

CRB* TODAY

COURT REPORTERS
BOARD NEWSLETTER

GUARDING THE RECORD
FOR CONSUMER PROTECTION



Message from the Chair

Davina Hurt

*Reality, Perception, and
Technology in the Record*

The importance of court reporting is well understood in a judicial setting. If we are to protect the right of litigants to appeal a decision and preserve legal precedents, an accurate record made by a *neutral, unbiased* third party is crucial. But there is a larger concept to consider that is often overlooked in this world of ever churning news cycles and social media in relation to the changing face of court reporting. It is simple to start a rumor and fuel the spread of misinformation. It is so easy to slap a label on someone and have it stick, regardless of the truth. People are fast to characterize something without knowing all of the basic facts. But, is it really false, misleading news? Perhaps the key to understanding the divide is to understand the significance of *perception*.

It is often said that perception is reality. Close, but not quite. Reality is defined as “the world or the state of things as they actually exist... existence that is absolute, self-sufficient, or objective, and not subject to human decisions or conventions.” Perception is defined as “the way of regarding, understanding, or interpreting something; a mental impression.” Clearly, they have two very different meanings, where reality is unaffected by the filters and lenses through which it is observed.

While perception is not reality, admittedly, perception can become a person’s reality because perception has a potent influence on how we look at reality. For example, DJ’s shoot a video at certain angles to show that the venue was sold out. Yet, the reality could be that the room was half empty, but the perception created by the video is that it was jam packed.

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Message continued from cover

There is no denying that technology has been a driving force in our society where people wait in long lines for the latest Apple phone, and court reporting is not removed from this dichotomy. If we look at the reality of court reporting in 2020, we see changes driven by technology and economics. While machine stenography may be the gold standard of court reporting, the market is exploring the creation of the record through a variety of alternate methods including use of voice recognition by voice writers.

I liken it to changes in transportation technologies. In the beginning, we used our own two feet. We eventually put sails on rowing boats and adapted animals to move us. Technology changes occurred as we moved from steam to diesel locomotives. In San Mateo County, Caltrain is electrifying its fleet, and private companies are testing self-driving prototypes on our roadways. Air travel has clearly evolved with space as the new frontier, all driven by curiosity and technological changes.

James Belasco and Ralph Stayer, authors of *Flight of the Buffalo*, assert “Change is hard because people overestimate the value of what they have and underestimate the value of what they may gain by giving that up.”

In the 70s, the application for the CSR license exam asked if the applicant would be using Gregg shorthand, Pitman shorthand, or a stenotype machine. The exact same license exam was given to all candidates. Proficiency in reporting and transcribing a verbatim transcript within a certain amount of time and accuracy was required to be demonstrated before a license was issued. Knowing the method was simply a piece of information used by Board staff in administering the exam. At the end of the day, the key was to ensure the consumer was able to hire a competent reporter and could turn to the Board for assistance if a problem arose with a licensee.

Today, the reality is the same. **We are here to help ensure the integrity, neutrality, and fairness of the judicial process as it relates to court reporting services.** All litigants must be assured that transcripts are honestly and accurately prepared by certified court reporters. This is a hallmark of the industry that must not be compromised. Is how that record is created the important part or the accuracy and integrity of that record? Many perceptions are being put forth. The Board looks forward to working with the Legislature to continue its consumer protection mission and evaluate how best to protect the record.

Let me leave you with a couple of thoughts to ponder. Charles Darwin stated “[i]t is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change.” The only constant thing in life is change. Challenge your perception for clarity and decline to look at reality through only your lens. While our perspective is OUR truth, our perspective is not EVERYONE’S truth.

Successful Sunset Review

On October 2, 2019, Governor Newsom signed AB 1520 (Low) into law, extending the Court Reporters Board until January 1, 2024. “We are grateful to Assembly Member Low and his staff for their hard work in reviewing the performance of the CRB and supporting the continued hard work of this Board in protecting the consumer,” stated Board Chair Davina Hurt.

The Board looks forward to its continued work on such issues as firm registration and licensure of voice writers and, of course, the ongoing challenges of licensing and enforcement, the day-to-day work of Board staff.

Welcome, Robin Sunkees!



Governor Newsom appointed licensee Robin Sunkees to the Court Reporters Board in November 2019.

Ms. Sunkees of Carlsbad is a certified realtime reporter and has been an official court reporter for the San Diego County Superior Court since 1991. Before that she worked as an official court reporter for Maricopa County for five years. She has also worked as a freelance reporter.

As a licensee, Ms. Sunkees has been involved in the court reporting community as a member, leader, and mentor for many years. She is member of the San Diego Superior Court Reporters Association, the California Court Reporters Association (CCRA), and the National Court Reporters Association (NCRA). She is a past president of CCRA and received their Distinguished Service Award in 2018. She was awarded the distinction of Fellow of the Academy of Professional Reporters by NCRA. She chaired the National Committee of State Associations for NCRA and helped facilitate NCRA's annual Legislative Bootcamps and Leadership conferences. Additionally, she became a Certified Program Evaluator to review and analyze court reporting programs and their curriculum for NCRA approval.

“We warmly welcome Robin to the Board. She brings a wealth of knowledge and perspective that will benefit fellow Board members as they shape policy for the industry,” stated Yvonne Fenner, executive officer of the Court Reporters Board.

Fond Farewell to Dedicated Board Member

If you were to look back over the past 13 and a half years, what would you see? Have children and grandchildren been born, perhaps even graduated from high schools and colleges?

It was in October of 2007 that public Board member Elizabeth Lasensky was appointed to the Court Reporters Board. Her tenure draws to a close on June 1, 2020, upon the completion of three full four-year terms in addition to the partial one into which she was originally appointed.

In the entire time that she has served the consumers of the state of California, she has never missed a meeting. She has participated in three legislative sunset reviews and four Board strategic plans. She has taken on leadership roles from the vice chair position to co-chair of the online testing policy and procedures task force. She has testified before the Legislature in her role of co-chair of the sunset review committee.

“Elizabeth will be sorely missed,” asserted Yvonne Fenner, the Board's executive officer. “She unflinchingly kept the broader consumer point of view before the Board while it was discussing and making its decisions.”

“I'm honored to have served the public in this small capacity,” stated Ms. Lasensky. “Government by the people and for the people is only as effective as the people who get involved in the process.”

While we send our best wishes to Elizabeth in the next phase of her life, it is without a doubt that it will involve advocating for a better planet. Many thanks for her dedication!



Legislative Update

Bills enacted into law:

AB 5 (Gonzalez) – Worker status: employees and independent contractors.

(Chaptered 9/18/19) - This bill would place into statute the three-part legal test formulated in *Dynamex v. Superior Court*, (2018) 4 Cal.5th 903 (*'Dynamex'*) to determine whether a worker who performs services for a hirer is an employee or an independent contractor in cases related to existing Work Orders enforced through the Department of Industrial Relations and the Employment Development Department.

AB 253 (Stone) – Remote court reporting.

(Chaptered 10/2/19) - This bill would authorize the Santa Clara Superior Court to conduct a pilot project to study the potential use of remote court reporting.

AB 496 (Low) – Business and professions.

(Chaptered 9/27/19) - This bill would replace gendered terms and make various nonsubstantive changes to several sections of the Business and Professions Code, including changing the existing term “licentiate” to “licensee”. This bill would require the Director of the Department of Consumer Affairs to report audit and disciplinary findings annually to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee instead of the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee.

AB 1520 (Low) – Court Reporters Board of California

(Chaptered 10/2/19) – This bill would extend the operation of the board until January 1, 2024.

SB 601 (Morrell) – State agencies: licenses: fee waiver.

(Chaptered 10/12/19) - This bill would authorize state agencies to waive or reduce licensing fees for any individual or business displaced by a declared emergency.

SB 645 (Monning) – Civil discovery: depositions.

(Chaptered 8/30/19) - This bill would require that, in any civil action for injury or illness that results in mesothelioma or silicosis, a deposition examination of the plaintiff by counsel other than the plaintiff’s counsel of record be limited to 7 hours of total testimony if a licensed physician attests in a declaration that the deponent suffers from mesothelioma or silicosis, raising substantial medical doubt of the survival of the deponent beyond 6 months. A party would be authorized by this bill to seek up to 3 hours of additional deposition testimony for no more than 10 hours of total deposition conducted by the defendants. The bill would authorize a court to grant an extension beyond 7 hours if the court finds that an extension is in the interest of fairness, and determines that the health of the deponent does not appear to be endangered by the grant of additional time.

Bills Vetoed:

AB 476 (Blanca Rubio) – Department of Consumer Affairs: task force: foreign-trained professionals.

(Vetoed 10-12-19) - This bill would require the Department of Consumer Affairs to establish a task force to study the workforce integration of foreign-trained professionals. The task force would be required to solicit input from a variety of government agencies, including in-state and out-of-state licensing entities.

Legislative Update continued from page 4

Dead bills:

AB 199 (Calderon) – California Online Notary Act of 2019. (Assembly Judiciary Committee) - Among other things, this bill would authorize an online notary public to perform notarial acts, and online notarizations by means of audio-video communication.

Currently Following, status as of 3/5/2020:

AB 424 (Gabriel) – Depositions: audio or video recordings. (Senate Judiciary Committee) - This bill would clarify that a stenographic transcript accompanying an audio or video recording of deposition testimony offered into evidence must be prepared by a certified shorthand reporter.

AB 613 (Low) – Professions and vocations: regulatory fees. (Assembly Appropriations Committee) - This bill would authorize each board within the Department of Consumer Affairs to increase their fees every 4 years in an amount not to exceed the increase in the Consumer Price Index in the last 4 years. Fees increased pursuant to this bill would be exempt from the Administrative Procedure Act.

AB 1263 (Low) – Contracts: consumer services: consumer complaints. (Pending Committee Referral in Senate) – This bill would prohibit a licensee from limiting a consumer’s right to file a complaint with a licensing board or participate in an investigation into the licensee by the licensing board. A violation would constitute unprofessional conduct subject to discipline by the licensing board.

AB 1385 (Santiago) – Court reporter fees. (Senate Appropriations) – This bill, commencing July 1, 2020, would increase fees to \$1.13 for each 100 words for the original printed copy, \$0.26 for each 100 words for the first copy not simultaneously purchased with the original, and \$0.20 for each 100 words for all copies after the original or first copy when multiple copies are simultaneously purchased. The bill, on or before January 1, 2022, would require the Judicial Council to report to the Legislature recommendations to increase uniformity in transcription rate expenditures in California.

This bill would authorize the reporter to charge an additional 50% for special daily service for transcription in all cases.

AB 1469 (Low) - Court reporters: registration: nonshorthand reporting corporation entities. (Pending Committee Referral in Senate) - This bill, on and after January 1, 2021, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is registered with the board as a corporate court reporter provider. The bill would require an entity seeking registration to provide the board with certain information and satisfy specified requirements, including paying an annual registration fee not to exceed \$500 to the board and designating a board-certified reporter-in-charge, as specified. By requiring such an entity to pay a fee that is deposited into a continuously appropriated fund and by expanding the purposes of that fund, the bill would make an appropriation. The bill would require the board to approve an entity’s registration or deny the entity’s application upon making specified findings. The bill would make a registration valid for 5 years and would also provide for the suspension and revocation of a registration by the board under specified circumstances. The bill would require the board to make available on its internet website a directory of registered entities.

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AB 1616 (Low) – Department of Consumer Affairs: boards: expunged convictions. (Pending Committee Referral in Senate) – This bill would require programs under the Department of Consumer Affairs that post information on its website about a revoked license due to a criminal conviction to update or remove information about the revoked license within six months of the board receiving an expungement order related to the conviction. The person seeking the change must pay to the board a fee, determined by the Department, designed to cover the administrative costs of these requirements.

AB 1850 (Gonzalez) – Employee classification. (Assembly Labor and Employment Committee) – This bill is a vehicle to address the Dynamex decision, 4Cal.5th 903, and clean-up related to AB 5 (Gonzalez, Chapter 296, Statutes of 2019).

AB 1928 (Kiley and Menendez) – Employment standards: independent contractors and employees. (Assembly Appropriations) - This bill is a vehicle to address the Dynamex decision, 4Cal.5th 903, and clean-up related to AB 5 (Gonzalez, Chapter 296, Statutes of 2019).

AB 2028 (Aguiar-Curry) – State agencies: meetings. (Assembly Committee on Governmental Organization) - This bill would require state bodies subject to the Bagley-Keene Open Meeting Act to post all relevant background documents online at least ten days prior to a public meeting, instead of the agenda alone. Such writing and materials would only be eligible for distribution or discussion at the noticed meeting if posted within the ten-day timeframe. This bill would also clarify that the public has the right to comment on any agenda item listed for that meeting, regardless of whether it has been previously discussed.

AB 2113 (Low) – Refugees, asylees, and immigrants: professional licensing. (Assembly Business and Professions) - This bill would require programs within the Department of Consumer Affairs to expedite and assist the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted political asylum, or having a special immigrant visa, as specified. The bill would authorize programs to adopt regulations necessary to administer these provisions.

AB 2185 (Patterson) – Professions and vocations: applicants licensed in other states: reciprocity. (Assembly Business and Professions) - This bill would require each program at the Department of Consumer Affairs to issue a license to an applicant if the applicant holds an out-of-state license in good standing in the discipline and practice level and if the applicant meets certain requirements, including but not limited to, holding the out-of-state license for the past three of five years.

AB 2214 (Carrillo) – Administrative Procedure Act: notice of proposed action. (Assembly Accountability and Administrative Review) - This bill would require a state agency, including programs within the Department of Consumer Affairs, to conspicuously post specified regulatory documents on its website within 24 hours of submitting a proposed action to the Office of Administrative Law.

AB 2631 (Cunningham) – License fees: military partners and spouses. (Assembly pending referral) - This bill would require programs within the Department of Consumer Affairs to waive initial or original licensing fees for spouses and domestic partners of active duty military members.

AB 2748 (Fong) – Public agencies: information practices. (Assembly pending referral) - This bill would require public agencies subject to the Information Practices Act of 1977, including the Department of Consumer Affairs and its programs, to collect the least amount of personal information required to fulfill the purposes of its collections, and would require those agencies to substitute the collection of nonpersonal information instead of personal information to fulfill any information gathering requirements whenever possible.

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AB 2978 (Ting) – Department of Justice: arrest and conviction records: review. (Assembly pending referral) – Pursuant to AB 1076 (Ting, Chapter 578, Statutes of 2019), the Department of Justice is required, beginning January 1, 2021, to review statewide criminal justice databases and identify individuals who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or criminal conviction records, withheld from disclosure or modified. Current law provides that individuals are eligible for this relief, among other criteria, if the arrest or conviction occurred on or after January 1, 2021. This bill would instead require the arrest or conviction to have occurred on or after January 1, 1973.

AB 3045 (Gray) – Department of Consumer Affairs: boards: veterans: military spouses: licenses. (Assembly pending referral) - This bill would require certain programs within the Department of Consumer Affairs to issue licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions.

AB 3087 (Brough) – Professions and vocations. (Assembly pending referral) - This is a spot bill relating to the Department of Consumer Affairs.

SB 873 (Jackson) – Gender: discrimination: pricing. (Senate Judiciary and Governance & Finance) – This bill would prohibit business establishments from charging different prices for products from the same manufacturer that are substantially similar if this price difference is based on the gender of the person who is the intended user of the product.

SB 878 (Jones) – Department of Consumer Affairs Licensing: applications: wait times. (Senate Business, Professions and Economic Development) – This bill would require each licensing program within the Department of Consumer Affairs to prominently display on its website the current average timeframe for processing initial and renewal license applications for each license it offers.

SB 891 (Chang) – Department of Consumer Affairs. (Senate pending referral) – This is currently a spot bill relating to the Department of Consumer Affairs.

SB 926 (Hill) – Business: retail stores: cash payments. (Senate Business, Professions and Economic Development) – This bill would require retail stores to accept cash payment for any transaction, subject to specified exemptions. This bill would require the Department of Consumer Affairs to enforce these provisions with a civil penalty ranging between \$25-\$500.

SB 937 (Hill) – State agencies: web accessibility. (Senate Judiciary and Senate Governmental Organization) – This bill would authorize a state agency to temporarily remove public documents from digital access if a justifiable impediment exists, the Director of Technology verifies the impediment prohibits full compliance, and the state agency complies with various requirements, including but not limited to, citing the reason for the document's removal and listing options and instructions for how to access the document offline. This bill would make any file or document removed after October 14, 2017, subject to these requirements.

SB 1106 (Gonzalez) – Operators of computer-aided realtime transcription systems proceedings: certification. (Senate Judiciary) – This bill would require an individual requiring the services of an operator of a computer-aided realtime transcription system to give advance notice of this need, as specified, and would require the operator to provide the speech-to-text equipment to be used, unless otherwise provided by the court. The bill would require a sign to be posted in a prominent place indicating the availability, and how to request, the services of an operator. The bill would also require the Judicial Council to develop and approve official forms for notice of the availability of the services of an operator and to

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develop and maintain a system to record utilization by the courts of the services of certified operators of computer-aided realtime transcription systems, the services of sign language interpreters, and the services of otherwise uncertified operators, interpreters, or captioners.

This bill would instead authorize an operator of a computer-aided realtime transcription system to be present during jury deliberation.

This bill, on or before January 1, 2022, would require the board to adopt standards for certifying operators for computer-aided realtime transcription (CART) systems and would authorize the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided realtime transcription systems. The bill would authorize the board to collect a certification fee to cover the board’s costs of administering those provisions. The bill, on or before January 1, 2026, would also require the board to report to the Legislature the number of operators of computer-aided realtime transcription systems that, between January 1, 2022, and July 1, 2025, have successfully been certified pursuant to the standards adopted by the board.

SB 1324 (Allen) – Professional licenses. (Senate pending referral) – This bill would require the Department of Consumer Affairs, among other stated entities, to place a prominently displayed military licensure icon or hyperlink on its website that is linked to information about each occupational program for licensure or certification that it administers, along with additional information relating to the professional licensure of veterans, service members, and their spouses. This bill would also require the Department of Consumers Affairs to submit an annual report to the Legislature based on information collected to satisfy the requirements of this bill.

Voice Writing Update

In a last-minute amendment to AB 1520 (Low) last year, permission to issue certificates for voice writing was denied by the Legislature. Specifically, Business & Professions Code 8016.5 states:

- (a) The board shall not issue a certificate for the practice of shorthand reporting by means of voice writing or voice recognition technology.*
- (b) It is the intent of the Legislature to address the issue of appropriate regulation of shorthand reporting by means of voice writing or voice recognition technology.*

At the meeting on November 15, 2019, the Board had a lengthy discussion of the options of issuing licenses to voice writers who qualify under existing law and working with the Legislature to make statutory changes to the practice act to include voice writing. The Board determined at the time of that meeting that it could continue to issue licenses that do not specify “by means of voice writing or voice recognition technology” by administering the same test regardless of the type of equipment used by the candidate.

However, until the Legislature provides clarity on the issue, the Board will not administer the test to voice writers. The Board looks forward to working with the Legislature to that end.

AB 2138 Implementation Regs Underway

At its July 12, 2019, meeting, the Board approved language for regulations to implement the requirements set out in AB 2138, which requires boards to amend their existing regulations governing substantially related crimes or acts as well as rehabilitation criteria. The regulations package was published on February 21, 2020.

No public hearing is currently scheduled but one may be requested no later than 15 days prior to the close of public comment, which is April 6, 2020. Comments may be submitted to the Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833, to the attention of Paula Bruning.

To read the full language of the proposed changes, follow this link: <https://www.courtreportersboard.ca.gov/lawsregs/index.shtml>.

Passage of AB 5 (Gallagher) Hits Court Reporting Industry

The court reporting industry has joined many other traditionally independent contractor industries in struggling to find its way after the passage of AB 5, which, among other things provides that a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business.

Those seeking guidance or assistance in determining whether workers qualify as independent contractors or employees may wish to contact the Department of Industrial Relations, which oversees worker classifications, wage, and benefit issues and has authority to regulate the wages, hours, and working conditions in California pursuant to the Labor Code and the California Constitution. They have published guidance on this issue that can be viewed at the following website: https://www.dir.ca.gov/dlse/FAQ_IndependentContractor.htm.

Additionally, the Employment Development Department has published a Determination of Work Status Guide that can be viewed at the following website: https://www.edd.ca.gov/pdf_pub_ctr/de1870.pdf. Further information about the Employment Development Department's role in determining worker status can be viewed at https://edd.ca.gov/pdf_pub_ctr/de231es.pdf.

Businesses can also view several self-study lessons offered by the Employment Development Department on worker classification at https://www.edd.ca.gov/Payroll_Taxes/Web_Based_Seminars.htm under "Employment Status Tutorials." Please keep in mind the Employment Development Department materials likely do not include information on the *Dynamex* decision and do not account for the changes to law AB 5 will cause.

If questions arise, you may wish to reach out to your legal counsel.

Frequently Asked Questions

Q In a deposition where the reporter is not able to get a stipulation from all the parties present to go off the record but needs to do so to protect the integrity of the record, what takes precedence?

A Pursuant to the Professional Standards of Practice, if the accuracy of the record is in jeopardy, the reporter would notify all counsel he/she is unable to accurately report the proceedings and is going off the record. 16 CCR 2475(b)(3) specifically holds that a reporter must: “*Perform professional services within the scope of one’s competence, including promptly notifying the parties present or the presiding officer upon determining that one is not competent to continue an assignment. A licensee may continue to report proceedings after such notification upon stipulation on the record of all parties present or upon order of the presiding officer.*”

Q My question is if it would be okay to use “(speaking indistinctly)” blurbs instead of “(unintelligible)” blurbs in the transcript of a person who I struggled really, really hard to understand. I’m all over the record asking the witness to repeat himself. My proofreader’s comment is she likes it “if it is allowed,” so I thought I’d ask you what you think.

A No, neither of these blurbs is acceptable. The Professional Standards of Practice cited above require you to interrupt each time to make the record or to advise the attorneys that you are unable to give them an accurate transcript of the proceedings. Therefore, a court reporter making the record cannot use any such notations or blurbs in the transcript that would take the place of words spoken. The blurbs you may be referring to are only used when transcribing an audio proceeding where, obviously, a court reporter was not present.

Q My question is if the job was taken in 2017, for example, does the 2017 version of the CCP apply? Or does the current Code apply? Because the Code has changed slightly over the years.

A While current law governs, as to any specific questions about individual requirements, you may wish to seek legal counsel.

Q If I’m reading 2025.540 correctly, the only things that the deposition officer has to certify are “that the deponent was duly sworn and that the transcript or recording is a true record of the testimony given.” Every cert I’ve ever seen is a page long with a lot of additional text.

I see what language the code says needs to be included, but could a court reporter be disciplined by the CRB for also including language on their certificate page to the effect that the deponent’s testimony is only certified to the date the certificate was signed by the deposition officer, at which point, per stipulation of counsel, the custody of the unsealed original was transferred to counsel in this matter?

A No, the transcript is either certified or not. There is no “conditional” certification.

Q I have seen many different cert pages. Can you explain what information must be contained on the cert page?

A For depositions, CCP 2025.540(1) states: “*The deposition officer shall certify on the transcript of the deposition, or in a writing accompanying an audio or video record of deposition testimony, as described in Section 2025.530, that the deponent was duly sworn and that the transcript or recording is a true record of the testimony given.*”

For court, CCP 269(b) states: “*If a transcript is ordered by the court or requested by a party, or if a nonparty requests a transcript that the nonparty is entitled to receive, regardless of whether the nonparty was permitted to attend the proceeding to be transcribed, the official reporter or official reporter pro tempore shall, within a reasonable time after the trial of the case that the court designates, write the transcripts out, or the specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify that the transcripts were correctly reported and transcribed, and when directed by the court, file the transcripts with the clerk of the court.*” [Emphasis added.]

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Q I just took a deposition where plaintiff counsel wanted to mark the transcript as confidential, but defense counsel would not agree. A disagreement ensued, and plaintiff counsel indicated he wanted to suspend the deposition to seek a protective order. They then continued to argue for another minute or two. Should the transcript immediately end when the “protective order” was first mentioned, or should I include the additional arguing that ensued until plaintiff counsel left?

A California CCP 2025.470 states: “*The deposition officer may not suspend the taking of testimony without the stipulation of all parties present unless any party attending the deposition, including the deponent, demands that the deposition officer suspend taking the testimony to enable that party or deponent to move for a protective order under Section 2025.420 on the ground that the examination is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses that deponent or party.*” The code is specific to the taking of testimony; therefore, the transcript would include all argument.

Board Vacancy

The Board has a public member vacancy, the position appointed by the Senate Rules Committee. Anyone interested in helping set policy for the Court Reporters Board is encouraged to apply.

To qualify as a public member, the individual must not be a current or former CSR or a close family member of a CSR. Additionally, the individual must not have engaged in the profession or have provided representation of the profession for five years preceding appointment to a public member position.

Each Board position has a term of up to four years. Members may apply for a second four-year term.

Those interested in applying for the public member vacancy should contact the Senate Rules Committee at (916) 651-4151.

Transcript Reimbursement Fund Update

In April 2018, the Board’s popular Transcript Reimbursement Fund (TRF) closed due to lack of funding. Code dictates that the Board must stop transfers to the fund when its overall budget reserve falls below six months. Restorative measures have been put in place to increase the Board’s revenue. Current projections suggest that the fund may reopen starting fiscal year 2020-21.

Applicants may reapply when funding is reestablished. To be added to the Board’s email notification list, visit the website’s consumer section at <https://www.courtreportersboard.ca.gov/webapps/subscribe.php>.

CSRs Needed for Exam Workshops

If you currently work as a CSR and your license is in good standing, *we need you.* The CSR exam development process involves a series of workshops that requires active CSR participation. Without valuable subject matter expert input, the workshops cannot take place, and without a good supply of test questions in the test bank, the Board will not be able to continue to offer the written exam three times per year.

For the health and growth of the industry, please consider accessing the Board’s calendar at www.courtreportersboard.ca.gov to see if any of the upcoming exam workshop dates might work for you. Each two-day workshop is held from Friday to Saturday in Sacramento. All travel accommodations are arranged by Board staff. All workshop participants will be provided with a per diem rate of \$150 per day. Those living farther than 50 miles will be reimbursed for hotel accommodations at the State approved rate.

Please pass this important message on to reporters you know. The future success of the CSR industry lies with you. For more information on participating in an exam workshop, contact Kim Kale at Kim.Kale@dca.ca.gov.

Examination Statistics

Written Exams				
July 1, 2019 - October 31, 2019		Total	Pass	Overall %
English	Overall	36	17	47.2%
	First Timers	22	16	72.7%
Professional Practice	Overall	29	16	55.2%
	First Timers	22	12	54.5%
March 1, 2019 - June 30, 2019		Total	Pass	Overall %
English	Overall	30	14	46.7%
	First Timers	12	10	83.3%
Professional Practice	Overall	19	14	73.7%
	First Timers	11	8	72.7%

Dictation Exam			
November 2019	Total	Pass	Overall %
Overall	91	21	23.1%
First Timers	24	15	62.5%
July 2019	Total	Pass	Overall %
Overall	113	37	32.7%
First Timers	22	17	77.3%

CSRs Needed to Write Skills Exams

Would you like to help write the “CSR”? The Board is looking for licensed court reporters to develop dictation exams.

More tests are needed than ever! The Board recently authorized the reading of two exams to each test group. Additionally, a large bank of tests is needed for the future of online testing.

Participants attend a one-day workshop to learn the ins and outs of creating skills exams. The Board provides a per diem rate of \$150 for the workshop. Travel arrangements will be made by Board staff. For those who live more than 50 miles from the workshop location, hotel accommodations will be reimbursed at the State-approved rate (may vary by county).

Workshop dates and locations will be announced as they become available. If you have a CSR license in good standing and are not mentoring or instructing students, please contact Kim Kale at Kim.Kale@dca.ca.gov to be added to our list!

Newly Licensed Certified Shorthand Reporters

July 1, 2019 – February 29, 2020

The Court Reporters Board of California is pleased to welcome the following people to the rolls of licensed California court reporters:

Maria Alvarez, Irvine, CSR 14356	Myrina Kleinschmidt, Wayzata, MN, CSR 14366
Ai Arias, Winnetka, CSR 14334	Anastassia Kokezas, Castro Valley, CSR 14320
Leann Beauchamp, Sutter, CSR 14321	Eun Kwahk, Fullerton, CSR 14326
Brittney Bova, Stockton, CSR 14357	Kaylee Lachmann, Washington, DC, CSR 14348
Rachel Brown, Huntington Beach, CSR 14324	Terri Le, San Jose, CSR 14338
Nora Chen, Rancho Cucamonga, CSR 14329	Bryant Lehwald, Torrance, CSR 14336
Amber Chiasson, Rancho Cucamonga, CSR 14340	Frances Lenart, Eagle, CO, CSR 14347
Ashley Chislock, Cypress, CSR 14327	Debbie Leonard, Houston, TX, CSR 14350
Janet Cho, Santa Ana, CSR 14359	Samantha Maciel, Monterey Park, CSR 14319
Denise Courtney, Castro Valley, CSR 14354	Patrick Mahon, Minnetonka, MN, CSR 14318
Jessica Delariva, Moreno Valley, CSR 14331	Jennifer Marks, Folsom, CSR 14343
Lisa Diamond, Oak Creek, WI, CSR 14325	Kristen Mc Elderry, La Palma, CSR 14328
Debra Dibble, Kamas, UT, CSR 14345	Lisa Mendel, Foresthill, CSR 14353
Christopher Dunsmore, Solvang, CSR 14330	Megan Mendoza, Sacramento, CSR 14344
Patricia Garrido, Cerritos, CSR 14364	Harmony Menier, Sun Valley, CSR 14335
Rebekah Gavin, Visalia, CSR 14361	Jessica Minch, Mentone, CSR 14333
Bethany Glover, Fountain Valley, CSR 14322	Erin Ontiveros, Corona, CSR 14339
Franchesca Gutierrez, Monrovia, CSR 14355	Miranda Perez, Mission Viejo, CSR 14352
Nicole Hallman, North Hollywood, CSR 14337	Ashley Pulido, Chowchilla, CSR 14351
Kandice Herkert, Eureka, CA, CSR 14349	Bianca Ramos, Oak Hills, CSR 14317
Mirbella Hernandez, South Gate, CSR 14362	Jennifer Richardson, Brea, CSR 14341
Marissa Holt, Long Beach, CSR 14332	Ashley Sanchez, Los Angeles, CSR 14346
Melanie Humphrey-Sonntag, Greeley, CO, CSR 14365	Dorothy Simpson, Orange, CSR 14323
Reanna Hurtado, Riverside, CSR 14360	Amber Valles, Huntington Beach, CSR 14367
Justine Jones, Suffolk, VA, CSR 14342	Katherine Weymouth, Bakersfield, CSR 14358
Julia Kaloyeros, Saint Petersburg, PA, CSR 14363	

CSR Spotlight

Have you ever traveled through time and space? Or how about to a distant land without ever leaving your seat? That's a little how reporting depositions feels to freelance court reporter Siew Ung.

"It feels like a play. The performers are shining, and here I am trying my best to take it all down," shared Siew. She also compared her working experience to the television show Quantum Leap. Like fictional scientist Sam Beckett, she "leaps" from one experience to the next!

While in court reporting school, she practiced to audiobooks. She said, "It made practicing effortless because I wanted to know what happened next in the story."

Siew is currently exploring acupuncture by attending acupuncture school one day a week. She feels the effects of acupuncture treatments herself, although admitted the sensations are hard to describe. "It's similar to the impressions and feelings of a situation I'm left with after a deposition," she said.

Where might court reporting take you next?

Where Is She Now – A Court Reporting Student's Journey

In our Spring 2014 edition of CRB Today, we highlighted a student, Elizabeth Gonzalez, from Taft College at Westec Court Reporting Program. You can still find Elizabeth at Taft, but not as a student these days.

The mother of seven has taken breaks from court reporting school on and off over the last decade. Due to financial reasons, she left court reporting school and went to work helping developmentally disabled adults while also taking paralegal classes. Soon after graduation, her daughter was born with special needs. She eventually made her way back to court reporting school only to be pulled away again and again to help family members who were diagnosed with one health problem after another. When she finally enrolled in speed-building classes again, she was faced with her own health issues and found her mind and heart elsewhere.

"That's when the door opened for a job opportunity at Taft," Elizabeth said. She continues to learn steno-related things daily, and she feels fulfilled helping students. "I

have been a reader for the last two years and an instructor for legal classes for the last two semesters. I absolutely love my job and the people I get to work with!" She is still considering finishing school and becoming a certified shorthand reporter, but for now is very satisfied with her rewarding pathway.

"Her perseverance through everything that has been thrown at her is remarkable," commented Gary Shaw, Court Reporting Program Manager at Taft. "It also makes me think about how many career paths someone can take as a result of court reporting training."



Student Spotlight

Rocio Garcia



After working in the same job field for more than 20 years I began to find myself frustrated and experiencing very little sense of accomplishment. It was these feelings that ultimately led me to enrolling in court reporting school.

When I was a little girl and was asked the question: “What do you want to be when you grow up?” I always answered a, “computer programmer.” However, when I was in high school, I attended a career job fair. There I came across the court reporting school booth where I met a working reporter. We talked about the profession briefly, and eventually she wrote out my name in steno on her paper machine. She tore it off and handed it to me. It totally blew my mind! How was it possible that those letter combinations spelled out my name? I became so intrigued by it that I carried that piece of paper with my name written on it in steno for years in my wallet, all the while thinking this is something that I would really like to do one day.

Fast-forward five years or so, with a family and two small children I needed a job to help support the family. I began an on-the-job training assignment in a school district and was hired on permanently. It was a good job that paid well and allowed me to promote quickly but never felt fulfilling. My mind would often wander off to that piece of paper the court reporter had given me and the what ifs.

Upon seeing my unhappiness, my super-supportive husband and children encouraged me to register for court reporting school. I kept insisting that I was too old to pursue this career path, but they eventually convinced me that you are never too old to pursue your dreams. So, I did some research and felt blessed to find out about the program offered through Taft Community College. A short time later I left my job and enrolled in the program. To say that this program is difficult, demanding, challenging, and at times so frustrating is an understatement. It is like learning to speak, read, and write a whole new language. And that’s coming from someone who is a second language learner.

I’ve worked very hard and am proud to say I am currently at 200 wpm four voice and I love the challenge today just as much as I did the very first day of class. I have two more tests to pass, and then I am off to the state test. I can’t wait to be a part of the few who make it. I’ve come to find that there are so many job opportunities available aside from working in a courtroom and taking depositions. I’m very eager to see what the future holds!

When I’m not working on schoolwork or practicing on my steno machine, I enjoy spending time with my family, grandbaby, and furbaby. I enjoy cooking, bike riding, gardening, playing board games, listening to music, dancing, and outings with friends.

Skills Exam Online Update

In July of 2017, the Board approved updated exam policies and procedures which would allow for online testing of the skills portion of the CSR exam. A contract is now in place, and the online testing is in place to begin except for one wrinkle.

While the contracting process was underway, the Board approved a pilot project that would offer two skills exams at each CSR exam offered through November of 2019. For security reasons it is not possible to offer two tests online under the same conditions as the onsite exam; thus, the Board was faced at its November 15, 2020, meeting with deciding whether to delay the implementation of the online testing or continue to offer the two tests.

After a lively discussion the Board voted to see the two-test pilot project through to its conclusion in November of 2020, at which time it will look at the data available to decide how best to offer the skills exam going forward.

Court Reporters Board of California - Citations and Fines Issued July 2019 - January 2020

The Citations and Fines remain posted for one year from the date initially issued. To find out whether a specific licensee has ever been issued a Citation and Fine prior to the date shown, or to obtain further information on a specific Citation and Fine, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

The following respondents' Citation and Fines that reflect "Satisfied" have been satisfactorily resolved. Payment of a fine is not an admission to the violation.

RESPONDENT NAME - COUNTY	LICENSE NO.	DATE ISSUED	VIOLATION	SATISFIED
Souza, Kelly Sacramento County	11951	01/22/2020	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	No
Foreman, Sonia San Bernardino County	11512	01/09/2020	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcripts)	Yes
Chaney, Michael Riverside County	8415	12/12/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	Yes
Huff, Yolanda Riverside County	12570	11/04/2019	Business & Professions Code Section 8025 (d): Incompetence in practice... (multiple drops in stenographic notes)	No
Kelstrom, Julie Shasta County	10547	09/06/2019	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No
Tomlinson, Tamoi San Bernardino County	13864	09/05/2019	Business & Professions Code Section 8016: Engaging in the practice of shorthand reporting without a certificate of licensure in full force and effect. (late renewal)	No
Cruz, Cynthia San Bernardino County	9095	09/03/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct... (failure to provide final invoice for transcripts)	No
Jetter, Caroline Ventura County	11568	07/03/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct... availability, delivery, execution and certification of transcripts... (failed to timely produce transcript)	Yes

Court Reporters Board of California - Disciplinary Actions Current as of February 29, 2020

To find out whether a licensee has had disciplinary action, or to obtain further information on specific disciplinary action for a licensee listed below, please contact the Board office toll-free at 1-877-3-ASK-CRB (1-877-327-5272).

A disciplinary action is a formal proceeding that includes the basis for the action sought against the licensee. These disciplinary actions are held in front of an Administrative Law Judge and allow for attorney, testimony, and challenges as provided in the legal system. The Administrative Law Judge then issues a decision that the Board can accept, reject, or send back for additional information. In the case of a stipulated settlement, an agreement was reached before going in front of an Administrative Law Judge. Disciplinary cases can result in license suspension or revocation and/or a probationary status with conditions.

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Bivens, Shawn Los Angeles County	7719	Default Decision and Order; license revocation.	12/16/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct, Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcripts; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with order of abatement; Section 8025 (h): Failure to pay Citation and Fine.
Tougas, Faith Riverside County	14137	Default Decision and Order; license revocation.	08/12/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct; Section 8025 (e): Repeated unexcused failure to transcribe notes; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcript; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with order of abatement.

Court Reporters Board Of California - Disciplinary Actions Pending Current as of February 29, 2020

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Ryan, Sangeet Sacramento County	13520	Accusation	12/12/2019	Business & Professions Code Section 8025 and 490: Conviction of a crime.
Perez, Calipy Los Angeles County	14161	Accusation	12/12/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct, willful violation of duty; Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcript.

Disciplinary Actions Pending continued from page 11

RESPONDENT NAME - COUNTY	LICENSE NO.	ACTION	EFFECTIVE DATE	CHARGES
Hurtado, David	N/A	Statement of Issues	10/31/2019	Business & Professions Code Sections 475 (a)(3) and 480 (a)(2): Act involving dishonesty; Sections 475 (a)(1) and 480 (d): False statement on license application; Section 8025 (c): Fraud or misrepresentation in obtaining a certificate; Section 480 (d): False statement in application; Section 480 (a)(3) and 8025 (c): Acts that would be grounds for discipline of licensee.
Grant, Beth Sonoma County	10943	Accusation	10/29/2019	Business & Professions Code Section 8025 (d): Unprofessional conduct, Section 8025 (j) and CA Code of Regulations, Title 16, Section 2475 (b)(4): Failed to prepare and deliver transcripts; Section 8025 (e): Repeated failure to transcribe notes; Section 8025 (h): Failure to pay fines; Section 8025 (j) and CA Code of Regulations, Title 16, section 2480 (e): Failure to comply with Citations.

Board Office Remains Open During COVID-19

As many Californians and other inhabitants around the world experience various versions of “shelter in place” and “social distancing,” the Court Reporters Board has been designated as an essential entity and continues to operate during normal business hours. We appreciate your patience as we work on implementing new technologies to work remotely and adhere to social distancing guidelines. We apologize in advance for any delays in reaching our staff or potential delays in our processing times. As we all navigate the uncertainty of Novel Coronavirus (COVID-19) and the ever-changing landscape of business and government during this time, we encourage you to check our website to stay up-to-date with any adjustments.



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