

**State of California
Office of Administrative Law**

In re:
Court Reporters Board of California

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 2403, 2411, 2414

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1101-01

OAL Matter Type: Regular (S)

In this rulemaking action, the Board amends its regulations to add voice writing as a means of practicing shorthand reporting and as a method of qualifying for the certified shorthand reporter examination, in accordance with Business and Professions Code section 8017.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2024.

Date: December 18, 2023



Thanh Huynh
Senior Attorney

**For: Kenneth J. Pogue
Director**

**Original: Yvonne K. Fenner, Executive
Officer**

Copy: Betsy Figueira

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

STD. 400 (REV. 10/2019)

per agency request

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0829-05	REGULATORY ACTION NUMBER 2023-1101-01	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Court Reporters Board of California			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

DEC 18 2023

1:32 PM

OFFICE OF ADMIN. LAW
2023 NOV 1 AM 11:24

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Voice Writers		TITLE(S) 16	FIRST SECTION AFFECTED 2403	2. REQUESTED PUBLICATION DATE September 8, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Betsy Figueira	TELEPHONE NUMBER (916) 263-3660	FAX NUMBER (Optional) (916) 263-3664
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2023 36-2	PUBLICATION DATE 9/8/23

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Voice Writers		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND		
	2403, 2411, 2414		
TITLE(S) 16	REPEAL		
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input checked="" type="checkbox"/> Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs			
7. CONTACT PERSON Betsy Figueira	TELEPHONE NUMBER (916) 263-3660	FAX NUMBER (Optional) (916)-263-3664	E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Yvonne K. Fenner
TYPED NAME AND TITLE OF SIGNATORY
Yvonne Fenner, Executive Officer, Court Reporters Board

DATE
Oct 30, 2023

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 18 2023

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA

ORDER OF ADOPTION
Voice Writers

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Article 1

Amend section 2403 of Division 24 of Title 16 of the California Code of Regulations to read as follows:

§ 2403. Scope of Practice.

The practice of shorthand reporting is defined as the making, by means of written symbols or abbreviations in shorthand or machine shorthand writing, or by voice writing, of a verbatim record of any oral court proceeding, deposition, court-ordered hearing or arbitration, or proceeding before any grand jury, referee, or court commissioner and the accurate transcription thereof.

The accurate transcription thereof includes, but is not limited to:

(a) In superior court

(1) Taking down in shorthand or by voice all testimony, objections made, rulings of the court, exceptions taken, arraignments, pleas, sentences, arguments of the attorneys to the jury and statements and remarks made and oral instructions given by the judge or other judicial official.

(2) Writing the transcript out, or the specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine.

(3) Certifying that the transcripts were correctly reported and transcribed.

(4) Filing the transcripts with the clerk of the court when directed by the court.

(5) Making and preparing original transcription on paper.

(6) Delivering a copy of the original transcript in a computer-readable form in standard ASCII code, unless otherwise agreed by the reporter and the court, party, or other person requesting the transcript.

(7) Labeling disks of transcriptions with the case name and court number, the dates of proceedings contained on the disk, and the page and volume numbers of the data contained on the disk and with each disk containing the identical volume divisions, pagination, line numbering, and text of the certified original paper transcript or any portion thereof and sequentially numbered within the series of disks.

(8) Retaining original stenographic or voice notes for the statutorily-required period, or delivery thereof to the court when required by local rule.

(b) For a deposition

(1) Administering the oath or affirmation to the deponent.

(2) Making a full or partial copy of transcription available.

(3) Notifying all parties who attended a deposition of requests for expedited delivery made by other parties for either an original or copy of the transcript, or any portion thereof.

(4) Recording testimony by stenographic or voice means and retaining stenographic or voice notes of depositions for statutorily mandated period of time.

(5) Sending written notice to deponent and to all parties attending the deposition when the original transcript of the testimony for each session of the deposition is available for reading, correcting and signing.

(6) Indicating on the original of the transcript, if the deponent has not already done so at the office of the shorthand reporter, any action taken by the deponent and indicate on the original of the transcript the deponent's approval of, or failure or refusal to approve, the transcript.

(7) Sending written notification to the parties attending the deposition of any changes which the deponent timely made in person.

(8) Certifying on the transcript that the deponent was duly sworn and that the transcript or recording is a true record of the testimony given.

(9) Securely sealing the transcript in an envelope or package endorsed with the title of the action and marked: "Deposition of (here insert name of deponent;)" and promptly transmitting it to the attorney for the party who noticed the deposition.

(10) If the reporter still has a copy, making a transcript of a deposition testimony available to any party requesting a copy, on payment of a reasonable charge.

NOTE: Authority cited: Sections 8007 and 8017, Business and Professions Code.
Reference: Sections 8007, and 8017, and 8017.5, Business and Professions Code;

Sections 269, 271, 2025.330, 2025.510, 2025.520, 2025.540, 2025.550 and 2025.570, Code of Civil Procedure; Sections 13401 and 13410, Corporations Code; and Section 69955, Government Code.

Article 2

Amend Section 2411 as follows:

§ 2411. Criteria for Recognition of Court Reporting Schools; Continued Validity; Reports.

A recognized court reporting school shall offer at least the following minimum prescribed course of study for not less than the hours specified in order to obtain and maintain board approval:

(a) Machine Shorthand or Voice Writing and transcription 2300 hours

(1) The program shall include classroom lecture or non-lecture instruction in the mastery of making verbatim records of depositions, hearings, meetings, conventions and judicial proceedings, by means of machine shorthand writing or voice writing, and the accurate transcription of such proceedings.

(2) Tests used to qualify students to sit for the CSR exam shall be transcribed under direct supervision. Schools may require all other tests to be transcribed under supervision.

(3) When the machine shorthand student reaches a proficiency of 80 words per minute on unfamiliar material, the student shall be required to transcribe dictation from stenographic notes of varying difficulty (for the purposes of this subsection, "varying difficulty" shall mean content containing changing or differing degrees of complexity of vocabulary) and subject matter of a length equal to five minutes. When the voice writing student reaches a proficiency of 120 words per minute on unfamiliar material, the student shall be required to transcribe dictation from voice notes of varying difficulty and subject matter of a length equal to five minutes.

(4) Individual dictation classes, other than theory classes, shall include only students whose tested reporting writing-speeds are within the same 20-30 words per minute range on similar dictation material.

(5) Students shall be provided the opportunity to read back from their stenographic or voice notes a minimum of one time each day.

(6) Schools shall provide students with the opportunity to practice with school-approved speed-building material a minimum of one hour per day after school hours.

(7) These hours may be reduced if a student is able to pass the qualifier exam defined in section 2412 of this chapter before having completed these hours.

(8) When the voice writing student reaches a proficiency of reporting 200 words per minute on unfamiliar material, the student will be tested to determine that they cannot be heard from a distance of two feet away from where the student is reporting.

(b) English 240 hours

A minimum of 150 of these hours shall be in classroom lecture or non-lecture instruction. Instruction in the fundamentals of English grammar and usage with emphasis on sentence structure, punctuation, spelling, capitalization, and vocabulary development.

(c) Medical 120 hours

A minimum of 75 of these hours shall be in classroom lecture or non-lecture instruction. Instruction, dictation, and transcription in human anatomy, including definitions of medical prefixes and suffixes and terminology.

(d) Legal 150 hours

A minimum of 100 of these hours shall be in ~~the~~ classroom lecture or non-lecture instruction. Instruction, dictation, and transcription material shall cover diverse subject areas including, but not limited to, the following:

(1) Legal Terminology.

The general concepts of the law of real and personal property, torts, contracts, probate, family, business, criminal, evidence, and civil procedure.

(2) Court and Deposition Procedures.

(A) The responsibility of the reporter in the courtroom, including the reporting of jury impanelment, opening statements, testimony, objections, summations, jury instructions, approaching the bench, in camera proceedings, and reading back to the jury.

(B) The responsibility of the reporter in depositions, including administering oaths, the reporting of testimony and objections, reporting with an interpreter, reading back, directing (citing) the witness, certifying questions, and marking exhibits.

(C) Management of pertinent records, including stenographic or voice notes, work sheets, financial records, daily reporting jobs, exhibits and transcripts.

(3) Ethics of the Court Reporting Profession.

The professional responsibilities of a reporter, including, but not limited to, those outlined in the Professional Standards of Practice.

(4) The California law and regulations and California Rules of Court affecting Certified Shorthand Reporters.

(e) Keyboarding.....45 words per minute net
A course to prepare students to achieve a typing proficiency of 45 words per minute.

(f) Transcript Preparation 25 hours

(1) Instruction in the current methods for preparing and producing a complete transcript, including, but not limited to, equipment and formatting standards.

(2) Instruction in the preparation of transcripts, including covers, appearance pages, index pages, speaker identification, certificates, and exhibits, and the preparation of work sheets.

(3) Development of proofreading skills in order to produce an accurate, verbatim transcript.

(g) Resource Materials 5 hours

Instruction in accessing resource materials including via the internet to provide the student with the ability to use such materials, including, but not limited to, case citations, codes, almanacs, directories, street atlases, and dictionaries.

(h) Apprenticeship Training 60 hours

(1) Before the student attains a proficiency of 120 words per minute, the student shall observe a minimum of five hours of proceedings in a court of record.

After attaining a proficiency of 120 words per minute and before attaining a proficiency of 180 words per minute, the student shall observe a minimum of five hours of proceedings in a court of record.

(2) When the student reaches a proficiency of 180 words per minute, the student shall sit in and report with a certified shorthand reporter 40 hours of court proceedings or depositions of which a minimum of 10 hours shall be in depositions and a minimum of 10 hours shall be in court.

A maximum of 10 hours of this training may be gained in reporting mock proceedings sponsored by a law firm or by a law school.

(3) The student shall be required to transcribe and submit to the school for approval a minimum of 20 consecutive pages from stenographic or voice notes taken at a court proceeding and a minimum of 20 consecutive pages from stenographic or voice notes taken at a deposition in compliance with the Minimum Transcript Format Standards.

(4) After attaining a speed of 160 words per minute, the student shall receive a minimum of 10 hours additional instruction to review the following categories:

- (A-) Court and deposition procedures
- (B-) Professional practice and ethics, including the Professional Standards of Practice
- (C-) Legal research and the California Codes
- (D-) Job preparation skills including professional appearance and etiquette, attitude and demeanor, interviewing skills, and resume writing.

(5) Schools shall document that they provide students with the opportunity to interact with professional court reporters at least four times per calendar year, to offer mentoring, counseling, guest speakers, job shadowing, etc.

(i) Technology 60 hours

(1) The student shall demonstrate knowledge of basic computer terminology and the ability to manage the computer operating system outside the specialized Computer Aided Transcription (CAT) software, including, but not limited to, functions such as deleting, moving, and renaming files, and creating electronic files.

(2) The student shall demonstrate an understanding of the concepts of litigation support, Web streaming, Communication Access Realtime Translation (CART), Best Practices for the use of Backup Audio Media (BAM), and captioning.

(3) The student shall demonstrate the ability to produce a transcript from the student's own stenographic or voice notes in compliance with the Minimum Transcript Format Standards.

(4) The student shall spend a minimum of 10 hours in realtime writing.

The student shall also demonstrate the ability to set up and connect the components to provide interactive realtime. Interactive realtime is defined as the student outputting to a second computer.

(5) The student shall demonstrate knowledge of how to prepare an electronic file from the student's own stenographic or voice notes.

TOTAL MINIMUM PRESCRIBED ACADEMIC HOURS..... 660 hours

(j) A recognized court reporting school may grant equivalent proficiency for one or more classes to applicants who have provided proof of prior educational or practical experience which is directly related to classes described in Section 2411(a) of this chapter.

(k) A recognized court reporting school shall provide access to a library of reference materials. This access shall be provided on campus. On-campus access may include online access. These materials shall include at least the following:

(1) Current reference materials shall include at a minimum: Business & Professions Code, Sections 8000 through ~~8047~~8051; Title 16, California Code of Regulations, Division 24, Sections 2400 through 2481; Code of Civil Procedure, Sections 2021 and 2025; Government Code, Chapter 5, Article 9, commencing with section 69941; and California Rules of Court.

(2) Current reference materials shall include at a minimum: California Civil Code, Code of Civil Procedure, Evidence Code, Government Code, Penal Code, Welfare and Institutions Code, Health and Safety Code, Probate Code, Family Code and Labor Code; a world atlas, a world almanac, a local street atlas, standard and specialty dictionaries, drug manufacturer reference, and directory of attorneys.

In addition, the Board recommends that the school also maintains current professional association publications and current publications including at least one daily newspaper and magazines such as Time, Newsweek, Business Week, Money, Inc., Fortune, etc.

(l) Whenever there has been a change in school status as set forth in Section 8027(f) of the Business and Professions Code, the change or changes as specified shall be reported to the board as required by Business and Professions Code Section 8027(f). Such report shall be in writing on the letterhead of the school or other stationery setting forth the current name, address and telephone number of the school, and shall be signed by the responsible program manager, the school owner, the responsible corporate officer if the school is a corporation or the responsible partner if the school is a partnership.

(m) All annual statements filed with the board by court reporting schools in compliance with Section 8027(k) of the Business and Professions Code shall be in writing on the letterhead of the school or other stationery setting forth the current name, address and telephone number of the school and shall have enclosed or attached thereto the current school catalog as specified by Section 8027(l).

(n) Each court reporting school shall advise all applicants to its court reporting program of the existence and purpose of the board, including the board's address, telephone number, and Web site which shall be prominently displayed in any catalogs or Web sites which include course offerings.

(o) For the purposes of this Division, "voice writing" shall have the meaning set forth in Section 8017.5(b) of the Code.

NOTE: Authority cited: Section 8007 Business and Professions Code. Reference: Sections 8007, 8017.5, 8020, and 8027, Business and Professions Code.

Amend Section 2414 as follows:

§ 2414. Definitions.

(a) Any person teaching an academic course, ~~that is a course~~ other than machine shorthand, voice writing, or keyboarding, in a court reporting program, shall meet at least one of the following criteria:

- (1) Possess at a minimum a Bachelor of Arts or Bachelor of Science degree.
- (2) Possess at a minimum either an Associate degree in the subject being taught and two years of experience in a related field, or an Associate degree not in the subject being taught and four years of experience in a related field.
- (3) Possess a current license as a certified shorthand reporter, ~~or an~~ current Registered Professional Reporter (RPR) certificate from the National Court Reporters Association, or a current Certified Verbatim Reporter (CVR) certificate from the National Verbatim Reporters Association, and in addition, a minimum of two years of experience in a related field.
- (4) Possess a minimum of four years of experience teaching the subject being taught or a minimum of four years of experience in a job substantially related to the subject being taught.

(b) Any person teaching a machine or voice speed-building course, ~~that is a course~~ other than an academic course or keyboarding, shall meet one of the following criteria:

- (1) Possess at a minimum a Bachelor of Arts or Bachelor of Science degree.
- (2) Possess at a minimum either an Associate degree in the subject being taught or an Associate degree not in the subject being taught and two years of experience in a related field.

(3) Possess a current license as a certified shorthand reporter, ~~or an~~ current RPR certificate from the National Court Reporters Association, or a current CVR certificate from the National Verbatim Reporters Association.

(4) Completed all requirements of a California recognized court reporter training program through the 180 word per minute machine or voice speed class and possesses two years of teaching experience.

(c) Any person hired as a reader by a school shall be trained by the school and shall demonstrate proficiency using a stopwatch, enunciating standard English, familiarity with common phrasing, and a propensity for maintaining consistency within the same speed level.

(d) A "full-time student" shall be defined as enrolled in school for a minimum of 24 clock hours per week or successfully maintaining either 12 credits per semester or 12 credits per quarter, including 10 hours of live dictation machine or voice speed classes per week.

(e) "Classroom lecture" is defined as an instruction course in which both the student and the instructor are physically present at the same time in the same classroom.

(f) "Online instruction" is defined as instruction which may be in realtime, virtual-time, or any combination thereof, and which meets the requirements of non-lecture instruction as defined in subsection (h).

(g) "Instruction" is defined as instructor directed activities including classroom lecture, non-lecture instruction and other directed activities identified in course outlines that lead to the accomplishment of the identified learning outcomes.

(h) "Non-lecture instruction" is defined as any academic course under this article that is taught in a non-lecture instruction setting. The school shall prepare and maintain a written statement outlining the course objectives, proposed learning outcomes, the methods of measuring those outcomes, and how this method of instruction meets the course objectives and outcomes. Such instruction requires the availability of an instructor and interim evaluations.

(i) "Direct supervision" shall provide verification of the student's identity, the reasonable assurance that the student is the author of any work product, and shall protect testing and qualifier materials. Direct supervision may take the form of physical or non-physical observation of the student, and comparison of work product against stenographic or voice notes, ~~or other methods, as determined and reviewed and approved by the Board.~~

(j) "Interactive realtime" is defined as the student outputting to a second computer.

NOTE: Authority cited: Section 8007, Business and Professions Code. Reference: Sections 8007, 8017.5, and 8027, Business and Professions Code.