individual board looking at each individual licensee and considering things like how much time has passed since the conviction and how the conviction may relate to a particular industry, it's just a blanket approach. It would also limit how far back a licensing entity could investigate the individual's record.

Ms. Barker added that the change would be a fundamental shift in how the Board's licensing program would operate. In addition to there being a flat statutory ban based upon a conviction older than seven years, the proposed legislation would prohibit the Board from using the underlying offense for which the conviction was issued.

Ms. O'Neill expressed concern that the proposed legislation would limit the Board's ability to carry out its mission to protect consumers. Ms. Nocella shared apprehension about limiting the Board's ability to consider non-violent offenses of moral turpitude such as fraud. Ms. Hurt added that some crimes do not lend to the proper qualifications of this profession where the function of duties is important and should be upheld.

Ms. O'Neill moved that the Board write a letter in opposition of AB 2138 and send additional communications should the bill reach the Governor's Office. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

AB 2354 (Rubio) – Ms. Fenner invited the bill's sponsor, California Court Reporters Association (CCRA), to share an update.

Carolyn Dasher, CCRA President, shared that the bill passed through the Senate Judiciary Committee and was waiting to be heard in the Senate Appropriations Committee. She is hopeful the bill will pass.

Ms. Fenner explained that many California courts have elected to not put court reporters in family law courtrooms. This bill proposes that courts be mandated to provide court reporters in certain types of family law matters.

Ms. Hurt asked if the labor shortage would prevent the courts from providing reporters in these matters. Ms. Dasher responded that courts are getting more money and need to allocate it to restore court reporting positions.

Ms. Lasensky moved that the Board write a letter in support of AB 2354 and send additional communications should the bill reach the Governor's Office. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

AB 2483 (Vopel) – Ms. Fenner reported that the bill is dead.

AB 2531 (Gallagher) – Ms. Fenner stated that the bill is sponsored by CCRA.

Ms. Dasher indicated that the bill is an attempt to certify CART providers through the Board. It is hoped that there will be more CART providers flooding the workforce. The bill is currently waiting to be heard in the Senate Appropriations Committee.

Ms. Hurt asked if there was a determination of how much it would cost the Board to certify CART providers. Ms. Dasher did not know the answer. Ms. Fenner stated the Board would not be issuing a license; however, the Board would need to track the CART providers to send a report to the Legislature as required in the current bill language. There is a minimum flat fee of $45,000 to reprogram the database system. She stated that if the reporting requirement were removed from the bill, then staff would only need to expend the time needed to enact regulatory language for the practice.

Ms. O'Neill supported the concept proposed in the bill but asserted that the Board is unable to absorb the cost. She suggested the bill be amended to include a registration fee.

Ms. Dasher shared that CCRA has a certification program for CART providers for which they provide a test two to three times per year. She stated that CCRA can report who

passes the certification. The National Court Reporters Association may be willing to do the same for those who pass their exam.

Ms. Barker stated that the bill language suggests that the Board become a standard-setting body, which would result in the Board will also bearing costs of meetings to develop the standards and regulatory language.

Ms. Hurt suggested the Board watch the legislation to see how it evolves and explore ways the program can be funded. Ms. Nocella added that it is an incredibly just and needed program. She recommended that the Board work with CCRA to bridge the gap.

Ms. Barker shared that another DCA board deemed a non-profit association for their related industry as the standard-setting body. The certification or licensure for that body was deemed to be voluntary. She added that there is a strong push in California to reduce barriers to entry of professions.

The Board agreed to watch the bill and take no action at this time.

AB 2664 (Holden) – Ms. Fenner indicated that the bill is attempting to solve the problem between civil litigants who do not agree as to the appointment of a freelance court reporter as the official reporter pro tempore.

Ms. Dasher added that there is not a rule of court, but some counties have local policies that require the parties stipulate several days in advance to arrange for the official reporter pro tempore. If not arranged for in advance, the judge can deny the parties a reporter. She stated that CCRA is acting as an intermediary for the two co-sponsors, Conference of California Bar Association and California Deposition Reporters Association (CalDRA), as they work with SEIU.

Ms. Hurt shared support of the option to have a court reporter provided if the parties are not able to agree. Ms. O'Neill agreed, adding that it would bring a standard across all counties for the state instead of local rules. Ms. Nocella concurred that the proposed arrangement is the right thing to do.

Ms. O'Neill moved that the Board write a letter in support of AB 2664 and send additional communications should the bill reach the Governor's Office. Ms. Nocella seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

AB 2757 (Reyes) – Ms. Fenner reported that the bill would increase the fee charged for court transcripts. The last time the rate was increased was 1991.

Ms. Dasher, on behalf of bill-sponsor CCRA, stated that the last bill to increase the transcript rate was vetoed by the Governor. He believed the increase should be achieved through the budget process. CCRA tried to get it in the budget process last year, but it did not go through. They are working on that again and simultaneously sending the bill forward with author Assemblymember Reyes. She urged the Board's support.

Ms. Nocella supported the bill, stating that the increase was long overdue. Ms. O'Neill agreed, adding that it is a gradual and reasonable increase. She stated that the profession deserves a raise after 28 years. Ms. Lasensky believed the impact on the consumer would be minimal and the benefit to the profession would be large. Ms. Hurt echoed the support of the bill.

Ms. Nocella moved that the Board write a letter in support of AB 2757 and send additional communications should the bill reach the Governor's Office. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment.

Jennifer Esquivel, Secretary/Treasurer for CCRA, stated that the decision holding freelance reporters to the statutory rate when providing services as a pro tempore reporter affects the freelance reporter since they are not able to charge what they normally deem an appropriate rate based on business expenses.

A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

The Board took a break at 10:15 a.m. and returned to open session at 10:29 a.m.

VI. RESULTS OF REPORTER WORKING SPEED SURVEY

Ms. Fenner reported that as a result of concerns that the dictation examination is being overly ambitious and too difficult for candidates, Board staff worked with the DCA Office of Professional Examination Services (OPES) to conduct a speed survey. OPES helps the Board in development of the written portions of the examination and coordinates and validates the occupational analysis. A survey was distributed to working reporters much like the occupational analysis. After analyzing the survey results, OPES recommended the Board continue to test at 200 words per minute as entry level to the profession. Ms. O'Neill agreed with the conclusions of the analysis.

Ms. Hurt reported that the reason for the thorough review was due to complaints. Ms. Fenner indicated that she received comments from people who thought the Board was trying to make the test fast and just as many comments from people who thought the Board was trying to make the test slower. Ms. Hurt urged reporters and consumers to go to the Board to get factual information and dispel rumors in the future.

Lorri Doll from Argonaut Court Reporting school inquired who the complaints were from. Ms. Fenner indicated that complaints were received at Board meetings and included the candidates and family members of unsuccessful candidates. Ms. Hurt clarified that complaints were not received from schools stating that they could not teach to the 200 words-per-minute requirement.

The Board took a break at 10:37 a.m. and convened into closed session, Agenda Item XVI, at 10:45 a.m. The Board concluded closed session at 12:15 p.m. and took a break.

A report of closed session is reflected on page 17 under Agenda Items XVI on page 17.

The Board returned to open session at 1:03 p.m.

VII. REPORTER LABOR SUPPLY

Ms. Fenner introduced Don Scott, President of the National Verbatim Reporting Association (NVRA).

Mr. Scott thanked the Board for the opportunity to speak and introduced court reporter Tori Pittman. Ms. Pittman demonstrated voice writing technology.

Mr. Scott provided a history of voice writing and his experiences. He stated that voice writers do the same thing that machine writers do – the difference being that the input is voiced by speaking into a mask rather than keystroked. They identify the speaker and then repeat what the speaker says. A transcript is later produced from the voice writer's notes. He explained that some voice writers use computer aided transcript (CAT) systems with recording programs and transcription imbedded. He stated that voice writers are certified at 180 words per minute using the same testing standards used by the National Court Reporters Association (NCRA).

Mr. Scott indicated that voice writers would like to work in California courts as officials and requested the Board pursue a change in legislation to allow voice writers to apply for licensure in California.

Ms. Pittman explained that she cross-trained from being a machine writer to a voice writer due to tendinitis in both arms. She described how voice writers have to modulate their voices so that the computer can understand them but no one in the room can hear them. She still uses Eclipse software but has added the voice module to it.

Ms. Hurt indicated that the Board has been receiving information that there is a shortage of court reporters; therefore, NVRA came forward to present information about what they do in hopes that voice writing could be considered as an option to alleviate a possible shortage. She thanked Mr. Scott and Ms. Pittman for the demonstration and asked the Board members if they had any questions for the presenters.

Ms. Lasensky asked for clarification of the speed for voice writers. Mr. Scott responded that the NVRA Certified Verbatim Reporter candidates are tested at 180 words per minute, but that the software will record as fast as a person can dictate. He added that the Certificate of Merit test requires 200 words per minute for literary, 240 words per minute for

jury charge, and 260 words per minute for two-voice Q & A. Ms. Pittman added that the faster the computer, the faster the writer can record.

Ms. Nocella asked if there were any states other than North Carolina that had a license that does not differentiate between methods. Ms. Scott stated that there are 38 states that voice writers practice in as well as the District of Columbia, all federal courts, and armed forces installations.

Ms. Nocella stated that voice writing may afford a profession to a group of people who may otherwise be disabled from traditional methods. She asked what percentage of voice writers have a disability. Ms. Pittman was not aware of the percentage but shared that she has received inquiries from others with problems with their arms, back, and shoulders. She sees a lot of students transitioning from steno to voice writing when they hit a plateau in speed progression.

Ms. Hurt asked how many members NVRA has. Ms. Scott responded that there are approximately 750 members. He added that not all voice writers are members of NVRA. He stated there are voice writers working in California who report workers' compensation hearings as well as providing CART and captioning services.

Ms. Hurt asked what challenges face voice writers. Mr. Scott stated that voice writers face the same challenges faced by machine writers, such as people talking over each other, people speaking too fast, and unfamiliar vocabulary. He added that voice writers work all over the world, not just in the United States.

Ms. Hurt inquired what the training time is for voice writers. Mr. Scott answered that it depends on the individual, but some of the schools advertise four to six months. There are essentially no drop outs due to the short commitment period and low cost of training.

Ms. Nocella asked if there are any schools in California who teach voice writing. Mr. Scott stated that he is not aware of any. Some machine-writing schools have a side course for voice writing, but the drop out rate is higher.

Ms. Hurt called for public comments.

Jo Anne Tsutsui, Chief Hearing Reporter for the Division of Workers' Compensation, clarified that they do not employ voice writers, but currently require stenographic reporters.

Ms. Hurt stated that in addition to the presentation received at the meeting, the Board was provided with written documents (see Attachment 1). The requested legislative change would require the involvement of many entities. She suggested the Board may want to consider the request as part of its sunset review process.

Ms. Fenner proposed the Board convene town hall meetings prior to the next Board meeting to acquire input from stakeholders, including trade associations, court systems, and attorneys. Ms. Hurt shared concern for staff time considering the sunset review process. She suggested that staff request written comments instead. Ms. Lasensky added that the Board was taking on strategic planning as well. Ms. Fenner responded that a fuller picture of prevailing feelings is achieved when there is oral testimony and individuals have

a chance to hear one another. Ms. O'Neil stated that town hall meetings can be a gamble, never knowing how many people will participate.

Ana Costa suggested the Board hold town hall meetings via electronic means such as Zoom, making it available for individuals to attend from any location.

Ms. Fenner shared that staff would find free meeting space in state buildings to minimize costs. She added that staff currently has time to conduct the meetings before the September Board meeting.

Ms. Hurt said that a town hall is appropriate. Ms. Fenner reported that staff would work with DCA regarding what technological options are available.

Ms. Lasensky moved to direct staff convene town hall meetings that would encompass the entire state to discuss voice writing. Ms. O'Neill seconded the motion. Ms. Hurt called for public comment.

Rachel Barkume, CSR, asked if there would be voice writers at the town hall meeting to answer questions. Ms. Fenner responded that they would be invited as stakeholders.

A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

Ms. Hurt reported that the Board received a written request from Veritext asking the Board to permit reporters currently licensed in other states and those who hold the NCRA RPR certificate to practice in California by passing only the written portions of the California CSR examination. The Board requested more information by way of public comment.

Kerén Guevara, CSR, stated that candidates with an RPR certificate are already allowed to take the three portions of the California examination, but not all pass. She questioned the abilities of these certificate holders to work in California if they are not able to pass both the written examinations and the dictation examination.

Ms. O'Neill shared the concern of granting CSR licenses to individuals without requiring they pass the dictation portion as well. She did not believe there should be a change in the current requirement of passing all three portions of the examination. Ms. Nocella agreed, stating that the Board's charge is to protect consumers.

Cheryl Haab, CalDRA President, stated that California has one of the most difficult licensure tests in the country. She suggested the Board look at how other states are certifying reporters. Some states use the RPR model, which is not reminiscent of how reporters perform in California. She does not believe reciprocity would be appropriate.

Ms. Esquivel inquired if Veritext had received requests from out-of-state reports wanting to relocate to California, if so, how many and how soon would they transfer. She also wanted to know if the reciprocal licensees would be held to the same standards and if the application process would be the same. Ms. Fenner was only able to respond based on her conversation with the Veritext representative. She stated the request came from difficulty covering the calendar and are looking to recruit a wider labor market.

Ms. O'Neill stated that labor supply concerns have surfaced in the past. The discussion of lowering the standards always comes about. She believes that is a bad road to go down and does not serve the consumers of California.

Ms. Esquivel asserted that there is a big difference between a two-voice test such as the RPR and a four-voice test required in California. Ms. Hurt asked if there are other states that require a four-voice test. Ms. Fenner responded that she believed Nevada and Georgia were the only other states.

Ms. Dasher asked if a California-licensed CSR must be a California resident. Ms. O'Neill responded that are not required to be a resident. Ms. Barker added that it is a federal constitutional issue and the threshold for demonstrating that residency is necessary for licensure is so high that it's almost never going to be a requirement.

Ms. Costa agreed that the standards remain the same. She recommends her students write a minimum of 225 words per minute before taking the licensing examination.

Ms. Hurt echoed the importance of the standards for the protection of the consumers. She did not believe Veritext demonstrated a state of emergency on supply. The Board denied the request for reciprocity.

Ms. Hurt highlighted the recommendation of staff to expand the communication plan.

Ms. Nocella moved to direct staff to work with the Office of Public Affairs to expand the communication plan to include how to communicate to the public the importance of hiring a licensed court reporter. Ms. Lasensky seconded the motion. Ms. Hurt called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

VIII. QUALIFICATIONS OF CANDIDATES FOR SKILLS EXAM

Ms. Hurt stated that staff recommends the referral of unsuccessful candidates to the trade associations for mentorship opportunities.

Ms. Guevara, CSR and examination coach, expressed that candidates are just not ready when they go to the examination. Having helped write both the written and skills exams

and having observed as a proctor, she has seen that it is a fair and entry-level process. She shared that students have relayed to her that they knew they were not ready to pass the examination, but due to the low cost they took it anyway. Contrarily, those who have been successful shared the amount of work they put in to ensure they would not have to retake the test repeatedly.

Ms. Guevara suggested the Board consider increasing the fee in hopes that candidates would take the test more seriously. She also proposed the Board reinstitute the three qualifier requirement from the past and consider a requirement for requalification after three failed attempts.

Ms. Dasher reported that CCRA has a mentoring program and is happy to take in mentees. Additionally, Los Angeles County Court Reporters Association also has a mentor program. Ms. Hurt asked how many people are in the mentorship program. Ms. Dasher responded that they have a list of court reporters all over the state that are willing to mentor. Students and candidates can find information on the CCRA website. The court reporting schools also refer students to the association.

Ms. Fenner shared that the test is $25 per section of the examination. The proposed fee increase regulation increases that to $50 per section. Ms. Barker added that the Board has to justify the fee by demonstrating how much it costs the Board to give the exam. The fee can be used for a deterrent purpose.

Ms. Barker indicated that there are statutory restrictions that would prohibit the Board from implementing any barrier due to failing an examination. Therefore, requiring an unsuccessful candidate to go through additional steps, such as requalifying, would require legislation to overcome the prohibition.

Ms. Hurt asked how many unsuccessful candidates call the Board and request assistance. Ms. Fenner responded that staff does not received these types of calls. She added that the Board's role is to develop and administer the examination, not to produce a study guide or provide mentorship.

Ms. Hurt reiterated that there are mentorship opportunities and urged unsuccessful candidates to seek them out.

Yolanda Krieger, court reporting director at South Coast College, shared that 11 or 12 of her candidates passed the dictation examination in July 2017. Since then, only three have passed. She asserted that South Coast really prepares students for the examination and questions what is happening that would cause such a drastic variance.

Ms. Hurt asked if South Coast has a plan or has met to strategize how to address the rates. Ms. Krieger responded that they urge students to be at school, evaluate their tests, and work hard. Some students get mentors.

Jean Gonzalez, president of South Coast College, reported that teachers come in an hour early and stay an hour after class to work with these students. She stated that they go over every qualifier with the students.

Ms. Costa provided a description of how she trains court reporting students. She has created a program in collaboration with law firms, law schools, and litigators. She brings students to mock trials and mock depositions where they are the reporter of record. They then produce rough drafts and final transcripts. She reviews their raw steno notes and transcripts. Unfortunately, she is finding that students are not writing cleanly enough to be able to read their notes. She believes they are not practicing enough and are too worried about speed.

Ms. Guevara believes building confidence and overcoming mental and emotional barriers is key to passing the examination. These call for additional help and attention outside of school.

Brandi Campbell, former student of Golden State College of Court Reporting, started by thanking court reporters for the service they provide and thanked the Board. She shared that court reporting school changed her life, giving her skills to use in a profession where she can help consumers.

Ms. Campbell stated that since Golden State closed, she has been dedicating every weekday to practicing in the calendar department of the East County Hall of Justice of Dublin, the fastest and most-action packed of all departments. She found the need to use her determination in keeping up with the proceedings. She asserted that zeal and pride in what you are doing are necessary to be successful candidates. Acknowledging faults and finding areas where help is needed is also key.

Ms. Lasensky expressed that the comments were insightful but did not see any actions that the Board can take. Ms. Hurt agreed and added that the Board wants candidates to be successful, but the public is best served by having knowledgeable and able court reporters.

IX. ONLINE SKILLS EXAM UPDATE

Ms. Fenner shared that she just received an updated proposal from the vendor, but there were not any significant changes. She will be moving forward with contracts and regulations. She did not have a timeline for completion and implementation at this time.

The Board took a break at 2:41 p.m. and returned to open session at 2:53 p.m.

X. REQUEST FOR DECLARATION RE BURD VS. BARKLEY

Ms. Hurt invited comments from the parties of the case.

Marc Allaria, attorney for Barkley, stated that it appears that the attorney for Burd was asking for the Board to declare that the ruling has some benefit to the consumer. He suggested that the premise is wrong and factually it is wrong. He added that lowering the amount that court reporters can make is not going to solve the shortage problem.

Mr. Allaria stated that the court decision puts a limit on the per page fee that can be charged for court transcripts but does not restrict the per diem or other costs that can be charged. Private court reporters have raised their appearance fee, which he believes hurts the consumer.

Ms. Dasher referred to the response submitted on behalf of CCRA by Richard L. Manford, Esq. (see Attachment 2). She reiterated that court transcript rates are 27 years old and CCRA is not happy with the court decision. She urged the Board to decline the request for declaration.

Ms. O'Neill stated her discomfort with the request, expressing her belief that it is an opinion and not necessarily fact.

Ms. Lasensky did not believe it was the Board's job to do what is being requested and was not in favor of moving ahead with such a declaration.

Ms. Nocella joined fellow Board members, stating that she is not generally supportive of a party asking the Board to issue a declaration that could be used against somebody else in a legal proceeding or for political purposes or undermines the industry's ability to further ask for additional increases in fees going forward.

Ms. Hurt echoed the previous comments. She added that the parties can utilize the minutes from previous meetings to view the Board's position.

The Board denied the request for declaration.

XI. WEBSITE SUBCOMMITTEE REPORT

Ms. O'Neill reported that she and Ms. Kramm are working with staff to update the antiquated website to make it more user friendly.

Ms. Bruning related that the bios for the Board members and executive officer had recently been updated. Staff is combing through the website to find material that is obsolete and look for ways to streamline information. At the same time, DCA's Publications, Design and Editing unit is working to develop images for the home page that capture the profession and attract potential students. Staff will then give specific instructions to DCA's Office of Information Services so they can build the new website. One new feature will be that the website will be mobile-friendly. Roll-out of the new website is anticipated in fall 2018.

XII. STRATEGIC AND COMMUNICATION PLANS

Ms. Hurt referred to the action items of the nearly completed Strategic Plan. Ms. Fenner stated that the main focus of staff since the last meeting have revolved around cross-training. Anything not completed on the current plan is generally the first topic of discussion at the next strategic planning session.

Ms. Hurt would like to convene Best Practice Pointer Task Force meetings to develop more pointers. Ms. Fenner clarified that practice pointers act as a springboard for discussion. They are not used as grounds for discipline but are simply advice. Ms. Hurt requested court reporters send ideas to staff for new pointers.

XIII. ELECTION OF OFFICERS

Ms. Hurt called for election of officers.

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

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

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

For: Ms. Lasensky, Ms. Nocella, Ms. O'Neill, and Ms. Hurt
Opposed: None
Absent: Ms. Kramm
Abstain: None
Recusal: None

MOTION CARRIED

XIV. FUTURE MEETING DATES

Ms. Fenner shared that the strategic planning facilitator, SOLID, believes the session can be accomplished in half a day due to all the preparation work being done in advance. She requested Board members hold the entire day open in anticipation of a half-day Board meeting. She agreed to be in contact with the members if a meeting was needed.

XV. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Karen Nelson, Assistant Deputy Director of Board and Bureau Relations at DCA, offered support as the liaison between the Board and DCA Executive Office. She stated that the Director's quarterly meeting is scheduled for August 6, 2018.

She shared that the Director held a teleconference on June 25, 2018, with board leadership. The discussion included pro rata, executive officer salaries, an update on AB 2138, and regulatory process improvements. She thanked Ms. Hurt for participating in the call.

She indicated that licensing and enforcement workgroups were launched in April 2018 to look at how to establish best practices across boards and bureaus. The groups meet monthly to discuss specific ideas to innovate in areas of licensing and enforcement. One board shared their streamlining process through their cloud drive platform. The enforcement group heard from the Department of Justice. They spoke about the Attorney General's annual report which contains baseline information on accusation referrals received and adjudicated accusations from boards and bureaus.

Ms. Nelson stated that the next Board Member Orientation Training, which is required within one year of appointment or reappointment, is scheduled for September 18, 2018, in Sacramento.

The Board convened into closed session from 10:45 a.m. to 12:15 p.m.

XVI. CLOSED SESSION

A. Pursuant to Government Code Section 11126(e), the Board will meet in closed session to receive advice from counsel on litigation: R. Austin v. D. Grafilo et al. Superior Court of California, County of Los Angeles, Case No. BS171320.

B. Pursuant to Government Code Section 11126(e)(2)(C)(i), the Board will meet in closed session to receive advice from counsel regarding the potential commencement of litigation for enforcement of Business and Professions Code Section 8040 et seq.

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

Ms. Hurt reported that an action was taken during the closed session portion of the meeting with regard to Agenda Item XVI.B. The results were to broaden the authority of the subcommittee to engage in negotiations to resolve the matter in any appropriate means via the Legislators and the Governor.

ADJOURNMENT

Ms. Hurt adjourned the meeting at 3:16 p.m.

DAVINA HURT, Board Chair — 9.17.18 DATE

YVONNE K. FENNER, Executive Officer — 9.17.18 DATE

Attachment 1
RE: Agenda Item VII

Dear Ms. Fenner,

As president of the NVRA, I am very pleased to have the opportunity to attend your next board meeting and make a presentation on the current status of voice writing technology. Many advances have been made since NVRA's last visit to California some 15 years ago. As you know, Tori Pittman will be realtiming the presentation.

NVRA is the only national association that advocates for voice-writing court reporters, CART providers, and captioners. We have as members voice-writing court reporters, as well as stenographic court reporters. Many of our stenographic members are trained and certified in both methods. Voice-writing court reporters are professional, certified court reporters doing the same job as certified stenographic reporters. The only difference is we use our voice to dictate word-for-word, as well as documenting speakers and adding parentheticals when necessary, and can provide a live, realtime scene that is instantly searchable and instantly reviewable just as the stenographic reporter can.

Many times, the voice writer is using the same CAT (computer-aided-transcription) system as our stenographic friends. All stenographic court-reporting-software systems have added a voice module for use with voice writing, and the only difference here is how the words are input into the computer. A steno writes and a voice writer speaks.

Voice writers face the identical, rigorous requirements for certification as do the stenos who certify through their national association. A listing of the certification and requirements for each through our validated certification program can be found in the attached sheet on the NVRA certification programs.

We understand that 22-plus steno schools have closed in the last two years. Many of the schools that continue today have added a voice-writing curriculum and are graduating voice-writing court reporters, CART providers, and/or captioners at a high rate. While statistics show the dropout rate for stenographic students is drastically high, voice writers experience a 90 percent success rate and complete the program in a fraction of the time required to train a courtroom-ready steno writer.

It is no secret that the great State of California is facing a reporter shortage. It is further no secret that if live reporters are not available the powers that will be will fill those voids with electronic recording. We all need to work together to keep live bodies in our court rooms and deposition suites to protect the record. Voice writers are in a position to help fill the vacancies that are anticipated.

NVRA does have a short video explaining the basics of voice writing. You and the members of your board may visit that here:

https://www.dropbox.com/s/oe974y7h10sd1zd/NVRA%20Video%202.avi?dl=0

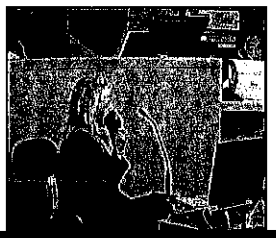
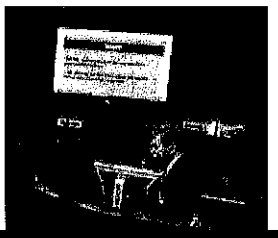
I have also attached for your information the following documents: a list of states which currently allow voice writers to work; an informational sheet on our certification program, which contains a chart comparing NVRA and NCRA certifications; and our NVRA Fact Sheet.

Absolutely nothing can replace the live court reporter in all situations in the judicial system, and voice writers are part of the solution to meeting the demands.

We welcome the opportunity to educate you further on voice writing and look forward to our meeting on July ,

Don Scott

NVRA
National Verbatim Reporters Association

WE ARE THE VOICE OF THE COURT REPORTING PROFESSION.

- Voice writers utilize cutting edge technology to produce realtime feed, just as steno writers. Many voice writers use the same CAT (computer-aided transcription software) as the steno writers.

- Students of voice writing experience a 90% success rate and can typically complete their training in a fraction of the time required to train a courtroom-ready machine writer. Steno schools are closing at an alarming rate -- according to NCRA, 22 in the last 2 years alone. Many of those remaining have added a voice writing curriculum. The number of schools and programs training voice writers has grown over the same period of time.

- For court systems struggling to meet the demand for court reporters, realtime-capable or otherwise, voice writing is the solution.

- NVRA certifications for voice writers are almost identical to those of NCRA for steno writers. (See charts below.)

CERTIFICATIONS FOR COURT REPORTERS

*The times reflected for the skills tests in this chart reflect the time permitted for transcription.

	NCRA RPR				NVRA CVR				NCRA RMR				NVRA CM				NCRA RDR
	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	WKT
Speed	180	200	225	115 ques.	180	200	225	100+ ques.	200	240	260	N/A	200	240	260	100+	115 ques.
Accuracy	95%	95%	95%	70%	95%	95%	95%	70%	95%	95%	95%		95%	95%	95%		70%
Time *	75	75	75	105 mins	75	75	75	120 mins	75	75	75		75	75	75	90 mins.	105 mins.

CERTIFICATIONS FOR REALTIME, CAPTIONERS, CART PROVIDERS

	NCRA CRR		NVRA RVR			NVRA RVR-M	NCRA CRC*		NVRA RBC-M/RCP-M	
	Q&A	WKT	Lit	JC	Q&A	Q&A	Lit	WKT	Lit	WKT
Speed	200		180	180	180	200	180	100 ques.	Variable up to 225	50 ques.
Accuracy	96%	70%	95%	95%	95%	96%	96%	70%	95%	70%
Time**	5 min	105 mins.	8 mins.	8 mins.	8 mins.	5 MINS.	5 mins.	90 mins.	8 mins.	2 hrs.

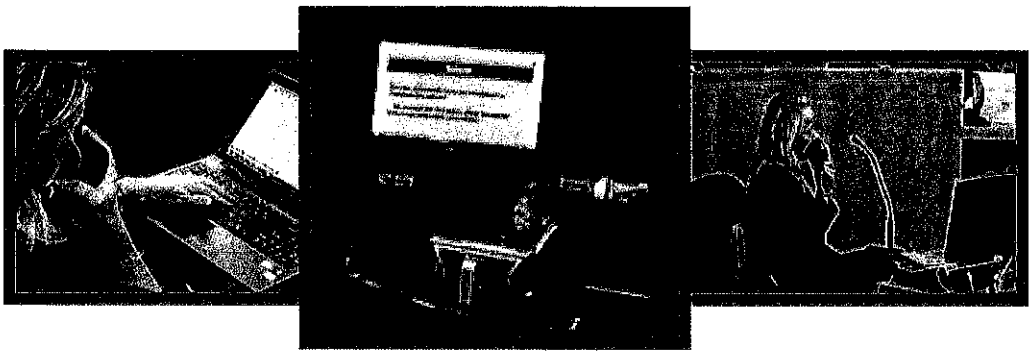
*All candidates must attend the CRC workshop held at the annual convention.
**The times reflected for the skills tests in this chart reflect the length of the dictation.

NCRA	RPR	Registered Professional Reporter	NVRA	CVR	Certified Verbatim Reporter
ACRONYMS	RMR	Registered Merit Reporter	ACRONYMS	CM	Certificate of Merit
	RDR	Registered Diplomat Reporter		RVR	Realtime Verbatim Reporter
	CCR	Certified Realtime Reporter		RVR-M	Realtime Verbatim Reporter - Master
	CRC	Certified Realtime Captioner		RBC-M	Registered Broadcast Captioner - Master
				RCP-M	Registered CART Provider - Master

NVRA is a nonprofit professional membership organization representing voice writing verbatim reporters. Members include official court reporters, CART providers and broadcast captioners. For more information contact the National Verbatim Reporters Association, (601) 582-4345 or by email at nvra@nvra.org. Additional information can be found on our website: **www.nvra.org.**

NVRA
National Verbatim Reporters Association

WE ARE THE VOICE OF THE COURT REPORTING PROFESSION.



- NCRA's 2013-2014 Court Reporting Industry Outlook Report projected a shortage of 5,500 stenographic court reporters nationwide by 2018.
- Though voice-writing court reporters are being overlooked, we are part of the solution. Voice-writing court reporters are professional, certified court reporters capable of doing the very same job as stenographic reporters nationwide.
- NVRA's validated certification requirements mirror those of NCRA's for stenos.
- The only difference between stenographic court reporters and voice-writing court reporters is the method of taking down the record. Stenographic reporters write the words. Voice writers speak the words.
- Voice writers utilize cutting-edge technology to produce realtime feed, just as steno writers. Many voice writers and steno writers use the same CAT (computer-aided transcription) software.
- Students of voice writing experience a 90 % success rate and can, typically, complete their training in a fraction of the time required to train a courtroom-ready steno writer. Steno schools are closing at an alarming rate - according to NCRA, 22 in the last two years alone. Many of those remaining have added a voice-writing curriculum. Schools and programs training voice writers have grown over the same period.
- US Naval Justice School trains voice-writing court reporters for the military. Upon being discharged from the military, they pursue careers utilizing that military training.
- Many stenographers suffer repetitive-motion injuries and can no longer write on a steno machine. They can train in voice writing in a short period of time and continue their career.
- Voice writers are recognized by and do work in the US Military, internationally; US Federal Court System, nationally; US Congress; 38 states and the District of Columbia.

CERTIFICATIONS FOR COURT REPORTERS: Comparison of Voice and Steno

*The times reflected for the skills tests in the chart reflect the time provided for transcription.

	NCRA RPR (Steno)				NVRA CVR (Voice)				NCRA RMR (Steno)				NVRA CM (Voice)				NCRA RDR
	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	Lit	JC	Q&A	WKT	WKT
Speed	180	200	225	115 ques.	180	200	225	100 ques.	200	240	260	N/A	200	240	260	N/A	115 ques.
Accuracy	95%	95%	95%	70%	95%	95%	95%	70%	95%	95%	95%		95%	95%	95%		70%
Time *	75	75	75	105 mins	75	75	75	120 Mins	75	75	75		75	75	75		105 mins.

NVRA is a nonprofit professional membership organization representing court reporters, CART providers, Captioners and related professionals. Members include official court reporters, CART providers and broadcast captioners. For more information contact the National Verbatim Reporters Association, (601) 582-4345 or by email at *nvra@nvra.org*. Additional information can be found on our website: **www.nvra.org**.

WHERE VOICE WRITERS CAN PRACTICE THEIR PROFESSION

Alabama

Alaska

Arizona (with VR system)

Arkansas

Colorado

Connecticut

Delaware

Florida

Georgia

Indiana

Kansas

Kentucky

Louisiana

Maine

Maryland

Massachusetts

Michigan

Minnesota

Mississippi

Missouri

Nevada

New Hampshire

New Mexico

North Carolina

North Dakota

Ohio

Oregon

Pennsylvania

South Carolina

South Dakota

Tennessee

Texas

Utah

Virginia

Washington

West Virginia

Wisconsin

Washington, DC

FEDERAL COURTS IN ALL STATES

US Military Internationally

US Congress

Attachment 2
RE: Agenda Item X

RICHARD L. MANFORD
Attorney at Law
California State Bar Number 051092
3081 SWALLOWS NEST DRIVE
SACRAMENTO CA 95833-9723
Telephone: 916.923.9333
Facsimile: 916.543.1613
E-Mail: dick.manford@gmail.com

BY EMAIL, FAX TRANSMISSION, AND FIRST CLASS MAIL

17 July 2018

Davina Hurt, Chair
Yvonne K. Fenner, Executive Officer
Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento CA 95833-2944

Re: Burd Request For Declaration of Public Benefit
Board Agenda Item X, 19 July 2018

Dear Ms. Hurt and Ms. Fenner:

The California Court Reporters Association respectfully urges the board to decline the request of Burd's attorneys that it issue " . . . a declaration confirming that [Burd's] efforts have provided a public benefit to consumers." The only potential beneficiaries of such a declaration would be Burd and her attorneys, not consumers or the public.

First, this request is a veiled attempt by Burd's lawyers to gain official CRB support for a motion they will file in the Los Angeles County Superior Court for an award to them of their attorneys' fees against Barkley Court Reporters. The general rule is that "[e]xcept as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys . . . is left to the agreement . . . of the parties . . . ." (Code Civ. Proc., § 1021.) In short, absent a statute otherwise, a party pays her own lawyers' fees. However, the Private Attorney General Doctrine (Code Civ. Proc., § 1021.5) does establish a limited exception to the general rule. That section provides that

> "[u]pon motion, a court may award attorneys' fees to a successful party against [an opposing party] in any action which has resulted in the enforcement of an important right affecting the public interest if: (a) a *significant benefit* . . . has been conferred on the *general public or a large class of persons* . . . ." (Italics added.)

Of course, the request by Burd's lawyers is based on the appellate court decision in *Burd v. Barkley Court Reporters, Inc.* (2018) 17 Cal.App.5th 1037 which held that private CSRs reporting court proceedings are restricted to the same statutory transcription fees as are official court reporters.

The very words of Burd's own attorneys belie their assertion that her efforts have provided a public benefit to consumers. Indeed, as they told the Second District Court of Appeal in Appellant's Opening Brief ("AOB"), "[t]he majority of private reporting firms have abided by the statutory cap of fees . . . ." (AOB at 2) "and there has not been any shortage of private reporters willing to serve as official reporters pro tempore." (AOB at 19; see, also, AOB at 2.) By their own admission, the *Burd* decision did not enforce an important right affecting the public interest, or confer a significant benefit on <u>the general public or a large class of persons</u>.

Second, Agenda Item X recommends that "[i]f the Board finds it would serve the consumers of California to issue such a declaration, it should instruct staff to begin the process of requesting permission." Again, such a declaration would serve only Burd and her lawyers in their fee motion, not consumers. Any arguable benefit to consumers devolves from the appellate court's decision itself, not from a subsequent declaration by the board which would add nothing. Moreover, consumer benefit remains an open question. Again in the words of Burd's lawyers, "[p]rivate reporters serving as official reporters pro tempore are not restricted in the amount they can charge for appearance fees, detention time, or reimbursement of expenses . . . ." (AOB at 2, 9, 15, 19; Appellant's Reply Brief at 1.) The appellate court agreed: "The statutes do not prevent a private reporter from charging contract rates for court appearances and costs incurred while serving as an official reporter pro tempore . . . ." (*Burd, ante,* 17 Cal.App.5th at 1050.) Therefore, it is speculation whether the *Burd* decision does or will confer a <u>net</u> benefit on anyone, much less the public.

Third, the Burd decision applying Government Code section 69950 transcript price ceilings to private CSRs serving pro tempore in the courts could only benefit less than

one percent of the state's population. California statewide census data for 2017 [1]/ and the 2016 Judicial Council Court Statistics Report [2]/ together establish by simple calculation that in fiscal year 2014-15 only 0.63% of California residents qualified by age 18 and older filed unlimited civil cases. Thus, even assuming that every civil unlimited lawsuit filer requested a hearing transcript, the *Burd* decision confers no significant benefit on the general public or a large class of persons.

Fourth, and finally and with respect, issuance of the requested declaration is beyond the board's jurisdiction and powers. Returning to Agenda Item X's recommendation, the board does not have a legislative grant of unrestricted authority to "serve the consumers of California." The board's business is to implement the statutory directive of " . . . establish[ing] and maintain[ing] a standard of competency for those engaged in the practice of shorthand reporting . . . ." (Bus. & Prof. Code, § 8015.) Protection of the public is a factor only in connection with the exercise of the board's " . . . licensing, regulatory, and disciplinary functions" (Bus. & Prof. Code, § 8005.1), and the protection of litigants' rights to freedom and property can be invoked only when those rights are affected by the competency of shorthand reporters. (Bus. & Prof. Code, § 8015.) There is nothing in the board's statutory powers and duties (Bus. & Prof. Code, §§ 8007, 8008, 8015) that can be construed to grant to the board authority to issue the declaration requested by Burd's lawyers for a private purpose. To the point, the decision in *Burd v. Barkley Court Reporters, Inc.* had nothing to do with shorthand reporter competency; it was about transcription fees.

---

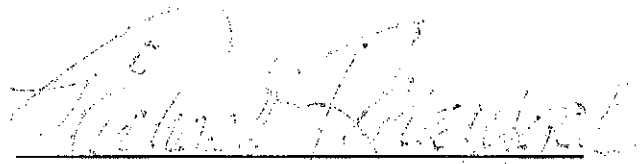
1. (https://www.census.gov/quickfacts/fact/table/ca#viewtop) United States Census Bureau Quick Facts California states a July 2017 estimated total statewide population of 39,536,653, and that persons under 18 years comprised 22.9% of that total. Thus, 77.1% of that population estimate or 30,482,759 were eligible to file a civil action as an adult.

2. (http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf) The 2016 Court Statistics Report Statewide Caseload Trends 2005-2006 Through 2014-2015, pp. 5-7, and Table 4a (Total Civil Filings, by County and Case Type Superior Courts Fiscal Year 2014-15), pp. 88-89, state that there were for that fiscal year 192,761 civil unlimited cases filed in California statewide. The Column Key at the bottom of Table 4a states that Civil Unlimited includes Motor Vehicle PI/PD/WD, Other PI/PD/WD, Other Civil Complaints & Petitions, and Small Claims Appeals. 192,761 filings is 0.63% of 30,482,759 eligible filers.

For all of the above reasons, the request by Burd's lawyers should be declined. The board should not become an official governmental advocate in a prospective court matter to be pursued by a private party not involving or affected by the competency of those engaged in the practice of shorthand reporting. In summary, issuance of the requested declaration would not itself affect the public interest, it cannot be shown that the *Burd v. Barkley Court Reporters* decision conferred a significant benefit on the general public or a large class of persons, and issuance of the requested declaration is outside of the board's licensing, regulatory, and disciplinary functions.

Respectfully yours,

CALIFORNIA COURT REPORTERS ASSOCIATION



by: _____
RICHARD L. MANFORD
Attorney at Law

Attachments as described in footnotes 1 and 2

United States Census Bureau

QuickFacts

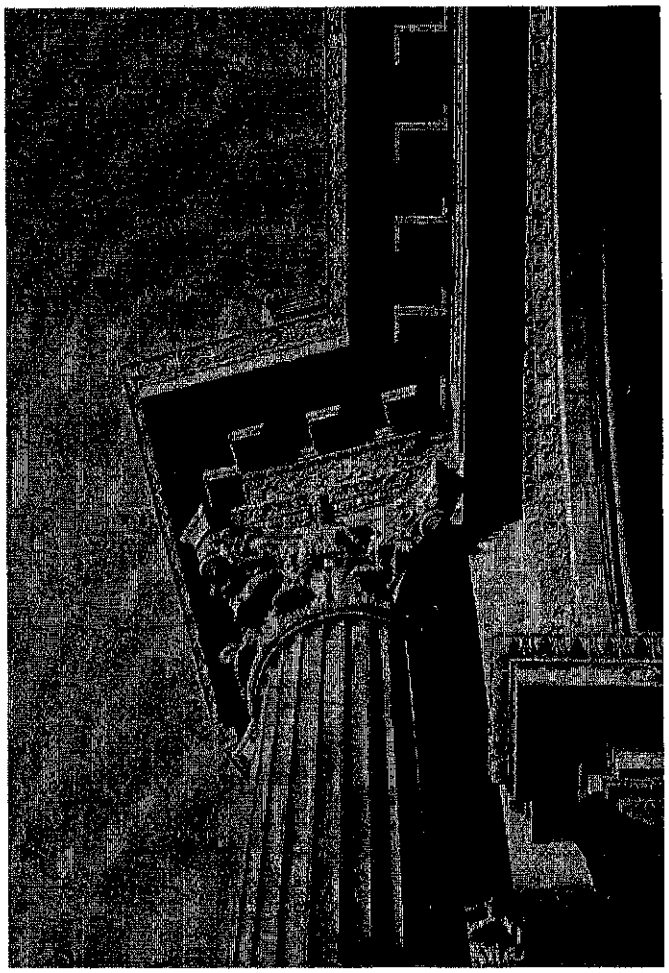
California

QuickFacts provides statistics for all states and counties, and for cities and towns with a ***population of 5,000 or more.***

Table

All Topics	California
Population estimates, July 1, 2017, (V2017)	39,536,653
PEOPLE	
Population	
Population estimates, July 1, 2017, (V2017)	39,536,653
Population estimates base, April 1, 2010, (V2017)	37,254,518
Population, percent change - April 1, 2010 (estimates base) to July 1, 2017, (V2017)	6.1%
Population, Census, April 1, 2010	37,253,956
Age and Sex	
Persons under 5 years, percent	▲ 6.3%
Persons under 18 years, percent	▲ 22.9%
Persons 65 years and over, percent	▲ 13.9%
Female persons, percent	▲ 50.3%
Race and Hispanic Origin	
White alone, percent (a)	▲ 72.4%
Black or African American alone, percent (a)	▲ 6.5%
American Indian and Alaska Native alone, percent (a)	▲ 1.6%
Asian alone, percent (a)	▲ 15.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.5%
Two or More Races, percent	▲ 3.9%
Hispanic or Latino, percent (b)	▲ 39.1%
White alone, not Hispanic or Latino, percent	▲ 37.2%
Population Characteristics	
Veterans, 2012-2016	1,720,635
Foreign born persons, percent, 2012-2016	27.0%
Housing	
Housing units, July 1, 2017, (V2017)	14,176,670
Owner-occupied housing unit rate, 2012-2016	54.1%
Median value of owner-occupied housing units, 2012-2016	$409,300
Median selected monthly owner costs -with a mortgage, 2012-2016	$2,157
Median selected monthly owner costs -without a mortgage, 2012-2016	$517
Median gross rent, 2012-2016	$1,297
Building permits, 2017	114,760
Families & Living Arrangements	
Households, 2012-2016	12,807,387
Persons per household, 2012-2016	2.95
Living in same house 1 year ago, percent of persons age 1 year+, 2012-2016	85.7%
Language other than English spoken at home, percent of persons age 5 years+, 2012-2016	44.0%
Education	
High school graduate or higher, percent of persons age 25 years+, 2012-2016	82.1%
Bachelor's degree or higher, percent of persons age 25 years+, 2012-2016	32.0%
Health	
With a disability, under age 65 years, percent, 2012-2016	6.8%
Persons without health insurance, under age 65 years, percent	▲ 8.3%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2012-2016	63.0%
In civilian labor force, female, percent of population age 16 years+, 2012-2016	57.1%
Total accommodation and food services sales, 2012 ($1,000) (c)	90,830,372
Total health care and social assistance receipts/revenue, 2012 ($1,000) (c)	248,953,592
Total manufacturers shipments, 2012 ($1,000) (c)	512,803,164
Total merchant wholesaler sales, 2012 ($1,000) (c)	666,502,986

Is this page helpful? Yes No



2016 COURT STATISTICS REPORT

Statewide Caseload Trends

2005–2006 Through 2014–2015

JUDICIAL COUNCIL
OF CALIFORNIA

Total Civil Filings, by County and Case Type

Fiscal Year 2014–15

Superior Courts

Table 4a

COUNTY	Total Civil (A)	Unlimited Civil: Total Unlimited Civil (B)	Unlimited Civil: Motor Vehicle PI/PD/WD (C)	Unlimited Civil: Other PI/PD/WD (D)	Unlimited Civil: Other Civil Complaints & Petitions (E)	Unlimited Civil: Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
STATEWIDE	**718,321**	**192,761**	**32,808**	**21,207**	**133,638**	**5,108**	**375,178**	**150,382**
Alameda	24,385	8,721	1,234	851	6,445	191	10,830	4,834
Alpine	(i) 153	(i) 89	(i)	(i) 5	(i) 84	(i)	(i) 60	(i) 4
Amador	529	194	17	18	155	4	240	95
Butte	3,453	1,019	146	87	770	16	1,992	442
Calaveras	593	219	13	18	184	4	269	105
Colusa	180	51	8	4	38	1	109	20
Contra Costa	16,143	4,372	613	358	3,240	161	8,021	2,750
Del Norte	343	62	4	4	45	9	215	66
El Dorado	2,472	834	105	72	632	25	1,180	458
Fresno	16,719	4,210	811	410	2,908	81	9,923	2,586
Glenn	371	35	7	4	24	0	294	42
Humboldt	2,123	736	31	32	664	9	990	397
Imperial	2,260	582	68	53	446	15	1,213	465
Inyo	231	96	3	3	87	3	91	44
Kern	12,967	1,856	538	337	946	35	8,604	2,507
Kings	1,988	331	58	36	236	1	1,457	200
Lake	1,276	402	22	27	350	3	683	191
Lassen	420	110	1	8	101	0	208	102
Los Angeles	232,649	65,462	12,396	8,074	43,059	1,933	113,946	53,241
Madera	2,268	538	97	61	379	1	1,473	257
Marin	3,491	1,426	203	138	1,033	52	1,245	820
Mariposa	185	29	6	6	17	0	132	24
Mendocino	1,490	570	47	40	475	8	678	242
Merced	3,631	826	139	82	598	7	2,058	747
Modoc	128	50	2	2	46	0	44	34
Mono	173	81	3	10	61	7	50	42
Monterey	5,261	1,425	182	156	1,065	22	2,961	875
Napa	1,748	640	78	60	486	16	707	401
Nevada	1,209	411	42	43	312	14	509	289
Orange	56,424	16,295	2,766	1,818	11,380	331	26,298	13,831
Placer	4,957	1,808	335	170	1,245	58	2,187	962
Plumas	232	73	4	11	52	6	111	48
Riverside	42,738	9,992	1,433	1,012	7,308	239	23,038	9,708
Sacramento	53,818	7,717	1,719	804	5,035	159	41,143	4,958
San Benito	1,162	177	31	16	127	3	499	486
San Bernardino	48,143	9,339	1,456	958	6,679	246	25,527	13,277
San Diego	53,422	17,016	2,527	1,786	12,086	617	24,619	11,787
San Francisco	15,577	6,497	836	863	4,635	163	6,246	2,834
San Joaquin	12,553	2,811	546	267	1,951	47	7,386	2,356
San Luis Obispo	3,162	979	165	110	669	35	1,478	705
San Mateo	7,438	1,775	359	111	1,235	70	3,983	1,680
Santa Barbara	5,841	1,638	284	193	1,119	42	2,804	1,399
Santa Clara	20,293	6,760	1,110	570	4,913	167	9,382	4,151
Santa Cruz	3,259	1,026	107	86	791	42	1,478	755
Shasta	2,923	843	107	89	629	18	1,690	490

Total Civil Filings, by County and Case Type
Fiscal Year 2014–15

Superior Courts
Table 4a

COUNTY	Total Civil (A)	Unlimited Civil: Total Unlimited Civil (B)	Unlimited Civil: Motor Vehicle PI/PD/WD (C)	Unlimited Civil: Other PI/PD/WD (D)	Unlimited Civil: Other Civil Complaints & Petitions (E)	Unlimited Civil: Small Claims Appeals (F)	Limited Civil (G)	Small Claims (H)
STATEWIDE	**718,321**	**192,761**	**32,808**	**21,207**	**133,638**	**5,108**	**375,178**	**150,382**
Sierra	38	26	1	0	25	0	11	1
Siskiyou	704	197	7	21	167	2	433	74
Solano	7,381	1,816	287	157	1,318	54	4,425	1,140
Sonoma	6,403	2,121	309	236	1,535	41	3,086	1,196
Stanislaus	7,701	1,679	291	171	1,086	31	4,903	1,219
Sutter	1,449	475	96	31	341	7	747	227
Tehama	1,327	284	26	19	238	1	565	478
Trinity	244	118	4	1	112	1	87	39
Tulare	7,054	1,388	263	148	951	26	4,698	968
Tuolumne	927	290	26	29	235	0	348	289
Ventura	11,954	3,386	669	456	2,178	82	6,026	2,543
Yolo	2,193	656	119	51	485	1	1,166	371
Yuba	1,165	303	48	24	230	1	732	130

Column Key:

(B) Civil Unlimited includes columns *(C)–(F.)*

(E) Prior to the 2004 Court Statistics Report, this case type included miscellaneous family law petitions that are now reported in Table 11a.

Notes:

(I) Incomplete data; reports were submitted for less than a full year.

0 or — The court reported that no cases occurred or the court did not submit a report in this category.