

Court Reporters Board

Proposed Regulations Official Rulemaking File

Fee Schedule

SECTION AFFECTED:

Title 16, section 2450

Contact Information:

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**COURT REPORTERS BOARD
FEE SCHEDULE**

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CLOSING STATEMENT/CERTIFICATION

The foregoing table of contents constitutes the Court Reporters Board rulemaking file for the subject regulation.

I certify that I have complied with the requirements of Business and Professions Code section 313.1.

I declare under penalty of perjury under the laws of the State of California that the record in this matter initially closed on August 11, 2022, was reopened and reclosed on September 23, 2022 and the file and this copy of the file are complete.

Executed this 23rd day of September, in Sacramento, California.



**Executive Officer
Court Reporters Board**

Notice of Proposed Changes

TITLE 16
DIVISION 24. COURT REPORTERS BOARD OF CALIFORNIA

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING

Fee Schedule, § 2450
California Code of Regulations (CCR)

NOTICE IS HEREBY GIVEN that the Court Reporters Board (Board or CRB) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Tuesday, May 31, 2022, by 5:00 p.m.**

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 8007, 8008, and 8047, and to implement, interpret or make specific BPC section 163.5, 8031, and 8051, the Board is considering amendments to section 2450 of Division 24 of Title 16 of the CCR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board enforces the Shorthand Reporters Practice Act and oversees the court reporting industry. The CRB carries out its regulatory authority through administering a minimum level competency test to determine entry level abilities, regulating the minimum curriculum court reporting schools and programs must offer, and disciplining licensees when necessary. The Board certifies individual court reporters, and beginning July 1, 2022, it is required to register firms that offer court reporting services.

The Board is authorized to charge fees to accomplish its mandates pursuant to BPC section 8008(c).

This proposal would:

Amend Section 2450 of Title 16 of the CCR.

Existing law at BPC section 8051 provides that, on and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in court reporting and other conduct described in BPC section 8050(b) if the Board approves it for registration. Section 8050 requires the Board to register firms offering court reporting services in California, including setting the fee for application and renewal. BPC section 8051(l) authorizes the Board to adopt regulations to implement section 8051. Section 8051(a)(1) requires the registering entity to pay an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars (\$500). The Board has adopted a fee in the maximum authorized amount of \$500 for the initial registration and annual renewal. This proposal will add subdivision (g) to Title 16, section 2450 to establish the amount in regulation.

ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of subdivision (g) to section 2450 will set the fee for application and renewal of firm registration as required by SB 241. Registration of firms will ensure consumers will be protected by hiring firms under the direct jurisdiction of the Board.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board conducted a search of any similar regulations of these topics and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

The Board has made the following determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies:

The regulations establish a \$500 initial registration fee and a \$500 annual renewal registration fee to be paid to the Board, as specified. The Board estimates 10 entities will register in year-one and year-two of implementation and estimates 5 registrants per year thereafter.

The Board proposes to use an application requesting only the information set forth in BPC section 8051(b)(1)-(3). This will include the firm name; firm street address, city, state, zip code; telephone number; federal tax identification number; the name of designated certified reporter in charge; the license number of designated certified

reporter in charge; whether the entity, controlling officer or parent corporation of the entity, the entity's reporter in charge or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration and if so the entity shall provide the board a copy of the operative complaint with the initial registration; and whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter in charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

The Board indicates an initial application will require approximately 310 minutes (Office Technician – 115 minutes and Associate Governmental Program Analyst – 195 minutes) to process each initial application with costs of approximately \$513 each.

Renewal applications will require approximately 110 minutes (Office Technician – 40 minutes and Associate Governmental Program Analyst – 30 minutes) to process each renewal application, plus a \$532 estimated enforcement-related cost allocation, which results in total Board costs of \$632 per renewal registration.

Total workload costs are estimated to range from \$5,130 to \$37,875 and up to \$229,800 over a ten-year period.

The Board will also need to update its information technology systems with estimated one-time costs of \$55,000.

The Board estimates revenues ranging from \$5,000 to \$30,000 and up to \$185,000 over a ten-year period.

Local Mandate: None

Cost or Savings in Federal Funding to the State: None. This proposal will not result in a fiscal impact to the state in the form of federal funding

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has determined that this regulatory action will not have a significant statewide adverse economic impact affecting business. This determination is based on the fact that the establishment of a \$500 registration fee will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the California because the

proposed regulations require businesses currently operating in the state to register with the Board and pay an annual \$500 registration fee. As these business entities are already operating in the state, no additional businesses and/or jobs are anticipated to be created.

The Board estimates 10 entities will register in year one and year two of implementation and estimates 5 registrants per year thereafter. The Board estimates revenues ranging from \$5,000 to \$30,000 and up to \$185,000 over a ten-year period.

Cost Impact on Representative Private Person or Business:

The regulations establish a \$500 initial registration fee and a \$500 annual renewal registration fee to be paid to the Board, as specified. The Board estimates 10 entities will register in year-one and year-two of implementation and estimates 5 registrants per year thereafter.

The Board estimates revenues ranging from \$5,000 to \$30,000 and up to \$185,000 over a ten-year period.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small businesses as it is an additional cost of doing business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory action will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the California because the proposed regulations require businesses currently operating in the state to register with the Board and pay an annual \$500 registration fee. As these business entities are already operating in the state, no additional businesses and/or jobs are anticipated to be created.

Benefits of Regulation:

The proposed addition of subdivision (g) to section 2450 will set the fee for application and renewal of firm registration as required by SB 241. Registration of firms will benefit the health and welfare of California residents by ensuring consumers will be protected by hiring firms under the direct jurisdiction of the Board.

The regulatory proposal does not affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5 (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Paula Bruning or Yvonne Fenner
Address: 2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Telephone No.: (916) 263-3660
Fax No.: (916) 263-3664
E-Mail Address: Paula.bruning@dca.ca.gov; Yvonne.fenner@dca.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting the Contact Person above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by requesting a copy from the contact person at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive Suite 230, Sacramento, California 95833.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Actions, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at <https://courtreportersboard.ca.gov/lawsregs/index.shtml>.

Proposed Language

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 24. COURT REPORTERS BOARD OF CALIFORNIA
PROPOSED LANGUAGE**

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend Section 2450 as follows:

§ 2450. Fee Schedule.

(a) The fee for filing an application for examination shall be forty dollars (\$40), one time per three-year cycle and twenty-five dollars (\$25) per separate part per administration.

(b) The fee for an initial certificate shall be two hundred twenty-five dollars (\$225). If the certificate is issued less than 180 days before the date on which it will expire, the fee shall be one hundred twelve dollars and fifty cents (\$112.50).

(c) The fee for the annual renewal of a certificate shall be two hundred and twenty-five dollars (\$225).

(d) The delinquency fee for the renewal of a certificate shall be one hundred twelve dollars and fifty cents (\$112.50).

(e) The fee for a duplicate certificate shall be five dollars (\$5).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be twenty dollars (\$20).

(g) The fee for annual registration for a business entity pursuant to section 8051 of the Code, including for initial registration and for annual renewal, shall be five hundred dollars (\$500).

Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.
Reference: Sections 163.5~~1~~ and 8031, and 8051, Business and Professions Code.

Initial Statement Of Reasons

**Court Reporters Board
Department of Consumer Affairs**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulations: Firm Registration Fee Schedule

Section(s) Affected: Title 16, Section 2450

Specific purpose of each adoption, amendment, or repeal:

1. Background and Statement of the Problem

The Court Reporters Board (Board) enforces the Shorthand Reporters Practice Act and oversees the court reporting industry. The CRB carries out its regulatory authority through administering a minimum level competency test to determine entry level abilities, regulating the minimum curriculum court reporting schools and programs must offer, and disciplining licensees when necessary. The Board certifies individual court reporters, and beginning July 1, 2022, it is required to register firms that offer court reporting services. The Board is authorized to charge fees to accomplish its mandates pursuant to Business and Professions Code (BPC) 8008(c).

In 2021, the Legislature passed Senate Bill (SB) 241 (Umberg, Chapter 214, Statutes of 2021). BPC section 8051 provides that, on and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in court reporting and other conduct described in BPC section 8050(b) if the Board approves it for registration. Section 8050 requires the Board to register firms offering court reporting services in California, including setting the fee for application and renewal. BPC section 8051(l) authorizes the Board to adopt regulations to implement section 8051. Section 8051(a)(1) requires the registering entity to pay an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars (\$500). The Board has adopted a fee in the maximum authorized amount of \$500 for the initial registration and annual renewal. This proposal will add subdivision (g) to Title 16, section 2450 to establish the amount in regulation.

At its January 26, 2022, meeting, this regulatory proposal was presented to the Board for its review and approval. (See Underlying Data, January 26, 2022, Meeting Agenda, Meeting Materials, and Meeting Minutes.) The Board approved the proposed language

and delegated authority to the executive officer to make any technical, non-substantive changes if necessary.

2. Anticipated benefits from this regulatory action:

The proposed addition of subdivision (g) to section 2450 will set the fee for application and renewal of firm registration as required by SB 241. Registration of firms will ensure consumers will be protected by hiring firms under the direct jurisdiction of the Board.

Factual Basis/Rationale

Amend Section 2450, Fee Schedule.

Subdivision (g)

The purpose of adding subdivision (g) to section 2450 is to establish an initial registration and annual renewal fee for the registration of firms offering court reporting services in California.

The amendment is necessary to establish the fee to reimburse the Board for costs associated with the processing of initial registration applications and renewals. As described in more detail under Fiscal Impact Assessment, below, the Board is anticipating workload similar to the Shorthand Reporting Corporation Registration and has based this fee commensurate with that fee analysis. While there is not currently an application form for a business entity to complete, the entity will still be required to comply with BPC 8051 in submitting required information and documentation that the Board will need to review for approval. (See Underlying Data, Shorthand Reporting Corporation Registration (Initial) Fee Analysis.)

Underlying Data

- Senate Bill 241 (Umberg, Chapter 214, Statutes of 2021)
- January 26, 2022, Board Meeting Agenda
- January 26, 2022, Board Meeting Materials
- January 26, 2022, Board Meeting Minutes (draft)
- Shorthand Reporting Corporation Registration (Initial) Fee Analysis
- Average Deposition Costs from TRF Claims

Business Impact

The Board has determined that this regulatory action will not have a significant statewide adverse economic impact affecting business. This determination is based on the fact that the proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the California because the proposed regulations require businesses currently operating in the state to register with the Board and pay an annual \$500 registration fee. As these business entities are already operating in the state, no additional businesses and/or jobs are anticipated to be created, and these existing businesses will be able to absorb the costs of the registration and renewal fees.

The Board estimates 10 entities will register in year one and year two of implementation and estimates 5 registrants per year thereafter. The Board estimates revenues ranging from \$5,000 to \$30,000 and up to \$185,000 over a ten-year period as follows:

Court Reporters Board Corporate Registration (SB 241) - Economic Impact												
Applications	Costs	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
		10	10	5	5	5	5	5	5	5	5	60
Initial	\$500	\$5,000	\$5,000	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Annual Renewal	\$500	-	\$5,000	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$27,500	\$155,000
Total Costs:		\$5,000	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$27,500	\$30,000	\$185,000

Economic Impact Assessment

In the Board's experience, the average cost of a deposition over the past two years is just over one thousand dollars, and a business that engages in multiple depositions or other court reporting activities over a year will be able to absorb the annual registration fee as a minimal impact. (See Underling Data, Average Deposition Costs from TRF Claims.)

This regulatory proposal will have the following effects:

- It will not create jobs within the state of California because the court reporting firms anticipated to apply for registration are currently operating and employing staff in the state.
- It will not create new businesses within the state of California because the court reporting firms anticipated to apply for registration are currently operating in the state.
- It will not affect the expansion of businesses currently doing business within the

state of California because the court reporting firms anticipated to apply for registration are currently operating in the state.

- This regulatory proposal benefits the health and welfare of California residents because it helps to ensure registrants are in compliance with currently law and regulations, as specified.
- This regulatory proposal makes no changes to the actual practice of court reporting and, therefore, will not impact worker safety.

This regulatory proposal does not affect the state's environment because it applies to court reporting firms solely. It has no impact on the environment.

Fiscal Impact Assessment

The regulations establish a \$500 initial registration fee and a \$500 annual renewal registration fee to be paid to the Board, as specified. The Board estimates 10 entities will register in year one and year two of implementation and estimates 5 registrants per year thereafter.

Pursuant to BPC 8051, an entity seeking registration is required to submit certain information and documentation to the Board. The Board indicates an initial application will require approximately 310 minutes (Office Technician – 115 minutes and Associate Governmental Program Analyst – 195 minutes) to process each initial application with costs of approximately \$513 each.

The Board proposes to collect only the information set forth in BPC section 8051(b)(1)-(3). This will include the firm name; firm street address, city, state, zip code; telephone number; federal tax identification number; the name of designated certified reporter in charge; the license number of designated certified reporter in charge; whether the entity, controlling officer or parent corporation of the entity, the entity's reporter in charge or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration and if so the entity shall provide the board a copy of the operative complaint with the initial registration; and whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter in charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

Renewals will require approximately 110 minutes (Office Technician – 40 minutes and Associate Governmental Program Analyst – 30 minutes) to process, plus a \$532

estimated enforcement-related cost allocation, which results in total Board costs of \$632 per renewal registration. Enforcement costs are estimated based on the time needed to process complaints against individual licensees. (See Underlying Data Shorthand Reporting Corporation Registration (Initial) Fee Analysis

Total workload costs are estimated to range from \$5,130 to \$37,875 and up to \$229,800 over a ten-year period as follows:

Court Reporters Board Corporate Registration (SB 241) - Fiscal Impact (Expenditures)												
Applications	Costs	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
		10	10	5	5	5	5	5	5	5	5	60
Initial	\$513	\$5,130	\$5,130	\$2,565	\$2,565	\$2,565	\$2,565	\$2,565	\$2,565	\$2,565	\$2,565	\$30,780
Annual Renewal	\$642	-	\$6,420	\$12,840	\$16,050	\$19,260	\$22,470	\$25,680	\$28,890	\$32,100	\$35,310	\$199,020
Total Costs:		\$5,130	\$11,550	\$15,405	\$18,615	\$21,825	\$25,035	\$28,245	\$31,455	\$34,665	\$37,875	\$229,800

BPC 8051(k) requires the Board to create and make available on its internet website a directory of registered entities. The Board will also need to update its information technology systems with estimated one-time costs of \$55,000.

The Board estimates revenues ranging from \$5,000 to \$30,000 and up to \$185,000 over a ten year period as follows:

Court Reporters Board Corporate Registration (SB 241) - Fiscal Impact (Revenues)												
Applications	Fees	Years Ongoing										Total
		1	2	3	4	5	6	7	8	9	10	
		10	10	5	5	5	5	5	5	5	5	60
Initial	\$500	\$5,000	\$5,000	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$30,000
Annual Renewal	\$500	-	\$5,000	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$27,500	\$155,000
Total Costs:		\$5,000	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$27,500	\$30,000	\$185,000

Specific Technologies or Equipment

This regulatory proposal does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

This rulemaking proposal is necessary to establish the initial registration and annual renewal fee for firms registering with the Board.

Set forth below are the alternatives the Board considered and the reasons it rejected each alternative:

- Option 1: To implement firm registration establishing no initial registration and renewal fees. This option would require the Board to absorb the information services costs of updating the current database to allow for a new license type. It would increase staff workload with the additional time required to process applications and cashier payments. Expending Board resources and personnel under this option would result in longer license processing times and reduce work on the Board's strategic initiatives. For these reasons, the Board rejected this option.
- Option 2: Do nothing, meaning the Board would not adopt the amendment to section 2450. The Board opted not to pursue this option because under SB 241, the Board is required to implement firm registration by July 1, 2022.

Underlying Data

**CHAPTERED SEPTEMBER 22, 2021
ENROLLED SEPTEMBER 13, 2021
AMENDED IN ASSEMBLY SEPTEMBER 3, 2021
AMENDED IN ASSEMBLY AUGUST 30, 2021
AMENDED IN ASSEMBLY JUNE 28, 2021
AMENDED IN ASSEMBLY JUNE 23, 2021
AMENDED IN ASSEMBLY JUNE 10, 2021
AMENDED IN SENATE MAY 25, 2021
AMENDED IN SENATE APRIL 22, 2021
AMENDED IN SENATE APRIL 08, 2021
AMENDED IN SENATE MARCH 05, 2021
INTRODUCED JANUARY 21, 2021**

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

Senate Bill No. 241

CHAPTER 214

An act to amend, repeal, and add Section 8050 of, and to add and repeal Section 8051 of, the Business and Professions Code, to amend Sections 599 and 1010.6 of, and to add and repeal Section 367.75 of, the Code of Civil Procedure, and to add Section 3505 to the Probate Code, relating to civil actions.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 241, Umberg. Civil actions.

(1) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, except if the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after July 1, 2022, and until January 1, 2024, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board after meeting specified requirements, including paying an annual registration fee to the board in an amount not to exceed \$500 and designating a board-certified reporter-in-charge, as specified. 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 one year 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. The bill would authorize the board to adopt regulations to implement these provisions. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions to apply to these new registrants the bill would expand the scope of a crime and impose a state-mandated local program.

(2) Existing law regulates the procedure of civil actions. Existing law authorizes a party in a general civil case, as defined, who has provided notice, to appear by telephone at specified conferences, hearings, and proceedings. Existing law authorizes a court to require a party to appear in person at these conferences, hearings, or proceedings if the court makes a specified determination on a hearing-by-hearing basis.

This bill would, until July 1, 2023, authorize a party to appear remotely and the court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology. The bill would authorize the court to require a party or witness to appear in person at a conference, hearing, or proceeding, if any specified condition is present. The bill would require the court to have a process for a party, court reporter, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues. The bill would prohibit a court from requiring a party to appear remotely. The bill would allow self-represented parties to appear remotely only if they agree to do so. The bill would require the Judicial Council to adopt rules to implement these provisions, as specified.

(3) Existing law provides that, unless otherwise ordered by the court or agreed to by the parties, a continuance or postponement of a trial date extends any deadlines applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions, which have not already passed as of March 19, 2020, for the same length of time as the continuance or postponement of the trial date. Existing law provides that this extension is in effect only during the COVID-19 state of emergency proclaimed by the Governor on March 4, 2020, and for 180 days after the end of the state of emergency.

This bill would apply these provisions to the continuance or postponement of an arbitration date.

(4) Existing law authorizes the service of documents in a civil action by electronic means pursuant to rules adopted by the Judicial Council. Existing law authorizes a court to electronically serve any document issued by the court that is not required to be personally served on a party that has agreed or consented to accept electronic service, with the same legal effect as service by mail, except as specified.

This bill would, on and after July 1, 2024, instead require the court to electronically transmit those documents on a party that has agreed or consented to accept electronic service.

(5) Existing law authorizes a minor's parent to compromise, or execute a covenant not to sue or not to enforce a judgment on, a claim on behalf of the minor if the minor has a disputed claim for damages, money, or other property and does not have a guardian of the estate.

This bill would require the court to schedule a hearing on a petition to compromise a minor's disputed claim within 30 days from the date of filing and, if the petition is unopposed, would require the court to enter a decision at the conclusion of the hearing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the “2021 California Court Efficiency Act.”

SEC. 2. Section 8050 of the Business and Professions Code is amended to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court, to promote competition based upon the quality and price of shorthand reporting services, and to ensure consistent regulation of corporations owned by certificate holders and those not owned by certificate holders.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018 or a valid registration issued pursuant to Section 8051, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of a party, or a full-time employee of a party or the attorney of a party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees higher than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.

(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. Section 8050 is added to the Business and Professions Code, to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based upon the quality and price of shorthand reporting services.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees other than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

- (f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.
- (g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.
- (h) This section shall become operative on January 1, 2024.

SEC. 4. Section 8051 is added to the Business and Professions Code, to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

- (1) The entity pays an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars (\$500). The fee shall not exceed the board's cost of administering this section.

- (2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity's application for registration. The reporter-in-charge shall be responsible to the board for an entity's compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.

- (3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.

(b) An entity shall provide the board with all of the following information for consideration of initial registration pursuant to subdivision (a):

- (1) The name and certificate number of the entity's certified reporter-in-charge.

- (2) Whether the entity, a controlling officer or parent corporation of the entity, the entity's reporter-in-charge, or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration. If so, the entity shall provide the board a copy of the operative complaint with the initial registration.

- (3) Whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter-in-charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).

- (4) Any additional documentation the board reasonably deems necessary for consideration in the initial registration process.

(c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be

posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

(d) A registration issued by the board pursuant to this section shall be valid for one year, at which time it may be approved for renewal by the board upon meeting the requirements of subdivision (a).

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement reporter-in-charge shall be subject to approval by the board. If disapproved, the entity shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a reporter-in-charge is approved by the board.

(f) The board shall revoke the registration of an entity if the board determines the entity:

- (1) Engaged, in whole or in part, through officers, employees, or independent contractors that are not certificate holders, in acts that are within the scope of practice of a certificate holder, unless otherwise permitted by law.

- (2) Directed or authorized the reporter-in-charge to violate state laws or regulations pertaining to shorthand reporting or offering financial incentives to the reporter-in-charge for engaging in acts that violate state law.

(g) In addition to revoking an entity's registration as required by subdivision (f), a registration issued under this section may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the board deems fit for violations of the laws or regulations pertaining to shorthand reporting by the entity's officers, employees, or independent contractors, including the issuance of citations and fines.

(h) The board shall consider suspending the registration of an entity for a minimum of one year if the license of its reporter-in-charge is suspended or revoked for violating this section more than twice in a consecutive five-year period.

(i) An entity shall have the right to reasonable notice and opportunity to comment to and before the board regarding any determination to deny or revoke registration before that determination becomes final. An entity may seek review of a board decision to deny or revoke registration under this section either in an administrative hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or through an action brought pursuant to Section 1085 of the Code of Civil Procedure.

(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time.

(l) The board may adopt regulations to implement this section.

(m) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 5. Section 367.75 is added to the Code of Civil Procedure, to read:

367.75. (a) Except as provided in subdivisions (b) and (d), in civil cases, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology.

(b) Except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding described in subdivision (a), or under subdivisions (e) and (h), if any of the following conditions are present:

(1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.

(3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

(4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.

(5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(c) Notwithstanding paragraph (3) of subdivision (b), an expert witness may appear remotely absent good cause to compel in-person testimony.

(d) (1) Except as otherwise provided by law and subject to the limitations of subdivision (b), upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

(2) (A) Except as provided in Section 269 of the Code of Civil Procedure and Section 69957 of the Government Code, if the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore shall be physically present in the courtroom.

(B) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(e) (1) Before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

(2) The court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

(3) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. The court shall make information available to self-represented

parties regarding the options for appearing in person and through the use of remote technology.

(f) The court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

(g) A self-represented party may appear remotely in a conference, hearing, or proceeding conducted through the use of remote technology only if they agree to do so.

(h) Any juvenile dependency proceeding may be conducted in whole or in part through the use of remote technology subject to the following:

(1) Any person authorized to be present may request to appear remotely.

(2) Any party to the proceeding may request that the court compel the physical presence of a witness or party. A witness, including a party providing testimony, may appear through remote technology only with the consent of all parties and if the witness has access to the appropriate technology.

(3) A court may not require a party to appear through the use of remote technology.

(4) The confidentiality requirements that apply to an in-person juvenile dependency proceeding shall apply to a juvenile dependency proceeding conducted through the use of remote technology.

(i) For purposes of this section, a party includes a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010).

(j) Subject to the limitations in subdivision (b), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(k) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section to promote statewide consistency, including, but not limited to, the following procedures:

(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely.

(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards shall require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

(l) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 6. Section 599 of the Code of Civil Procedure is amended to read:

599. (a) Notwithstanding any other law and unless ordered otherwise by a court or otherwise agreed to by the parties, a continuance or postponement of a trial or arbitration date extends any deadlines that have not already passed as of March 19, 2020, applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions in the same matter. The deadlines are extended for the same length of time as the continuance or postponement of the trial date.

(b) This section shall remain in effect only during the state of emergency proclaimed by the Governor on March 4, 2020, related to the COVID-19 pandemic and 180 days after the end, pursuant to Section 8629 of the Government Code, of that state of emergency and is repealed on that date.

SEC. 7. Section 1010.6 of the Code of Civil Procedure is amended to read:

1010.6. (a) A document may be served electronically in an action filed with the court as provided in this section, in accordance with rules adopted pursuant to subdivision (f).

(1) For purposes of this section:

(A) “Electronic service” means service of a document, on a party or other person, by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party or other person’s attorney, or through an electronic filing service provider.

(B) “Electronic transmission” means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.

(C) “Electronic notification” means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served, and providing a hyperlink at which the served document may be viewed and downloaded.

(D) “Electronic filing” means the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court’s records, which are necessary for a document to be officially filed.

(2) (A) (i) For cases filed on or before December 31, 2018, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d).

(ii) For cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is authorized if a party or other person has expressly consented to receive electronic service in that specific action, the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), or the document is served electronically pursuant to the procedures specified in subdivision (e). Express consent to electronic service may be accomplished either by (I) serving a notice on all the parties and filing the notice with the court, or (II) manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic address with that consent for the purpose of receiving electronic service. The act of electronic filing shall not be construed as express consent.

(B) If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.

(3) (A) Before July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court may electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(B) On and after July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court shall electronically transmit, to the agreeing or expressly consenting party or person, any document issued by the court that the court is required to transmit, deliver, or serve. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(4) (A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

(i) A notice of intention to move for new trial.

(ii) A notice of intention to move to vacate judgment under Section 663a.

(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

(7) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a party or other person entitled to service or that person's attorney.

(8) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (f) and the following conditions:

(1) A document that is filed electronically shall have the same legal effect as an original paper document.

(2) (A) When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The filer is the signer.

(ii) The person has signed the document pursuant to the procedure set forth in the California Rules of Court.

(B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The person has signed a printed form of the document before, or on the same day as, the date of filing. The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form

of the document bearing the original signature until final disposition of the case, as defined in subdivision (c) of Section 68151 of the Government Code, and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.

(ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.

(3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a noncourt day shall be deemed filed on the next court day.

(4) (A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.

(B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.

(C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.

(D) If the court utilizes an electronic filing service provider or electronic filing manager to send the notice of rejection described in subparagraph (C), the electronic filing service provider or electronic filing manager shall promptly send the notice of rejection to the party or person who submitted the document. A notice of rejection sent pursuant to this subparagraph shall include the date the electronic filing service provider or electronic filing manager sent the notice.

(E) If the clerk of the court does not file a complaint or cross complaint because the complaint or cross complaint does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.

(5) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records and may electronically transmit a copy of the summons to the

requesting party. Personal service of a printed form of the electronic summons shall have the same legal effect as personal service of an original summons. If a trial court plans to electronically transmit a summons to the party filing a complaint, the court shall immediately, upon receipt of the complaint, notify the attorney or party that a summons will be electronically transmitted to the electronic address given by the person filing the complaint.

(6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court shall consider and determine the application in accordance with Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code and shall not require the party or attorney to submit any documentation other than that set forth in Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code. The court, an electronic filing service provider, or an electronic filing manager shall waive any fees charged to a party if the party has been granted a waiver of court fees pursuant to Section 68631. The electronic filing manager or electronic filing service provider shall not seek payment from the court of any fee waived by the court. This section does not require the court to waive a filing fee that is not otherwise waivable.

(7) If a party electronically files a filing that is exempt from the payment of filing fees under any other law, including a filing described in Section 212 of the Welfare and Institutions Code or Section 6103.9, subdivision (b) of Section 70617, or Section 70672 of the Government Code, the party shall not be required to pay any court fees associated with the electronic filing. An electronic filing service provider or an electronic filing manager shall not seek payment of these fees from the court.

(8) A fee, if any, charged by the court, an electronic filing service provider, or an electronic filing manager to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.

(9) The court shall not charge fees for electronic filing and service of documents that are more than the court's actual cost of electronic filing and service of the documents.

(c) If a trial court adopts rules conforming to subdivision (b), it may provide by order, subject to the requirements and conditions stated in paragraphs (2) to (4), inclusive, of subdivision (d), and the rules adopted by the Judicial Council under subdivision (g), that all parties to an action file and serve documents electronically in a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules, provided that the trial court's order does not cause undue hardship or significant prejudice to any party in the action.

(d) A trial court may, by local rule, require electronic filing and service in civil actions, subject to the requirements and conditions stated in subdivision (b), the rules adopted by the Judicial Council under subdivision (g), and the following conditions:

(1) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.

(2) The court and the parties shall have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court. Any fees charged by an electronic filing service provider shall be reasonable. An electronic filing manager or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver.

(3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. The Judicial

Council shall make a form available to allow a party to seek an exemption from mandatory electronic filing and service on the grounds provided in this paragraph.

(4) Unrepresented persons are exempt from mandatory electronic filing and service.

(5) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code, is exempt from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.

(e) (1) A party represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party shall confirm by telephone or email the appropriate electronic service address for counsel being served.

(2) A party represented by counsel shall, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(f) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, and access to public records, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(g) The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(h) (1) Any system for the electronic filing and service of documents, including any information technology applications, internet websites and web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court, regardless of the case management system used by the trial court, shall satisfy both of the following requirements:

(A) The system shall be accessible to individuals with disabilities, including parties and attorneys with disabilities, in accordance with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(B) The system shall comply with the Web Content Accessibility Guidelines 2.0 at a Level AA success criteria.

(2) Commencing on June 27, 2017, the vendor or contractor shall provide an accommodation to an individual with a disability in accordance with subparagraph (D) of paragraph (3).

(3) A trial court that contracts with an entity for the provision of a system for electronic filing and service of documents shall require the entity, in the trial court's contract with the entity, to do all of the following:

(A) Test and verify that the entity's system complies with this subdivision and provide the verification to the Judicial Council no later than June 30, 2019.

(B) Respond to, and resolve, any complaints regarding the accessibility of the system that are brought to the attention of the entity.

(C) Designate a lead individual to whom any complaints concerning accessibility may be addressed and post the individual's name and contact information on the entity's internet website.

(D) Provide to an individual with a disability, upon request, an accommodation to enable the individual to file and serve documents electronically at no additional charge for any time period that the entity is not compliant with paragraph (1). Exempting an individual with a disability from mandatory electronic filing and service of documents shall not be deemed an accommodation unless the person chooses that as an accommodation. The vendor or contractor shall clearly state in its internet website that an individual with a disability may request an accommodation and the process for submitting a request for an accommodation.

(4) A trial court that provides electronic filing and service of documents directly to the public shall comply with this subdivision to the same extent as a vendor or contractor that provides electronic filing and services to a trial court.

(5) (A) The Judicial Council shall submit four reports to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. The first report is due by June 30, 2018; the second report is due by December 31, 2019; the third report is due by December 31, 2021; and the fourth report is due by December 31, 2023.

(B) The Judicial Council's reports shall include all of the following information:

(i) The name of each court that has implemented a system of electronic filing and service of documents.

(ii) A description of the system of electronic filing and service.

(iii) The name of the entity or entities providing the system.

(iv) A statement as to whether the system complies with this subdivision and, if the system is not fully compliant, a description of the actions that have been taken to make the system compliant.

(6) An entity that contracts with a trial court to provide a system for electronic filing and service of documents shall cooperate with the Judicial Council by providing all information, and by permitting all testing, necessary for the Judicial Council to prepare its reports to the Legislature in a complete and timely manner.

SEC. 8. Section 3505 is added to the Probate Code, to read:

3505. The court shall schedule a hearing on a petition for compromise of a minor's disputed claim pursuant to Section 3500 within 30 days from the date of filing. If the petition is unopposed, the court shall issue a decision on the petition at the conclusion of the hearing.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD
OF CALIFORNIA**

2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833
Phone (916) 263-3660 / Toll Free: 1-877-327-5272
Fax (916) 263-3664 / www.courtreportersboard.ca.gov

**TELECONFERENCE MEETING OF THE COURT REPORTERS BOARD**

**Wednesday, January 26, 2022
9:00 a.m. to conclusion**

If Joining by Computer:

dca-meetings.webex.com/dca-meetings/j.php?MTID=mc44351d9bbbab98ac208d4a20e174532

Event number: 2486 541 2928

Event passcode: CRB01262022

If Joining by Phone:

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

Access code: 248 654 12928

Event passcode: 27201262

To observe the meeting without making public comment (provided no unforeseen technical difficulties): thedcapage.blog/webcasts/

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

Board Members: Robin Sunkees, Chair; Davina Hurt, Vice Chair; Laura Brewer, Denise Tugade

CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF A QUORUM, AND OPENING REMARKS (Robin Sunkees, Board Chair)

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board may not discuss or take any action on any item raised during this public comment section except to decide whether to place the matter on the agenda of a future meeting (Government Code sections 11125, 11125.7(a)).

2. REVIEW AND APPROVAL OF MEETING MINUTES – August 20, 2021

3. RESOLUTION FOR BOARD MEMBER TONI O'NEILL

4. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

5. REPORT OF THE EXECUTIVE OFFICER

5.1 CRB Budget Report

5.2 Transcript Reimbursement Fund (TRF)

5.3 Enforcement Activities

5.4 Exam Update

5.5 Business Modernization

6. LEGISLATION

Update on end of legislative session

- 6.1 AB 29 (Cooper) State bodies: meetings
- 6.2 AB 107 (Salas) Licensure: veterans and military spouses
- 6.3 AB 163 (Committee on Budgets) State government
- 6.4 AB 177 (Committee on Budget) Public safety
- 6.5 AB 225 (Gray, Gallagher, and Patterson) Department of Consumer Affairs: boards: veterans: military spouses: licenses
- 6.6 AB 305 (Maienschein) Veteran services: notice
- 6.7 AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
- 6.8 AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
- 6.9 AB 1386 (Cunningham) License fees: military partners and spouses
- 6.10 SB 170 (Skinner) Budget Act of 2021
- 6.11 SB 241 (Umberg) Civil Actions
- 6.12 SB 731 (Durazo and Bradford) Criminal records: relief
- 6.13 SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

The Board may discuss other items of legislation not listed here in sufficient detail to determine whether such items should be on a future Board meeting agenda and/or whether to hold a special meeting of the Board to discuss such items pursuant to Government Code section 11125.4.

7. REGULATIONS

- 7.1 Minimum Transcript Format Standards (MTFS): Public hearing regarding petition to amend regulations. (Gov. Code, § 11340.6.) – Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations section 2473.
- 7.2 SB 241 Implementation – Firm Registration: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Section 2450, Repeal Section 2464, and Adopt Section 2468.1 of Title 16 of the California Code of Regulations, to Implement Firm Registration per Business and Professions Code section 8050.

8. LICENSURE OF VOICE WRITERS

Executive Officer report on meetings with legislative staff regarding the licensure of voice writers.

9. SUNSET REVIEW

Explanation of process and development of plan for 2020-2023 Sunset Review Report.

10. STRATEGIC PLAN

Update to the Board on action plan.

11. FUTURE MEETING DATES

12. CLOSED SESSION

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

ADJOURNMENT – The Board will Adjourn from Closed Session

Action may be taken on any item on the agenda. The meeting may be cancelled or shortened without notice. Any item may be taken out of order to accommodate speaker(s) and/or to maintain quorum. Members of the public are not required to submit their name or other information to attend the meeting.

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

To receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting.

Contact Person: Paula Bruning
2535 Capitol Oaks Drive, Suite 230, Sacramento CA 95833
(877) 327-5272

paula.bruning@dca.ca.gov

or

www.courtreportersboard.ca.gov under "Quick Hits" for Board's Calendar

COURT REPORTERS BOARD MEETING – JANUARY 26, 2022

AGENDA ITEM 7 – Regulations

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

- 7.1 Minimum Transcript Format Standards (MTFS): Public hearing regarding petition to amend regulations (Gov. Code § 11340.6) – Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations section 2473.

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Brief Summary:

At the August 20, 2021 meeting, staff provided the Board with language to amend the Minimum Transcript Format Standards (MTFS). The Board and the public provided feedback, and the Board directed staff to work with regulations counsel to revise the proposed amendments.

The proposed language is submitted for the Board's review and approval.

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Support Documents:

Attachment 1, Item 7.1 – Proposed Text for § 2473. Minimum Transcript Format Standards.

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Fiscal Impact: None

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Recommended Board Action: Staff recommends approval of the proposed language by using the following proposed motion:

I move to approve the proposed regulatory text for section 2473; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; and, if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 2473 as noticed.

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Agenda Description: Discussion and possible action on California Code of Regulations, Title 16:

7.2 SB 241 Implementation – Firm Registration: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Section 2450 and Repeal Sections 2463 and 2464 of Title 16 of the California Code of Regulations, to Implement Firm Registration per Business and Professions Code Section 8050.

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Brief Summary:

SB 241 authorizes the Board to set fees to register business entities. This is accomplished via the regulatory process.

The proposed language is submitted for the Board's review and approval.

It includes repealing sections 2463 and 2464, which are no longer needed as the statute it clarified, Business and Professions Code section 8041, was repealed in 1992.

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Support Documents:

Attachment 2, Item 7.2 – Proposed Text for Regulations Pertaining to SB 241
Attachment 3, Item 7.2 – SB 241 (Umberg)

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Fiscal Impact: It's difficult to project the fiscal impact on the Board without knowing the number of firms requiring registration. It is anticipated that existing staff will be able to handle the workload, but clearly that is dependent upon the number of applications received.

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Recommended Board Action: Staff recommends the Board approve the proposed language by using the following proposed motion:

I move to approve the proposed regulatory text for amendment to section 2450 and repeal of section 2464; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; and, if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 2450 and the proposed repeal of 2464 as noticed.

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TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA

Proposed Text

Amend section 2450:

§ 2450. Fee Schedule.

(a) The fee for filing an application for examination shall be forty dollars (\$40), one time per three-year cycle and twenty-five dollars (\$25) per separate part per administration.

(b) The fee for an initial certificate shall be two hundred twenty-five dollars (\$225). If the certificate is issued less than 180 days before the date on which it will expire, the fee shall be one hundred twelve dollars and fifty cents (\$112.50).

(c) The fee for the annual renewal of a certificate shall be two hundred and twenty-five dollars (\$225).

(d) The delinquency fee for the renewal of a certificate shall be one hundred twelve dollars and fifty cents (\$112.50).

(e) The fee for a duplicate certificate shall be five dollars (\$5).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be twenty dollars (\$20).

(g) The fee for annual registration for a business entity pursuant to section 8051 of the Code, including for initial registration and for annual renewal, shall be five hundred dollars (\$500).

Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.
Reference: Sections 163.5, and 8031, and 8051, Business and Professions Code.

Repeal section 2463:

~~§ 2463. Office for Filing.~~

~~All applications for a certificate of registration and any other documents or reports required by these rules or by law to be filed with the board shall be filed at the board's principal office.~~

~~Note: Authority cited: Sections 8007 and 8047, Business and Professions Code.
Reference: Section 8041, Business and Professions Code.~~

Repeal section 2464:

~~§ 2464. Application; Review of Refusal to Approve.~~

~~(a) An applicant corporation shall file with the board an application for certificate of registration on a form furnished by the board, which shall be signed and verified by an officer of the corporation who is a licensed person and be accompanied by a fee in the amount of \$200.00.~~

~~(b) The board shall, within a reasonable time after such an application has been submitted to it, either approve the application and issue a certificate of registration or refuse to approve the application and notify the applicant of the reasons for such refusal.~~

~~(c) The board may delegate to its executive secretary or a designated employee its authority under Section 8041 of the Code to review and approve applications for registration and to issue certificates of registration.~~

~~(d) Any applicant whose application has been disapproved by the board may request a hearing pursuant to Government Code Section 11504. Such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(e) No applicant shall hold itself out as, engage in or render any professional services unless and until a certificate of registration has been issued.~~

~~Note: Authority cited: Sections 8007 and 8047, Business and Professions Code.
Reference: Section 8041, Business and Professions Code.~~

**CHAPTERED SEPTEMBER 22, 2021
ENROLLED SEPTEMBER 13, 2021
AMENDED IN ASSEMBLY SEPTEMBER 3, 2021
AMENDED IN ASSEMBLY AUGUST 30, 2021
AMENDED IN ASSEMBLY JUNE 28, 2021
AMENDED IN ASSEMBLY JUNE 23, 2021
AMENDED IN ASSEMBLY JUNE 10, 2021
AMENDED IN SENATE MAY 25, 2021
AMENDED IN SENATE APRIL 22, 2021
AMENDED IN SENATE APRIL 08, 2021
AMENDED IN SENATE MARCH 05, 2021
INTRODUCED JANUARY 21, 2021**

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

Senate Bill No. 241

CHAPTER 214

An act to amend, repeal, and add Section 8050 of, and to add and repeal Section 8051 of, the Business and Professions Code, to amend Sections 599 and 1010.6 of, and to add and repeal Section 367.75 of, the Code of Civil Procedure, and to add Section 3505 to the Probate Code, relating to civil actions.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 241, Umberg. Civil actions.

(1) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California, which is within the Department of Consumer Affairs. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, except if the person or entity is a licensed shorthand reporter, a shorthand reporting corporation, or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor.

This bill, on and after July 1, 2022, and until January 1, 2024, would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board after meeting specified requirements, including paying an annual registration fee to the board in an amount not to exceed \$500 and designating a board-certified reporter-in-charge, as specified. 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 one year 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. The bill would authorize the board to adopt regulations to implement these provisions. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions to apply to these new registrants the bill would expand the scope of a crime and impose a state-mandated local program.

(2) Existing law regulates the procedure of civil actions. Existing law authorizes a party in a general civil case, as defined, who has provided notice, to appear by telephone at specified conferences, hearings, and proceedings. Existing law authorizes a court to require a party to appear in person at these conferences, hearings, or proceedings if the court makes a specified determination on a hearing-by-hearing basis.

This bill would, until July 1, 2023, authorize a party to appear remotely and the court to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology. The bill would authorize the court to require a party or witness to appear in person at a conference, hearing, or proceeding, if any specified condition is present. The bill would require the court to have a process for a party, court reporter, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues. The bill would prohibit a court from requiring a party to appear remotely. The bill would allow self-represented parties to appear remotely only if they agree to do so. The bill would require the Judicial Council to adopt rules to implement these provisions, as specified.

(3) Existing law provides that, unless otherwise ordered by the court or agreed to by the parties, a continuance or postponement of a trial date extends any deadlines applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions, which have not already passed as of March 19, 2020, for the same length of time as the continuance or postponement of the trial date. Existing law provides that this extension is in effect only during the COVID-19 state of emergency proclaimed by the Governor on March 4, 2020, and for 180 days after the end of the state of emergency.

This bill would apply these provisions to the continuance or postponement of an arbitration date.

(4) Existing law authorizes the service of documents in a civil action by electronic means pursuant to rules adopted by the Judicial Council. Existing law authorizes a court to electronically serve any document issued by the court that is not required to be personally served on a party that has agreed or consented to accept electronic service, with the same legal effect as service by mail, except as specified.

This bill would, on and after July 1, 2024, instead require the court to electronically transmit those documents on a party that has agreed or consented to accept electronic service.

(5) Existing law authorizes a minor's parent to compromise, or execute a covenant not to sue or not to enforce a judgment on, a claim on behalf of the minor if the minor has a disputed claim for damages, money, or other property and does not have a guardian of the estate.

This bill would require the court to schedule a hearing on a petition to compromise a minor's disputed claim within 30 days from the date of filing and, if the petition is unopposed, would require the court to enter a decision at the conclusion of the hearing.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the "2021 California Court Efficiency Act."

SEC. 2. Section 8050 of the Business and Professions Code is amended to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court, to promote competition based upon the quality and price of shorthand reporting services, and to ensure consistent regulation of corporations owned by certificate holders and those not owned by certificate holders.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018 or a valid registration issued pursuant to Section 8051, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of a party, or a full-time employee of a party or the attorney of a party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees higher than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

(f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.

(g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.

(h) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3. Section 8050 is added to the Business and Professions Code, to read:

8050. (a) It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based upon the quality and price of shorthand reporting services.

(b) This section shall apply to an individual or entity that does any of the following:

(1) Any act that constitutes shorthand reporting that occurs wholly or partly in this state.

(2) Employs, independently contracts with, or recruits a licensed shorthand reporter to report or transcribe deposition testimony in a court proceeding or in a deposition.

(3) Contracts with a resident of this state by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state.

(4) Independently contracts with or is employed by an entity that does any of the acts described in paragraphs (1) to (3), inclusive.

(c) (1) This section does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined in Section 8040, who possesses a valid license, issued pursuant to Section 8018, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Section 8044.

(2) This section does not apply to a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation.

(d) An individual or entity described in subdivision (b) shall not do any of the following:

(1) Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in Section 2473 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(2) Seek compensation for a certified court transcript applying fees other than those set out in Section 69950 of the Government Code.

(3) Make a transcript available to one party in advance of other parties, as described in subdivision (d) of Section 2025.510 of the Code of Civil Procedure, or offer or provide a service to only one party as described in subdivision (b) of Section 2025.320 of the Code of Civil Procedure.

(4) Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts, or expedites for one party without the other parties' knowledge, as described in paragraph (5) of subdivision (b) of Section 2475 of Article 8 of Division 24 of Title 16 of the California Code of Regulations.

(e) Nothing in this section shall be construed to prohibit a licensed shorthand reporter, shorthand reporting corporation, or an individual or entity described in subdivision (b), from offering or providing long-term or multicase volume discounts or services ancillary to reporting and transcribing a deposition, arbitration, or judicial proceeding in contracts that are subject to laws related to shorthand reporting.

- (f) An individual or entity that violates this section shall be subject to a civil fine not exceeding ten thousand dollars (\$10,000) per violation.
- (g) The Attorney General, a district attorney, a city attorney, or the board may bring a civil action for a violation of this section, including an action for injunctive relief and any other appropriate relief, and shall be entitled, if they are the prevailing party, to recover reasonable attorney's fees.
- (h) This section shall become operative on January 1, 2024.

SEC. 4. Section 8051 is added to the Business and Professions Code, to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever incorporated in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

- (1) The entity pays an annual registration fee to the board, in an amount determined by the board, not to exceed five hundred dollars (\$500). The fee shall not exceed the board's cost of administering this section.
 - (2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified shorthand reporter where the certificate holder has no restrictions on their license and is not subject to a pending board accusation or investigation at the time of the entity's application for registration. The reporter-in-charge shall be responsible to the board for an entity's compliance with all state laws and regulations pertaining to and within the scope of the practice of certified shorthand reporting and any acts of the entity pertaining to and within the scope of the practice of a certificate holder shall be deemed acts of the reporter-in-charge. Nothing in this paragraph shall be construed as permitting the board to restrict, suspend, or revoke the license of a reporter-in-charge for conduct committed or directed by another person unless the reporter-in-charge had knowledge of or knowingly participated in such conduct.
 - (3) The entity agrees in the registration to abide by the laws, regulations, and standards of practice applicable to businesses that render shorthand reporting services pursuant to Section 13401 of the Corporations Code, except for the requirements of Sections 8040 and 8044.
- (b) An entity shall provide the board with all of the following information for consideration of initial registration pursuant to subdivision (a):
- (1) The name and certificate number of the entity's certified reporter-in-charge.
 - (2) Whether the entity, a controlling officer or parent corporation of the entity, the entity's reporter-in-charge, or any of its officers, employees, or independent contractors, has been subject to any enforcement action, relating to the provision of court reporting services, by a state or federal agency within five years before submitting the initial registration. If so, the entity shall provide the board a copy of the operative complaint with the initial registration.
 - (3) Whether the entity, within five years before submitting the registration, has settled, or been adjudged to have liability for, a civil complaint alleging the entity or the entity's reporter-in-charge engaged in misconduct relating to the provision of court reporting services for more than fifty thousand dollars (\$50,000).
 - (4) Any additional documentation the board reasonably deems necessary for consideration in the initial registration process.
- (c) Within 90 days of receiving a completed application for initial registration, including any disclosures made pursuant to subdivision (b), the board shall either approve the entity's registration or deny the application upon a finding that a substantial risk would be

posed to the public, which shall be subsequently provided to the applicant in writing with specificity as to the basis of that finding.

(d) A registration issued by the board pursuant to this section shall be valid for one year, at which time it may be approved for renewal by the board upon meeting the requirements of subdivision (a).

(e) A registered entity shall notify the board in writing within 30 days of the date when a reporter-in-charge ceases to act as the reporter-in-charge and propose another certificate holder to take over as the reporter-in-charge. The proposed replacement reporter-in-charge shall be subject to approval by the board. If disapproved, the entity shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a reporter-in-charge is approved by the board.

(f) The board shall revoke the registration of an entity if the board determines the entity:

(1) Engaged, in whole or in part, through officers, employees, or independent contractors that are not certificate holders, in acts that are within the scope of practice of a certificate holder, unless otherwise permitted by law.

(2) Directed or authorized the reporter-in-charge to violate state laws or regulations pertaining to shorthand reporting or offering financial incentives to the reporter-in-charge for engaging in acts that violate state law.

(g) In addition to revoking an entity's registration as required by subdivision (f), a registration issued under this section may be revoked, suspended, denied, restricted, or subjected to other disciplinary action as the board deems fit for violations of the laws or regulations pertaining to shorthand reporting by the entity's officers, employees, or independent contractors, including the issuance of citations and fines.

(h) The board shall consider suspending the registration of an entity for a minimum of one year if the license of its reporter-in-charge is suspended or revoked for violating this section more than twice in a consecutive five-year period.

(i) An entity shall have the right to reasonable notice and opportunity to comment to and before the board regarding any determination to deny or revoke registration before that determination becomes final. An entity may seek review of a board decision to deny or revoke registration under this section either in an administrative hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or through an action brought pursuant to Section 1085 of the Code of Civil Procedure.

(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time.

(l) The board may adopt regulations to implement this section.

(m) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 5. Section 367.75 is added to the Code of Civil Procedure, to read:

367.75. (a) Except as provided in subdivisions (b) and (d), in civil cases, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology.

(b) Except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding described in subdivision (a), or under subdivisions (e) and (h), if any of the following conditions are present:

(1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.

(2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.

(3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

(4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.

(5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.

(6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(c) Notwithstanding paragraph (3) of subdivision (b), an expert witness may appear remotely absent good cause to compel in-person testimony.

(d) (1) Except as otherwise provided by law and subject to the limitations of subdivision (b), upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

(2) (A) Except as provided in Section 269 of the Code of Civil Procedure and Section 69957 of the Government Code, if the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore shall be physically present in the courtroom.

(B) If the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.

(e) (1) Before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

(2) The court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

(3) The court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. The court shall make information available to self-represented

parties regarding the options for appearing in person and through the use of remote technology.

(f) The court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

(g) A self-represented party may appear remotely in a conference, hearing, or proceeding conducted through the use of remote technology only if they agree to do so.

(h) Any juvenile dependency proceeding may be conducted in whole or in part through the use of remote technology subject to the following:

(1) Any person authorized to be present may request to appear remotely.

(2) Any party to the proceeding may request that the court compel the physical presence of a witness or party. A witness, including a party providing testimony, may appear through remote technology only with the consent of all parties and if the witness has access to the appropriate technology.

(3) A court may not require a party to appear through the use of remote technology.

(4) The confidentiality requirements that apply to an in-person juvenile dependency proceeding shall apply to a juvenile dependency proceeding conducted through the use of remote technology.

(i) For purposes of this section, a party includes a nonparty subject to Chapter 6 of Title 4 of Part 4 (commencing with Section 2020.010).

(j) Subject to the limitations in subdivision (b), this section is not intended to prohibit the use of appearances through the use of remote technology when stipulated by attorneys for represented parties.

(k) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section to promote statewide consistency, including, but not limited to, the following procedures:

(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely.

(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology. The procedures and standards shall require that a judicial officer give consideration to the limited access to technology or transportation that a party or witness might have.

(l) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 6. Section 599 of the Code of Civil Procedure is amended to read:

599. (a) Notwithstanding any other law and unless ordered otherwise by a court or otherwise agreed to by the parties, a continuance or postponement of a trial or arbitration date extends any deadlines that have not already passed as of March 19, 2020, applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions in the same matter. The deadlines are extended for the same length of time as the continuance or postponement of the trial date.

(b) This section shall remain in effect only during the state of emergency proclaimed by the Governor on March 4, 2020, related to the COVID-19 pandemic and 180 days after the end, pursuant to Section 8629 of the Government Code, of that state of emergency and is repealed on that date.

SEC. 7. Section 1010.6 of the Code of Civil Procedure is amended to read:

1010.6. (a) A document may be served electronically in an action filed with the court as provided in this section, in accordance with rules adopted pursuant to subdivision (f).

(1) For purposes of this section:

(A) "Electronic service" means service of a document, on a party or other person, by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party or other person's attorney, or through an electronic filing service provider.

(B) "Electronic transmission" means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.

(C) "Electronic notification" means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served, and providing a hyperlink at which the served document may be viewed and downloaded.

(D) "Electronic filing" means the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court's records, which are necessary for a document to be officially filed.

(2) (A) (i) For cases filed on or before December 31, 2018, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d).

(ii) For cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is authorized if a party or other person has expressly consented to receive electronic service in that specific action, the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), or the document is served electronically pursuant to the procedures specified in subdivision (e). Express consent to electronic service may be accomplished either by (I) serving a notice on all the parties and filing the notice with the court, or (II) manifesting affirmative consent through electronic means with the court or the court's electronic filing service provider, and concurrently providing the party's electronic address with that consent for the purpose of receiving electronic service. The act of electronic filing shall not be construed as express consent.

(B) If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.

(3) (A) Before July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court may electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(B) On and after July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court shall electronically transmit, to the agreeing or expressly consenting party or person, any document issued by the court that the court is required to transmit, deliver, or serve. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(4) (A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

- (i) A notice of intention to move for new trial.
- (ii) A notice of intention to move to vacate judgment under Section 663a.
- (iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

(7) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a party or other person entitled to service or that person's attorney.

(8) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (f) and the following conditions:

(1) A document that is filed electronically shall have the same legal effect as an original paper document.

(2) (A) When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

- (i) The filer is the signer.
- (ii) The person has signed the document pursuant to the procedure set forth in the California Rules of Court.

(B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

- (i) The person has signed a printed form of the document before, or on the same day as, the date of filing. The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form

of the document bearing the original signature until final disposition of the case, as defined in subdivision (c) of Section 68151 of the Government Code, and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.

(ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.

(3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a noncourt day shall be deemed filed on the next court day.

(4) (A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.

(B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.

(C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.

(D) If the court utilizes an electronic filing service provider or electronic filing manager to send the notice of rejection described in subparagraph (C), the electronic filing service provider or electronic filing manager shall promptly send the notice of rejection to the party or person who submitted the document. A notice of rejection sent pursuant to this subparagraph shall include the date the electronic filing service provider or electronic filing manager sent the notice.

(E) If the clerk of the court does not file a complaint or cross complaint because the complaint or cross complaint does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.

(5) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records and may electronically transmit a copy of the summons to the

requesting party. Personal service of a printed form of the electronic summons shall have the same legal effect as personal service of an original summons. If a trial court plans to electronically transmit a summons to the party filing a complaint, the court shall immediately, upon receipt of the complaint, notify the attorney or party that a summons will be electronically transmitted to the electronic address given by the person filing the complaint.

(6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court shall consider and determine the application in accordance with Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code and shall not require the party or attorney to submit any documentation other than that set forth in Article 6 (commencing with Section 68630) of Chapter 2 of Title 8 of the Government Code. The court, an electronic filing service provider, or an electronic filing manager shall waive any fees charged to a party if the party has been granted a waiver of court fees pursuant to Section 68631. The electronic filing manager or electronic filing service provider shall not seek payment from the court of any fee waived by the court. This section does not require the court to waive a filing fee that is not otherwise waivable.

(7) If a party electronically files a filing that is exempt from the payment of filing fees under any other law, including a filing described in Section 212 of the Welfare and Institutions Code or Section 6103.9, subdivision (b) of Section 70617, or Section 70672 of the Government Code, the party shall not be required to pay any court fees associated with the electronic filing. An electronic filing service provider or an electronic filing manager shall not seek payment of these fees from the court.

(8) A fee, if any, charged by the court, an electronic filing service provider, or an electronic filing manager to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.

(9) The court shall not charge fees for electronic filing and service of documents that are more than the court's actual cost of electronic filing and service of the documents.

(c) If a trial court adopts rules conforming to subdivision (b), it may provide by order, subject to the requirements and conditions stated in paragraphs (2) to (4), inclusive, of subdivision (d), and the rules adopted by the Judicial Council under subdivision (g), that all parties to an action file and serve documents electronically in a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules, provided that the trial court's order does not cause undue hardship or significant prejudice to any party in the action.

(d) A trial court may, by local rule, require electronic filing and service in civil actions, subject to the requirements and conditions stated in subdivision (b), the rules adopted by the Judicial Council under subdivision (g), and the following conditions:

(1) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.

(2) The court and the parties shall have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court. Any fees charged by an electronic filing service provider shall be reasonable. An electronic filing manager or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver.

(3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. The Judicial

Council shall make a form available to allow a party to seek an exemption from mandatory electronic filing and service on the grounds provided in this paragraph.

(4) Unrepresented persons are exempt from mandatory electronic filing and service.

(5) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code, is exempt from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.

(e) (1) A party represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party shall confirm by telephone or email the appropriate electronic service address for counsel being served.

(2) A party represented by counsel shall, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(f) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, and access to public records, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(g) The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(h) (1) Any system for the electronic filing and service of documents, including any information technology applications, internet websites and web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court, regardless of the case management system used by the trial court, shall satisfy both of the following requirements:

(A) The system shall be accessible to individuals with disabilities, including parties and attorneys with disabilities, in accordance with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(B) The system shall comply with the Web Content Accessibility Guidelines 2.0 at a Level AA success criteria.

(2) Commencing on June 27, 2017, the vendor or contractor shall provide an accommodation to an individual with a disability in accordance with subparagraph (D) of paragraph (3).

(3) A trial court that contracts with an entity for the provision of a system for electronic filing and service of documents shall require the entity, in the trial court's contract with the entity, to do all of the following:

(A) Test and verify that the entity's system complies with this subdivision and provide the verification to the Judicial Council no later than June 30, 2019.

- (B) Respond to, and resolve, any complaints regarding the accessibility of the system that are brought to the attention of the entity.
 - (C) Designate a lead individual to whom any complaints concerning accessibility may be addressed and post the individual's name and contact information on the entity's internet website.
 - (D) Provide to an individual with a disability, upon request, an accommodation to enable the individual to file and serve documents electronically at no additional charge for any time period that the entity is not compliant with paragraph (1). Exempting an individual with a disability from mandatory electronic filing and service of documents shall not be deemed an accommodation unless the person chooses that as an accommodation. The vendor or contractor shall clearly state in its internet website that an individual with a disability may request an accommodation and the process for submitting a request for an accommodation.
- (4) A trial court that provides electronic filing and service of documents directly to the public shall comply with this subdivision to the same extent as a vendor or contractor that provides electronic filing and services to a trial court.
- (5) (A) The Judicial Council shall submit four reports to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. The first report is due by June 30, 2018; the second report is due by December 31, 2019; the third report is due by December 31, 2021; and the fourth report is due by December 31, 2023.
- (B) The Judicial Council's reports shall include all of the following information:
- (i) The name of each court that has implemented a system of electronic filing and service of documents.
 - (ii) A description of the system of electronic filing and service.
 - (iii) The name of the entity or entities providing the system.
 - (iv) A statement as to whether the system complies with this subdivision and, if the system is not fully compliant, a description of the actions that have been taken to make the system compliant.
- (6) An entity that contracts with a trial court to provide a system for electronic filing and service of documents shall cooperate with the Judicial Council by providing all information, and by permitting all testing, necessary for the Judicial Council to prepare its reports to the Legislature in a complete and timely manner.

SEC. 8. Section 3505 is added to the Probate Code, to read:

3505. The court shall schedule a hearing on a petition for compromise of a minor's disputed claim pursuant to Section 3500 within 30 days from the date of filing. If the petition is unopposed, the court shall issue a decision on the petition at the conclusion of the hearing.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



DEPARTMENT OF CONSUMER AFFAIRS

**COURT REPORTERS BOARD
OF CALIFORNIA**

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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
JANUARY 26, 2022****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:00 a.m. The public meeting was held via a teleconference platform and a physical meeting location was not provided.

ROLL CALL**Board Members Present:**

Robin Sunkees, Licensee Member, Chair
Davina Hurt, Public Member, Vice Chair
Laura Brewer, Licensee Member
Denise Tugade, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Rebecca Bon, Board Counsel
Grace Arupo Rodriguez, Legal Affairs Assistant Deputy Director
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

Ms. Sunkees welcomed new Board member Laura Brewer to her first meeting.

1. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No comments were offered.

2. REVIEW AND APPROVAL AUGUST 20, 2021 MEETING MINUTES

Ms. Hurt moved to approve the minutes. Ms. Tugade seconded the motion. Ms. Sunkees called for public comment.

Ana Fatima Costa clarified her request in the last sentence of the second paragraph on page four of the minutes. She stated that she intended to request an audit of the Board's entire testing process from receipt of application through completion, as well as RealtimeCoach (RTC) and ProctorU.

A vote was conducted by roll call.

For: Ms. Hurt, Ms. Tugade, and Ms. Sunkees
Opposed: None
Absent: None
Abstain: Ms. Brewer
Recusal: None

3. RESOLUTION FOR BOARD MEMBER TONI O'NEILL

Ms. Sunkees read aloud the resolution prepared for Ms. O'Neill found on page 22 of the Board agenda packet.

Ms. Sunkees expressed her appreciation for Ms. O'Neill's years of work with the California Court Reporters Association (CCRA) and National Court Reporters Association (NCRA) to grow and support the profession of court reporting. She stated that the Board and consumers have greatly benefited from her contributions.

Ms. Hurt stated that Ms. O'Neill has been a great advocate for CA consumers. She thanked her for her grace, thoughtfulness, and invaluable input formed from years of service as a certified shorthand reporter. She added that Ms. O'Neill would be very much missed.

Ms. Tugade commented that although their service on the Board together was brief, it was clear how knowledgeable Ms. O'Neill is. She stated that she would leave a lasting imprint on the Board as a leader.

Ms. Brewer shared that Ms. O'Neill has been a star in representing reporters and disseminating information for many years. She expressed her gratefulness for her years of service to the public.

Ms. Fenner shared that she and Ms. O'Neill served as members of the Board together until Ms. Fenner transitioned to executive officer. She stated that Ms. O'Neill has been such an involved board member and has always been available to staff. She thanked her for freely sharing her expertise to enable the Board and staff to do their very best. She expressed that it had been an honor to have served with Ms. O'Neill in protecting the consumers of California and wished her success in the next portion of her life's adventure.

Carolyn Dasher thanked Ms. O'Neill for her service and wished her well in her retirement.

Ms. Brewer moved to adopt the resolution. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Ms. Tugade, and Ms. Sunkees
Opposed: None
Absent: None
Abstain: None
Recusal: None

4. DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Carrie Holmes, Deputy Director, Department of Consumer Affairs (Department/DCA), provided a Department update

Ms. Holmes welcomed new Board member, Ms. Brewer, and thanked her for her willingness to serve. She also thanked Ms. O'Neill for her dedication to the Board and California consumers.

COVID-19

Ms. Holmes thanked staff for continuing to work during the pandemic. She stated that California had implemented enhanced safety measures to combat the spread of COVID-19 including proof of vaccination or weekly testing and mandatory mask requirements for indoor settings.

Board Meetings

She shared that on January 5, 2022, Governor Newsom signed an executive order that extends through March 31, 2022, the permission for Board to hold public meetings via WebEx without listing member locations. She added that Sacramento County also issued local order directing public board, committees, and similar public bodies to suspend in-person meetings that might otherwise be held in the county and hold them remotely. After March 31, 2022, it is expected that meetings will resume in person in accordance with all aspects of the Open Meetings Act. Before attending in-person meetings, Board members must verify full vaccination status with the DCA Human Resources Unit or participate in COVID-19 testing. Verification was requested to be completed by January 31, 2022, to allow enough time for testing for those that need it. She expressed her appreciation for continual flexibility of Board and staff as it is unknown what additional changes to the law will be coming.

Board Member Requirements

Ms. Holmes reminded the Board about the requirement to file their Form 700 before April 1 to avoid penalties from the Fair Political Practices Commission (FPPC). DCA requests members file by March 18. If assistance is needed, members may reach out to the DCA filing officer or legal counsel.

Training

Ms. Holmes stated that newly appointed and reappointed Board members must complete the Board Member Orientation Training (BMOT) within one year of appointment. Registration is completed through the Learning Management System (LMS). The live virtual trainings will be held March 9, June 15, and October 12.

5. REPORT OF THE EXECUTIVE OFFICER

5.1 CRB Budget Report

Ms. Fenner provided a review of the Board's budget and referred the Board to page 25 of the Board agenda packet for the final numbers for fiscal year 2020/21. She highlighted the end of year surplus of 19 percent, which was reverted back to the Board's main fund.

Ms. Hurt commented that the Board and staff had been very disciplined in spending. She added that moving the exam to the online platform made a huge difference. She asked if more employees were needed to support existing staff. Ms. Fenner responded that the Board had been operating without the half-time receptionist for many of the months since July 2019. Additionally, the half-time analyst who worked on the pro per portion of the Transcript Reimbursement Fund (TRF) vacated the position in December 2020. She thanked staff for picking up the additional duties. She shared that a new receptionist would be onboarded in the near future. Additional staffing needs would then be reevaluated. Ms. Hurt inquired about the status of cross-training staff. Ms. Fenner responded that existing staff are currently cross-trained.

Ms. Fenner referred to the Board's expenditure projections on page 26 of the Board agenda packet, which reflected statistics through fiscal month five. She emphasized the projection of over 14 percent surplus but noted that the filling of the receptionist position was not reflected in the report. She then provided a summary of the overall fund condition on page 27 of the Board agenda packet.

5.2 Transcript Reimbursement Fund

Ms. Bruning provided statistics for the end of fiscal year 2020/21, reporting that the TRF paid out more than \$96,000 for pro bono applications and approved more than \$18,000 for pro per applicants. Thus far for fiscal year 2021/22, more than \$46,000 had been authorized for payment for pro bono applicants, and \$26,000 had been approved for pro per applicants.

Ms. Bruning shared that the Legislature allocated an additional one-time \$500,000 for the TRF from the General Fund.

Ms. Hurt thanked the legislators and Governor's Office for the additional allocation for the consumers and pro bono entities.

5.3 Enforcement Activities

Ms. Fenner referred to the enforcement statistics starting on page 29 of the Board agenda packet. She indicated that the most common complaints received continue to be for timeliness of production and accuracy of the transcript. There are no new trends as to type of complaint.

5.4 Exam Update

Ms. Fenner indicated that the exam statistics began on page 31 of the Board agenda packet. She stated that the last onsite skills exam was given in March 2020 and the pass rates seem to have stabilized since moving to the remote platform. All tests go through the same development process and are carefully counted by word and syllable, so she was unable to offer a reason for prior fluctuations or the current stabilization of pass rates on the skills exam. She added that there were no alarming trends with respect to the two written portions of the license exam – English and Professional Practice.

Ms. Hurt noted that the overall number applications for the skills exam has continued to diminish causing her great concern over lack of new licensees. She urged the Board and industry to discuss options for recruiting new candidates.

Ms. Fenner commented that the Board has done a good job at exploring options for new licensees such as licensing voice writers and reciprocity agreements. She welcomed additional ideas from the resourceful Board.

Ms. Brewer echoed the concerns shared by Ms. Hurt. She stated that industry-wide practices have been initiated to try to recruit reporters, but there is a huge cohort of reporters nearing age of retirement. There is a need to figure out ways to meet the demand and serve consumers without dropping the quality of the product produced.

Michelle Carter, CSR, stated that more exam applicants are needed. She expressed that licensure of voice writers would be preferred over digital recorders.

Ms. Costa requested the exam accommodation process be made easier for candidates and not require candidates to submit a new request with each new application. She questioned whether the Board shares information regarding accommodations with RTC or ProctorU. Ms. Fenner stated that candidates' circumstances sometimes change, requiring a new request for each examination. She added that the reason for accommodation is not shared with RTC or ProctorU.

Ms. Dasher suggested the Board allow for online qualifiers and out-of-state schools to be recognized. Ms. Fenner stated that the recognized schools may offer online qualifiers.

5.5 Business Modernization

Ms. Fenner shared that the Board's databases currently operate on a legacy system with DCA. Although the staff previously participated in the groundwork for the next phase of business modernization, the decision was made to allocate funding to reopen the TRF instead of funding business modernization. With cost savings realized from the past two years plus the \$500,000 transfer from the General Fund to the TRF, the Board is now in a position to be able to restart the business modernization process.

Ms. Fenner stated that the Board is in discussions with the DCA Office of Information Services to explore options for online services in addition to the online renewal payment system. OIS is working to provide high-level options based on recent market research. It is hoped that the short-term workload will lead to long-term efficiencies.

Ms. Tugade commended staff for investing the time and effort in working toward workload efficiencies.

Ms. Hurt inquired if the DCA pro rata payments covered any of the business modernization costs. Ms. Fenner stated that there are some costs absorbed by DCA in providing OIS staff and support, however, each program bears the cost of its individual system. The benefit of having waited is that other boards have paved the way in finding what works, which will streamline the process for the Board.

6. LEGISLATION

Ms. Fenner stated that information regarding the bills the Board tracked during the last legislative session could be found beginning on page 37 of the Board agenda packet. She noted that a number of bills are two-year bills for which more details would be available at the next meeting.

6.1 AB 29 (Cooper) – No discussion.

6.2 AB 107 (Salas) – No discussion.

6.3 AB 163 (Committee on Budget) – Ms. Fenner reported that the bill made changes to reimbursement amounts for the TRF. The changes included an increase in the limit for pro per cases from \$1,500 to \$2,500 and eliminated the \$75,000 cap for pro per cases in each fiscal year.

6.4 AB 177 (Committee on Budget) – Ms. Fenner reported that the bill provided for a transcript rate increase for court transcripts.

6.5 AB 225 (Gray, Gallagher, and Patterson) – No discussion.

6.6 AB 305 (Maienschein) – No discussion.

6.7 AB 646 (Low) – No discussion.

6.8 AB 885 (Quirk) – No discussion.

6.9 AB 1386 (Cunningham) – No discussion

6.10 SB 170 (Skinner) – Ms. Fenner reported that the bill allocated \$30 million by the Judicial Council to increase the number of court reporters in family and civil law cases.

Ms. Hurt inquired who would monitor the system and what would happen if they are not able to find court reporters to fill the positions.

Ms. Sunkees noted that the Judicial Council met on January 21, 2022. It was her understanding that they developed a formula on how to distribute the funding to the individual courts. She did not have information on how the money would be used if there were no court reporters to hire. She shared that the Supreme Court ruling on Jamison vs. Desta required that indigent parties be provided “an official reporter, or other valid means to create an official verbatim record...”, which potentially leaves the door open for electronic recording. She believed the Board was working to increase licensees by exploring voice writers and reciprocity and hoped for a remedy soon.

Ms. Brewer stated that many officials have left the court and now work as freelance pro tem reporters who specialize in covering court. Unfortunately, there are often four or five reporters lined up to cover one courtroom, each for different counsel, instead of one official reporter for that courtroom. She opined that this is not the most efficient way to handle the pool of reporters while there is a shortage. She added that

recruitment of skilled individuals to the profession is crucial. Adding funding is a move in the right direction, but not fruitful without a substantial licensee base.

Ms. Tugade echoed the concerns regarding the long-term sustainability for public access to court reporters. She requested additional information be sought regarding the formula developed by Judicial Council and if there will be any prioritization of those funds in terms of courts with higher needs, backlogs, or serving a population who needs more access.

Ms. Sunkees stated that the courts created a quasi-private system when they laid off officials from civil court. Those court reporters formed firms that are very lucrative and are no longer interested in working as officials.

Ms. Hurt requested the Board also research the Jamison vs. Desta ruling with regard to what “or other valid means” intends and how that affects the allocation.

Ms. Dasher invited the Board to view the Judicial Council’s website to view the report from the January 21, 2022, meeting where decisions were made on how to allocate the funding. She stated that some courts are creating incentives to attract officials. She suggested that the Board and stakeholders work with the Legislature to make modifications to how the money is spent in the future.

Ms. Costa inquired if the Board operated strictly from licensing fees. Ms. Fenner confirmed that it is, with the exception of the additional \$500,000 recently allocated to the TRF. Ms. Hurt added that the Board was formed to protect California consumers and its funding may change in the future based upon the circumstances.

- 6.11 SB 241 (Umberg) – Ms. Fenner reported that the bill is the Board’s firm registration bill. She stated staff has been working with OIS to update the Board’s legacy database as well as creating an application form for firms. Additionally, proposed regulatory language to set the fee for registration is being brought to the Board under Agenda Item 7. Staff has been working diligently to meet the July 1, 2022, implementation deadline.

Ms. Hurt asked how the Board arrived at the \$500 firm registration fee. Ms. Fenner stated that Board staff worked with fiscal staff to determine how much staff time is required to process applications to determine the costs. She stated that the desk review revealed that the cost to the Board is slightly higher than the statutory cap of \$500.

Ms. Hurt thanked Senator Umberg for carrying the bill. She also thanked DRA and CCRA for working toward the goal of firm registration. Ms. Brewer echoed her sentiments.

Ms. Sunkees highlighted Section 367.75(d)(2)(A) of the bill found on page 53 of the Board agenda packet, wherein it states that if the trial is held by remote technology, “the official reporter or official reporter pro tempore shall be physically present in the courtroom.”

Ms. Dasher congratulated the Board on the passing of the firm registration bill. She added that the remote appearance language, although related to court reporting, was an offshoot and hard road to cross for officials. She shared that Los Angeles County is currently negotiating with courts on how to facilitate remote reporting within the confines within Code of Civil Procedure 367.75, and she is confident other counties would follow suit. She looked forward to working on legislation in future to help improve the environment for court users and reporters.

Cindy Vega, CSR, shared that she often appears as a pro tem for one or two hearings. She stated that it is unfortunate for pro per litigants who cannot afford a pro tem reporter based on the fees that they need to charge to make an appearance. She added that San Diego County is not allowing remote reporting as of January 1, 2022.

6.12 SB 731 (Durazo and Bradford) – No discussion

6.13 SB 772 (Ochoa Bogh) – No discussion

The Board took a break at 10:40 a.m. and returned to open session at 10:55 a.m.

7. REGULATIONS

7.1 Minimum Transcript Format Standards (MTFS): Public hearing regarding petition to amend regulations. (Gov. Code, § 11340.6.) – Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations section 2473

Ms. Fenner reported that draft language was presented at the August 20, 2021, Board meeting and input was received from the public. She referred to the updated proposed language found on pages 43 and 44 of the Board agenda packet. She highlighted the addition of subsection 12, which will require that transcripts be made available in electronic format if requested.

Ms. Hurt moved to approve the proposed regulatory text for section 2473; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; and, if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 2473 as noticed. Ms. Brewer seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Ms. Tugade, and Ms. Sunkees
Opposed: None
Absent: None
Abstain: None
Recusal: None

7.2 SB 241 Implementation – Firm Registration: Discussion and Possible Action to Initiate a Rulemaking and Possibly Amend Section 2450, Repeal Section 2464, and Adopt Section 2468.1 of Title 116 of the California Code of Regulations, to Implement Firm Registration per Business and Professions Code section 8050.

Ms. Fenner explained that the proposed regulatory package was required to set the fee for the firm registration initial and renewal applications. Additionally, it was found that two sections were no longer needed since Business and Profession Code 8041 was repealed in 1992. Therefore, sections 2463 and 2464 should be repealed. She referred to the proposed language found on pages 45 and 46 of the Board agenda packet.

In response to Ms. Tugade, Ms. Fenner explained that the firm registration law does not set the fee at \$500, but caps it as the maximum fee allowed to be set. The regulatory package is needed to actually set the fee at that amount. She reiterated that Board staff worked with fiscal staff to determine how much staff time is required to process applications to determine the costs.

Kim Kuziora, CSR, requested the Board make it clear how licensed shorthand reporter corporations or licensed shorthand reporter sole proprietor agencies will be able to register with the Board and will be put on the Board's website directory of registered entities that the Board is required to create for SB 241, section 8051(k). She emphasized the importance of this because section 8051(j) specifically states that the certificate holder cannot work for an entity or person unless the entity is registered with the Board.

Ms. Arupo Rodriquez, on behalf of the DCA Legal Affairs, stated that modifications to the language of the BPC enacted by SB 241 were being worked out to include all business types and entities. The amendments to the regulation before the Board specifically focuses solely on the fees.

Ms. Tugade moved to approve the proposed regulatory text for amendment to section 2450 and repeal of sections 2463 and 2464; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; and, if no adverse comments are received, authorize the executive officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the executive officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 2450 and the proposed repeal of 2463 and 2464 as noticed. Ms. Brewer seconded the motion. Ms. Sunkees called for public comment. No comments were offered. A vote was conducted by roll call.

For: Ms. Brewer, Ms. Hurt, Ms. Tugade, and Ms. Sunkees

Opposed: None

Absent: None

Abstain: None

Recusal: None

8. LICENSURE OF VOICE WRITERS

Ms. Fenner reported that, at the direction of the Board, she met with staff from the Senate Business Professions and Economic Development Committee and the Assembly Business and Professions Committee to advance the licensure of voice writers. She added that she and Ms. Sunkees met with representatives of SEIU to answer questions pertaining to voice writers. Staff is awaiting direction from the Legislature for the next step.

Ms. Brewer inquired as to the timeline for hearing back from the Legislature. Ms. Fenner responded that she usually reaches out every couple of weeks just to see if they have any additional information they can offer or to see if there is anything she can do to help, such as set up stakeholder meetings. Currently, she is just waiting for the Board's turn in the Legislature's busy agenda.

Ms. Hurt requested information related to any questions or concerns she heard from the Legislature or SEIU. Ms. Fenner shared that most commonly people wanted to know why this was coming to the forefront now. She stated her response was that the declining number of students and the potential shortage in the field are driving the Board's interest in making sure there is a robust workforce going forward. She educated them on the difference in training methods and times for voice writers and machine writers. She was also asked about whether the Board anticipated a separate license for voice writers and machine writers. She responded that the other states who license both do not differentiate between the two. She added that the Board did not differentiate between pen writers and machine writers when licensure began in 1951. Ms. Fenner shared that the Legislature contended that individuals should be tested in whichever method they will use to practice.

Athena Ponce, CSR, president of the Sacramento Official Court Reporters Association (SOCRA), asserted that there is not a shortage of court reporters, but that many officials have left the court in pursuit of higher wages in the freelance arena. She added that newer reporters are not interested in committing to a fulltime officialship position. She questioned how licensing voice writers would address the shortage of official reporters. She shared her belief that if more courts offered part time pro tem positions or allow retired annuitant to cover court hearings, the shortage of reporters that some courts are experiencing may be alleviated. She stated that SOCRA recently formed a task force to recruit new hires and form a student outreach committee. The task force is working to collect data from California court reporting schools with regard to enrollment. One school shared that their enrollment is up 100 students wherein they only had 75 students three years ago. SOCRA is formulating a plan to reach out to high school career centers to market the profession. Lastly, she stated that many California students attend court reporting school online from various states and qualify for the California license exam by obtaining the RPR certificate. She noted that there was a 67 percent pass rate for those who qualified via RPR certificate for the November 2021 dictation exam.

Michelle Carter, CSR, opined that there is currently a reporter shortage. She stated that there needs to be 300 new court reporters each year to address the shortage. She agreed that there should only be one license type for both voice writers and machine writers, and anyone who can pass the Board's exam should be eligible for licensure. She shared her opposition to digital recorders.

Ms. Dasher shared that she recently learned that students of Mark Kislingbury graduate in 18 months, which is why she suggested the Board allow out-of-state schools to qualify exam candidates. She recommended the Board form a public relations piece directed to current licensees to combat any misinformation regarding voice writers. She stated that there is not a court reporter shortage today but she realizes the number of licensees is declining and there is a need to backfill those retiring.

Stephanie Whitehead, CSR, indicated that she is an official reporter for San Diego County Superior Court and an instructor for a school who teaches Kislingbury's theory. She shared that from a class of 24 students who started in September 2020, only three are now in high speed. She disputed the idea that there are enough students graduating to address the shortage. She believed a differentiation between voice writers and steno writers would cause a salary hierarchy for different license types.

Ms. Costa stated that many court reporters erroneously believe that voice writers are the same as digital recording personnel. She said that some reporters who were previously machine writers transferred to voice writing. She shared that voice writers start school at approximately 140 words per minute compared to machine writers who start at zero words per minute, making the training process much faster for voice writers. She agreed that more education about voice writers was needed for current licensees.

Linda Lawson, court reporting teacher with 40 years of experience, asserted that most new court reporting students drop out and statistically only 2 out of the 20 new students starting theory in the fall will make it to high speed classes. She shared that she began investigating voice writing 12 years earlier and has seen an incredible increase in computer processing power and speech recognition technology. She has been teaching a voice writing class for a year and has seen a few students pass qualifiers in less than a year. She believed voice writing would help meet the need for court reporters including realtime services.

Ms. Carter noted that the examination statistics reveal that many of those taking the California license exam are out of state. She questioned how an out-of-state licensee base would be helpful to the California shortage. She added that voice writers and machine writers receive equal pay in other states.

Ms. Whitehead stated that she is in favor of voice writers and believes they should receive equal pay for reporting. A common objection to voice writers among machine writers is that voice writers might charge less and take away jobs from machine writers.

Ms. O'Neill shared her perspective of having worked as a pro tem in court alongside pen writers. Some of the pen writers did not believe that machine writers would be as good. Later, machine writers started using computers to prepare their transcripts, which was again questioned as to accuracy. She stated that there was never a designation on the license as to which way the reporter took the record. She offered her support in licensing voice writers.

Ms. Hurt acknowledged that technology would play a part in the future of court reporting, and licensing voice writers is another evolution in getting an accurate and unbiased record.

Ms. Tugade suggested the Board work to avoid potential unintended consequences if choosing two license types, such as causing a stratification in pay. There is a need to retain public access and long-term sustainability of licensees. Ms. Brewer agreed, adding that pay to the licensee is not the primary concern of the Board but is a consideration in how it affects the consumer and meeting their needs by providing enough qualified reporters.

9. SUNSET REVIEW

Ms. Fenner stated that the Board is scheduled to sunset in January 2024 and, therefore, would be entering the sunset review process later in the current year. The statistical and narrative reports will be due in 2022 and a bill to extend the Board's sunset date would be needed in 2023. She indicated that the sunset review process provides an opportunity for the Board to ask the Legislature for statutory changes required to move its strategic plan forward. Noncontroversial changes are typically included within the legislation proposed to extend the sunset date for the Board.

Although the questions have not yet been received from the Legislature to begin the report, staff wanted to ensure there was plenty of time to develop a robust report including what the Board has accomplished since the last sunset review as well as identifying new areas of concern for the Board or the industry. She recommended the Board create a Sunset Review Task Force to work on the draft of the report for review and approval by the full Board before it is presented to the Legislature. She added that stakeholder meetings are typically held to glean input from the industry and public.

Ms. Hurt and Ms. Tugade volunteered to chair the Sunset Review Committee. Ms. Sunkees appointed these two members to co-chair the committee.

10. STRATEGIC PLAN

Ms. Fenner pointed to the update action plan for the Board's strategic goals on page 64 of the Board agenda packet. She invited input on new prioritization of the goals.

Ms. Brewer requested that staff concentrate on the goal of investigating real-time captioning standards and assess industry practices for consumer protection. She shared that it had been a long-term goal of hers to accomplish this accessibility issue.

11. FUTURE MEETING DATES

Ms. Sunkees estimated the next Board meeting would be needed around March or April and again in the fall. She stated staff would poll the Board members on calendar availability as we get nearer the time.


The Board convened into closed session from 12:03 p.m. to 12:31 p.m.

12. CLOSED SESSION

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

ADJOURNMENT

Ms. Sunkees adjourned the meeting at 12:31 p.m.



ROBIN SUNKEES, Board Chair

7/15/2022
DATE



YVONNE K. FENNER, Executive Officer

7/15/2022
DATE

Court Reporters Board of California Shorthand Reporting Corporation Registration (initial)				
Workload Tasks	Per Application	Minutes Per Application	OT	AGPA
Receive, log, distribute & file	1	30	30	-
Cashiering - Data entry	1	30	30	-
Respond to inquiries, monitor applications & other support duties	1	30	15	15
Review application	1	180	-	180
Update status in information technology systems	1	20	20	-
Prepare & send approval letter with license	1	20	20	-
Minutes per Classification			115	195
Hours by Classification			1.92	3.25
Costs by Classification			\$159	\$354
Total Costs:			\$513	

OT: Office Technician - \$83 per hour (includes DCA pro rata)

AGPA: Associate Governmental Program Analyst - \$109 per hour (includes DCA pro rata)


FY	O/1		Copy	Total for FY	No of Invoices	Average
20/21	\$	113,213.44	\$16,417.61	\$129,631.05	120	\$1,080.26
21/22	\$	58,659.55	\$ 8,213.24	\$ 66,872.79	58	\$1,152.98
Total 14 months	\$	171,872.99	\$24,630.85	\$196,503.84	178	\$1,103.95
No of Invoices		160	18	178		
Average	\$	1,074.21	\$ 1,368.38	\$ 1,103.95		

Statement of Mailing (for 45-Day Comment Period)

STATEMENT OF SERVICE

I certify that the Court Reporters Board of California has complied with the requirements of Government Code section 11346.4(a)(1) through (4) and that the notice was emailed on April 13, 2022.

DATED: July 22, 2022



Yvonne K. Fenner
Executive Officer
Court Reporters Board

Updated Informative Digest

UPDATED INFORMATIVE DIGEST

Effective June 30, 2022, section 8051 was amended to establish the fee that is the subject of this proposal at \$500 until January 1, 2025. (Bus. & Prof. Code, § 8051, subd. (a)(1).) On or after January 1, 2025, “the fee shall not exceed five hundred dollars (\$500) or the board’s cost of administering this section, whichever is less.” (*Ibid.*)

The Board has opted to proceed with this regulatory proposal to establish the fee in its schedule with other fees for convenience, and to remain the fee after January 1, 2025.

Final Statement Of Reasons

**Court Reporters Board
Department of Consumer Affairs**

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Firm Registration Fee Schedule

Section(s) Affected: Title 16, Section 2450, of the California Code of Regulations

Updated Information

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein.

The information contained therein is updated as follows:

No public hearing was originally set for this proposal. A hearing was requested and held on May 31, 2022. Board staff noticed the proposed rulemaking on April 13, 2022, with a 45-day comment period ending on May 31, 2022. The Board received one letter and the responses to comments therein are set forth below.

Objections or Recommendations/Responses

On May 31, 2022, the Board received an email from Charlotte A. Mathias, CSR 9792, RPR, on the Board's proposed amendments to section 2450. Below are the Board's responses to the comments made therein.

Comment A-1

Comment Summary:

This comment disputes the Board's determination in the initial statement of reasons (ISOR) that this proposal will not have a significant statewide adverse economic impact affecting business because the proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the California because the proposed regulations require businesses currently operating in the state to register with the Board and pay an annual \$500 registration fee. Commenter claims wholly-owned out-of-state CSR firms will now be able to register and provide court reporting services in California.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

Because there have been no prohibitions on out-of-state firms operating in California, the Board believes businesses that want to do business in California are already here offering services. Accordingly, the Board does not anticipate there will be an increase in out-of-state firms offering court reporting services in California.

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Comment A-2

Comment Summary:

This comment questions the basis for the Board's estimate that ten entities will register in year one and year two, and additionally five entities per year thereafter. Commenter offers a list of 172 entities who would need to register, and therefore disputes the Board's calculation of the number of entities who would register.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

The Board has no way of ascertaining how many court reporting firms are currently doing business in California. Ms. Mathias provides 172 names of firms offering court reporting services in California but admits there is no way to know which of those firms are licensee-owned. The Board agrees that if more than the estimated ten firms register, the economic impacts would accordingly increase.

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Comment A-3

Comment Summary:

This comment challenges the Board's conclusions regarding fiscal impact to the extent they are based on its estimate that 10 entities will register in year one and year two of implementation and estimates 5 registrants per year thereafter.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

The Board has no way of ascertaining how many court reporting firms are currently doing business in California. The Board agrees that if more than the estimated ten firms register, the fiscal impact to the Board would accordingly increase. The fee the Board may charge for registration is capped at \$500. (Bus. & Prof. Code, § 8051, subd. (a)(1).)

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Comment A-4**Comment Summary:**

This comment questions the methodology used for arriving at the cost of \$513 to process an initial registration and \$632 to process a renewal registration, specifically alleging that if the same rate is charged for the time of an office technician and a program analyst, the fees should be \$713.50, not \$632 for a renewal.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

The Board erred in the first paragraph at page 5 of the ISOR in stating the cost of reviewing a renewal is \$632. The amount is in fact \$642, and this amount is stated correctly in the first chart at page 5. Additionally, Business and Professions Code section 8051(a)(1) caps the fee at \$500.00, so the Board cannot charge a fee in excess of this amount. Therefore, the amount by which the cost exceeds this amount is irrelevant for purposes of setting the fee.

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Comment A-5**Comment Summary:**

This comment questions the accuracy of costs reflected in the first table on page 5 of the ISOR, asserting the amounts for renewals should be \$632 or \$713.50.

Response:

The Board incorporates by reference its response to Comment A-4.

Comment A-6**Comment Summary:**

This comment asserts that licensee-owned firms should be placed on the list of registered firms immediately.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

It is the Board's intention to offer firms that are wholly owned by licensees to be included on the list of registered firms.

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Comment A-7**Comment Summary:**

This comment asks if the list of registered firms will be up and ready for licensees to find all firms offering court reporting services by July 1, 2022.

Response:

The Board has considered the comment and makes no revisions to the text based thereon.

BPS section 8051 does not require the directory required by section 8051(k) to be operational on July 1, 2022. As the Board considers and approves registrants' applications for approval, their information will be placed in the directory.

Accordingly, the Board is making no changes to the proposed regulation in response to this comment.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective and less burdensome to affected private persons than the adopted regulations or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board incorporates by reference the alternatives identified in its Initial Statement of Reasons and did not receive any comments that altered its findings.

Public Hearing Transcript

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COURT REPORTERS BOARD OF CALIFORNIA
Third Floor Conference Room
2535 Capitol Oaks Drive
Sacramento, California 95833

California Code of Regulations Section 2450
Regulatory Hearing
May 31, 2022
10:00 a.m.

Attendees:
Paula Bruning, Court Reporters Board
Yvonne Fenner, Court Reporters Board

1 Good morning. My name is Yvonne Fenner. I'm the
2 executive officer of the Court Reporters Board of
3 California.

4
5 This hearing is to consider the proposed amendments to
6 section 2450 of the Board's regulations as outlined in
7 the public notice, regarding the Fee Schedule, which was
8 noticed in the California Regulatory Notice Register and
9 was posted on our website and sent to all who have
10 requested such notice. This hearing is being held
11 pursuant to the procedures set forth in the
12 Administrative Procedure Act.

13
14 Today is May 31, 2022, and the time is 10:00 a.m.

15
16 At this time, the hearing will be opened to take oral
17 testimony and/or documentary evidence from any person
18 interested in the proposed regulatory action for the
19 record, which is being recorded. All oral testimony and
20 documentary evidence will be considered by the Board
21 pursuant to the requirements of the Administrative
22 Procedure Act before the Board formally adopts the
23 proposed regulatory action or recommends changes which
24 may evolve as a result of this hearing.

25

1 As you entered this room, you were offered the attendance
2 sheet to sign your name and a space to mark to indicate
3 that you wanted to make oral comments on the proposed
4 regulations. By completing the attendance sheet and
5 providing your email address, we will notify you before
6 final adoption of any changes to this proposal or about
7 any new material relied upon in proposing these
8 regulation changes. While no one may be excluded from
9 participation in these proceedings for failure to
10 identify themselves, the names and addresses on the
11 attendance sheet will be used to provide the notice.

12
13 It is the desire of the Board that the record of the
14 hearing be clear and intelligible and that the hearing
15 itself be orderly, thus providing all parties with fair
16 and ample opportunity to be heard. The purpose of this
17 hearing is to take oral testimony and/or documentary
18 evidence regarding the proposed regulatory action. The
19 Board will not respond to any comment at this time but
20 may ask clarifying questions. The Board will respond to
21 all oral and written comments received in its Final
22 Statement of Reasons, which will be included in the
23 rulemaking file for the proposed regulatory action and
24 which will be posted on our website and be available from
25 the Contact Person, as stated in the original public

1 notice. The original notice, proposed text, and Initial
2 Statement of Reasons are also available on our website
3 and from the same Contact Person. A complete copy of the
4 Rulemaking File will also be available for review at the
5 Board's office in Sacramento. We will listen to oral
6 comments in the order you signed the attendance sheet.
7 After we hear from everyone who signed in, we will hear
8 from any latecomers or anyone else who wishes to be
9 heard.

10
11 When you are called to speak, we ask that you come to the
12 table, and although not required, begin by stating your
13 name and identifying the organization you represent, if
14 any.

15
16 After all interested parties (if any) have been heard,
17 the issue will stand submitted.

18
19 We will mark as Exhibit A the originally proposed
20 language for the following section 2450 - Fee Schedule

21
22 Let the record show that no comments were received
23 regarding Sections 2450.

24
25 Hearing no requests for comment, I hereby close this oral

1 hearing. We'll continue to receive written comments
2 until 5:00 p.m. today at our office at 2535 Capitol Oaks
3 Drive, Suite 230, Sacramento, California 95833.

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5 (The hearing was adjourned at 10:30 a.m.)
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Written Comments

May 31, 2022

Paul Bruning
Yvonne Fenner
California Court Reporters Board
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833

via email: paula.bruning@dca.ca.gov
yvonne.fenner@dca.ca.gov

Re: Questions regarding documents emailed to stakeholders regarding fee schedule
\$2450.

Dear Ms. Fenner and Ms. Bruning,

I have questions regarding the following paragraphs in the "Initial Statement of Reasons" emailed to stakeholders on April 13, 2022.

On page 3, under "Business Impact," the document states:

"This determination is based on the fact that the proposal will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the California because the proposed regulations require businesses currently operating in the state to register with the Board and pay an annual \$500 registration fee."

I believe this statement is not accurate as there are currently wholly-owned, out-of-state Certified Shorthand Reporting firms from other states that have NOT conducted business in California as those firms were not licensees of California, and could have had a complaint filed against them in their states if they had been providing services in California without a license. These wholly-owned, out-of-state CSR firms, will now be able to register and provide court reporting services in California, thereby increasing the number of out-of-state firms conducting court reporting services in California.

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Also on page 3, under the "Business Impact," the document states:

"The Board estimates **10 entities** will register in year one and year two of implementation and estimates **5 registrants** per year thereafter."
(Emphasis added.)

I question where the author came up with this number. I have compiled a list from multiple sources (Secretary of State, CCRA, DRA, email blasts, Facebook, Stenosearch.com, and internet searches), and have compiled a list of 172 firms that are currently advertising or providing court reporting services in California (see attached

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list). Now, it is possible some of those 172 are actually wholly-owned CA licensee firms, but it's not easy to ascertain from their name.

If indeed these 172 firms need to register, then the table entitled "Court Reporters Board, Corporate Registration (SB 241) - Economic Impact" would be off substantially in its calculation. Instead of \$5,000 for year one, the costs would be \$86,000.

On page 4, under "Fiscal Impact Assessment," the document totals are based on 10 firms registering with the CRB. Again, I question where this number came from. If the actual number of firms is closer to the 172 number that I have found that are actually advertising and/or emailing for coverage in California, the board would be losing \$13 per registration. While the cost above the registration fee for 10 registrants would be \$130, if, in fact, there are 172 firms, then the expense of 172 firms would be \$2,236 more than the CRB would be receiving in fees for the registration.

On page 4, the document states it will take 310 minutes to do the initial registration at a cost of \$513 (\$1.65/minute). Then the document states two paragraphs later that renewals will take 110 minutes plus a \$532 estimated enforcement fee which totals \$632. If the same rate is charge for the office technician and the program analyst, then the fees should be \$181.50 plus \$532 and total \$713.50, not \$632.

On page 5, the table entitled "Court Reporters Board, Corporate Registration (SB 241) - Fiscal Impact (Expenditures)" states in the column entitled "Costs" for "renewals" the amount of \$642, but the amount should be the \$632 from two paragraphs above, or the possible alternative amount of \$713.50 if the office technician and program analysts minute rates are consistent.

On page 5, the document states:

"BPC 8051(k) requires the Board to create and make available on its internet website a directory of registered entities. The Board will also need to update its information technology systems with estimated one-time costs of \$55,000."

At the November 15, 2019, CRB meeting, at time stamp 1:45:11, Yvonne Fenner responded to a question I posed as follows:

"Under firm registration, there would be a published list on the website of corporations that are in good standing, so to speak, that **would**

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include licensee-owned firms who are already set up under 8040.

They don't have to re-register. They're already included. They're like grandfathered in. If you've already set your corporation up correctly as a ***licensee-owned firm, then you start that list of people that are properly registered with the board.***

"But in addition to those licensee-owned firms, people like Happy Days Court Reporting that's owned by a venture capitalist, what have you, they can also, with a reporter-in-charge, apply for and become registered. That list of firms would be your ticket to practice in California.

"In here, it says that you, ***as a licensee, may not work for somebody that's NOT on that list.*** So you immediately dry up the labor source for anybody that's not here. Anybody that's on that list and decides, oh, no, I don't want to follow whatever law as you say, they're running the stoplights, then we take them off the list and then nobody can work for them." (Emphasis added.)

The discussion at the November 15, 2019 meeting was with regard to AB 1469. The language in AB 1469 and SB 241 with regard to sections (j) and (k) are identical as follows:

"(j) A certificate holder shall not engage in the practice of shorthand reporting on behalf of an entity that the reporter knows or should know is not registered with the board and shall verify whether a person or entity is registered with the board before engaging in the practice of shorthand reporting on behalf of that person or entity.

"(k) The board shall create and make available on its internet website a directory of registered entities. The board shall not take action against a certificate holder solely for a violation of subdivision (j) if the certificate holder reasonably relied on the board's directory stating that the entity was registered at the time."

As the two bills are the same, which is why Yvonne Fenner was able to tell the State Legislature the CRB was in favor of SB 241 before they actually voted in favor of SB 241, I believe the licensee-owned firms should be on this list immediately.

The document entitled "Title 16 Division 24. Court Reporters Board of California, Notice of Proposed Regulatory Action Concerning Fee Schedule, §2450 California Code of Regulations (CCR)" states at the bottom of page 1, "The Board certifies

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Court Reporters Board of California
Fee Schedule §2450
May 31, 2022
Page 4

individual court reporters, and ***beginning July 1, 2022***, it is ***REQUIRED*** to register firms that offer court reporting services. (Emphasis added.) Will this list be up and ready for licensees to easily find ALL firms offering court reporting services, including wholly-owned CSR licensee firms and firms that are required to register as REQUIRED under this new law, which takes effect on **July 1, 2022?**

A-7

Very truly yours,



Charlotte A. Mathias, CSR 9792, RPR

Attachment

Firms Currently Providing Court Reporting Services in California either by email blasts or advertising on Facebook or the Internet.

- | | |
|---|--|
| 1. A-Word's Reporting Service | 34. CCI Court Reporting |
| 2. A&B Reporting, LLC | 35. Central Valley Reporters |
| 3. A&E Court Reporters, Inc. | 36. Century Court Reporters |
| 4. AAA Steno Court Reporters | 37. Certified Reporting Services |
| 5. Abrial & Associates | 38. CH Court Reporters |
| 6. Absolute Court Reporters, LP | 39. Challe, Fisher and Morfin, Certified Shorthand Reporters, Inc. |
| 7. Affinity Court Reporters | 40. Chase Deposition Services |
| 8. Aiken & Welch | 41. CM Court Reporter, Inc. |
| 9. Al Cala & Associates | 42. Coastal Reporting Service |
| 10. Alderson Court Reporters, Inc. | 43. Cost Containment (CCRR??) |
| 11. American Reporting Services, LLC | 44. Coveted Steno Reporting, LLC |
| 12. Aplus Court Reporters | 45. CRS Court Reporters and Video |
| 13. Aptus Court Reporters | 46. D.K. Court Reporters, Inc. |
| 14. ASAP Court Reporting, Inc. | 47. Delta Deposition Reporting |
| 15. Atkinson-Baker | 48. DepoBook Reporting Services |
| 16. Ayote & Shackelford | 49. Depos N Focus, Inc. |
| 17. Barkley Court Reporters | 50. Depos to Court, Inc. |
| 18. Barrett Reporting | 51. Deposition Solutions, LLC (Texas) |
| 19. Barristers' Reporting Services | 52. Discount Deposition, LLC |
| 20. Bay City Reporting | 53. Dokich Court Reporters, Inc. |
| 21. Bayside Reporting Company | 54. Dominguez Court Reporters |
| 22. BCN Depositions Services, LLC | 55. Dropulic Court Reporters, LLC |
| 23. Beach Court Reporting | 56. Durrant Court Reporters, Inc. |
| 24. Ben Hyatt | 57. DW Court Reporting |
| 25. Biehl, et al, Certified Shorthand Reporters, Inc. | 58. Eames Court Reporters, Inc. |
| 26. Bonanza Court Reporters, LLC (Nevada) | 59. Eckert Court Reporters, Inc. |
| 27. Brooks and Brown Reporters | 60. Elite Court Reporting |
| 28. Burgess Court Reporting, LLC | 61. E Litigation Services |
| 29. Busy Fingers Court Reporters, Inc. | 62. Emerald Deposition Reporters, Inc. |
| 30. Cal-Reporting | 63. Empire Court Reporting |
| 31. California Deposition Reporters, Inc. | 64. Encinitas Court Reporting |
| 32. CalNorth Reporting Service | 65. Esquire Deposition Solutions, LLC |
| 33. Capital Reporting | 66. Express Network |
| | 67. First Legal Deposition Services, LLC |

- | | | | |
|------|--|------|--|
| 68. | Foothill Court Reporters, Inc. | 105. | Merit Reporting and Video |
| 69. | Focus Litigation, LLC | 106. | Merrill Corporation |
| 70. | Fresno Court Reporters | 107. | Miranda Court Reporters, Inc. |
| 71. | Fresno Deposition Reporters, Inc. | 108. | Naegeli Deposition |
| 72. | Global Access Litigation Services | 109. | Network Deposition Services, Inc. |
| 73. | Gold Country Reporting | 110. | NNRC (National Network Reporting Company) |
| 74. | Golden State Reporting & Video | 111. | Nogara Reporting Service |
| 75. | Gradillas Court Reporters, Inc. | 112. | Northern California Court Reporters |
| 76. | Hahn & Bowersock, Inc. | 113. | Olympic Reporting and Video, Inc. |
| 77. | Harrington & Associates | 114. | Oregon Court & Depositions Services, LLC |
| 78. | HG Litigation Services | 115. | Pacific Coast Court Reporters |
| 79. | Huntington Court Reporters and Transcription, Inc. | 116. | Park Avenue Deposition Services |
| 80. | Huseby | 117. | Personal Reporting (Veritext) |
| 81. | Hutchings Court Reporters, LLC | 118. | Phillips Legal Services |
| 82. | Imber Court Reporting (Veritext) | 119. | PI Depos. Agency |
| 83. | International Court Reporters | 120. | Pizzotti & Jarnagin, Certified Shorthand Reporters, professional corporation |
| 84. | Intrepid Depositions (San Diego) | 121. | Planet Depos, LLC |
| 85. | Jan Brown & Associates | 122. | Platinum Steno, LLC |
| 86. | Jane Grossman | 123. | Porto Steno Reporting, Inc. |
| 87. | Jane Rose (New York) | 124. | Premier Court Reporters |
| 88. | JD Court reporter (paralegal Laura Jernigan) | 125. | Professional Court Reporters, Inc. |
| 89. | KCW Court Reporters | 126. | Professional Reporting Services |
| 90. | Kennedy Court Reporters, Inc. | 127. | Pulone & Stromberg |
| 91. | Kim Y. Rotherham, Court Reporter, LLC | 128. | Realtime Shorthand Reporters |
| 92. | Kramm Court Reporting (Veritext) | 129. | Redwood Reporting |
| 93. | Kusar Court Reporters | 130. | Reid & Associates |
| 94. | Kwonchang Court Reporter, Inc. | 131. | Reliable Court Reporting |
| 95. | LA Reporters | 132. | Reporters Connection |
| 96. | Landi Court Reporters | 133. | RHS Court Reporters |
| 97. | Ledesma Court Reporters, Inc. | 134. | Ross Reporting Services |
| 98. | Liticourt | 135. | Royal Reporting |
| 99. | London Court Reporters, Inc. | 136. | Ryan Court Reporters, Inc. |
| 100. | Lynden J and Associates | 137. | Sacramento Deposition Reporters |
| 101. | M&M Court Reporters | 138. | San Diego Captioning and Court Reporting |
| 102. | Malibu Court Reporters | | |
| 103. | Maxene Weinberg Agency | | |
| 104. | MB Reporting | | |

Court Reporters Board of California
Fee Schedule §2450
May 31, 2022
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139. San Diego Courtroom Reporters Coalition, Inc.
140. San Francisco Bay Area Court Reporters
141. Sarnoff Court Reporters
142. Sassy Steno, LLC
143. Shelburne Sherr Court Reporters, Inc. (San Diego)
144. Sky Court Reporters, Inc.
145. Socal Court Reporters, Inc.
146. Sonoma Court Reporters, Inc.
147. Sound Deposition Services, Inc.
148. Steno Services, LLC
149. Steno Agency, Inc.
150. Superior Court Reporters, LLC
151. Superior Court Reporters, Inc.
152. Swivel Legal Services, LLC
153. Talty Court Reporters, Inc.
154. The Quilting Court Reporters, Inc.
155. The Souza Group
156. Tooker & Antz
157. Transperfect Legal Solutions
158. Tri-County Court Reporters
159. Trustpoint One
160. US Legal
161. Verbatim Deposition Services, Inc.
162. Veritext Court Reporters LLC
163. Vine McKinnon & Hall
164. Vintage Reporting Services
165. Vista Certified Shorthand Reporters
166. Vista Court Reporting
167. Wall Street Reporting, Inc.
168. Weinstein Court Reporters, LLC
169. West Coast Court Reporters, Inc.
170. West Coast Reporters, Inc.
171. Worldwide Litigation
172. Younger Reporting Services

July 15, 2022
Board Meeting
Minutes
(Excerpt)



DEPARTMENT OF CONSUMER AFFAIRS

COURT REPORTERS BOARD

OF CALIFORNIA

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

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

Fax (916) 263-3664 / www.courtreportersboard.ca.gov**COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JULY 15, 2022****CALL TO ORDER**

Ms. Robin Sunkees, Chair, called the meeting to order at 9:30 a.m. The public meeting was held at Department of Consumer Affairs, HQ2 Hearing Room, 1747 North Market Boulevard, Sacramento, CA 95834, and via a teleconference platform.

ROLL CALL**Board Members Present:**

Robin Sunkees, Licensee Member, Chair
Davina Hurt, Public Member, Vice Chair
Arteen Mnayan, Public Member
Denise Tugade, Public Member

Board Members Absent:

Laura Brewer, Licensee Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Michael Romero, Board Counsel
Grace Arupo Rodriguez, Legal Affairs Assistant Deputy Director
Danielle Rogers, Regulations Counsel
Paula Bruning, Executive Analyst

Board staff established the presence of a quorum.

[The following is an excerpt from the DRAFT minutes specific to the discussion of the Firm Registration Fee Schedule, CCR 2450.]

7. REGULATIONS**Title 16, Section 2450 – Fee Schedule**

Ms. Fenner indicated that the passage of SB 189 obviated the need for the urgent passage of the fee regulation package under this agenda item since the law set the fee for firm registration until 2025. Taking into consideration the substantial time and work already completed thus far, she recommended the Board move forward with completing the current package. She added that a separate package could be proposed in the future if need arose for further clarification of the law.

The Board agreed to move forward with the current regulatory package for setting the firm registration fee.

Ms. Rogers reported that the Board held a public hearing on May 31, 2022. Although no one appeared to offer comments, a written comment was received. The Board must consider and approve the proposed responses to the comments before the final regulations package may be submitted to the Office of Administrative Law.

Ms. Mathias inquired how the estimated number of firms was determined when the regulatory package was drafted. Ms. Fenner responded that the Board had no way of knowing how many firms would register. She stated the estimated number was moot because the Board will accept applications from anyone who wishes to register regardless of how many.

Mr. Mnayan moved to approve the responses drafted to address public comments received during the 45-day comment period on the Board's proposed text, and direct staff to take all steps necessary to complete the rulemaking process, including authorizing the Executive Officer to make any non-substantive changes to the proposed regulation before completing the rulemaking process, and adopt the proposed text of 16 CCR section 2450 as noticed. Ms. Hurt seconded the motion. Ms. Sunkees called for public comment.

Noelle Ottoboni asked the Board to consider using part of the firm registration fee toward offering the dictation exam in-person once per year.

A vote was conducted by roll call.

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

Opposed: None

Absent: Ms. Brewer

Abstain: None

Recusal: None

MOTION CARRIED

Std. Form 399
*Economic
And Fiscal
Impact
Statement
Attached*

(see e-paper clip at left)

From: charlotte mathias <charlottemathias44@gmail.com>

Sent: Monday, April 25, 2022 6:39 PM

To: Fenner, Yvonne@DCA <Yvonne.Fenner@dca.ca.gov>; Bruning, Paula@DCA <Paula.Bruning@dca.ca.gov>

Subject: Formal Request for Public Hearing on Notice of Proposed Regulatory Action

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: charlottemathias44@gmail.com

Hello Yvonne and Paula,

I am formally requesting a public hearing with regard to the Notice of Proposed Regulatory Action Concerning Fee Schedule, Section 2450 and California Code of Regulations (CCR).

Please let me know as soon as possible what the date will be for the public hearing and if this will be done via remote access or in-person.

Thanks,

Charlotte A. Mathias, CA CSR 9792, RPR, OR CSR 21-0019

Charlotte A. Mathias, CSR, Inc.

3820 North Country Drive

Antelope, CA 95843

(916) 712-6231

charlottemathias44@gmail.com

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Notice of Public Hearing

TITLE 16
DIVISION 24. COURT REPORTERS BOARD OF CALIFORNIA
NOTICE REGARDING HEARING ON PROPOSED REGULATORY ACTION
CONCERNING

Fee Schedule, § 2450
California Code of Regulations (CCR)

NOTICE IS HEREBY GIVEN that the Court Reporters Board (Board or CRB) is proposing to adopt amended California Code of Regulations, Title 16, Division 24, Article 6 and is scheduling a public hearing on the above-referenced proposed regulatory action. The hearing will be held at 10:00 a.m. on May 31, 2022, at 2535 Capitol Oaks Drive, Third Floor Conference Room, Sacramento, California 95833. Any person interested may present statements or arguments relevant to the action proposed in writing or orally at the hearing.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Tuesday, May 31, 2022.**

CONTACT PERSON

Requests for a reasonable accommodation, Inquiries, or comments concerning the proposed rulemaking action may be addressed to:

Name:	Paula Bruning or Yvonne Fenner
Address:	2535 Capitol Oaks Drive, Suite 230 Sacramento, CA 95833
Telephone No.:	(916) 263-3660
Fax No.:	(916) 263-3664
E-Mail Address:	Paula.bruning@dca.ca.gov ; Yvonne.fenner@dca.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file, is available for public inspection on the Board's website at <https://www.courtreportersboard.ca.gov/lawsregs/index.shtml>, and will be available at the hearing.