

COURT REPORTERS BOARD BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 21, 2023

Section 1 – Background and Description of the Board and Regulated Profession

Brief History of the Court Reporters Board

Established in 1951 by the Legislature to protect consumers from incompetent practitioners, the Certified Shorthand Reporters Board, now known as the Court Reporters Board of California (Board), tests, licenses, regulates, investigates, and disciplines members of the court reporting profession.

Court reporters are highly trained professionals who stenographically preserve the words spoken in a wide variety of official legal settings such as court hearings, trials, and other pretrial litigation-related proceedings, namely depositions.

Judicial court reporters work either in courtrooms as official reporters or in the private sector as freelance reporters who provide deposition services as well as reporting civil proceedings in court and arbitrations. These court reporters are officers of the court, and their competence, impartiality and professionalism must be beyond question. A complete and accurate transcript of the proceedings made by an impartial third party is the cornerstone for all appeal rights. It is relied upon by the consumer as an accurate source of information, which includes testimony given under oath.

Particular to criminal cases, courts of appeal rely exclusively upon written briefs and written transcripts of court proceedings to determine whether there were errors in a trial's procedure or errors in the judge's interpretation of the law. A conviction – and thus an accused's freedom or, in some instances, an accused's life – can stand or fall based entirely upon what was said by a witness, a lawyer, a juror, or a judge solely reflected in the written transcript.

In civil cases, millions of dollars, lifelong careers, and the fate of business enterprises can hinge on what was said or what was not said in a deposition or at trial.

Additionally, the testimony in civil and criminal cases is often filled with technical terminology. A medical malpractice case, in which specialist experts on both sides commonly contradict one another, can involve complex technical medical terminology; criminal cases can involve scientific language related to DNA identification; anti-trust cases can involve expert testimony related to complex economic analyses, and so on. No matter how obscure or technical, such jargon must be verbatim in the written transcript, and court reporters must ensure the accuracy of the transcript.

Not only are there complex skills involved in the actual reporting of legal proceedings, but the practice of court reporting is dictated by a multitude of statutes and regulations. In the private sector, freelance court reporters are faced with numerous and increasingly complex ethical issues as these licensees seek to maintain their strict neutrality while working in private settings, which frequently involve contentious, high-stakes litigation.

In addition to judicial court reporters, who must be licensed to practice, another field serviced by court reporters is captioning and communication access realtime translation (CART). Broadcast captioners provide translations for television, sometimes pre-recorded but often realtime as in the case of news and emergency reports. CART reporters provide realtime translation for the deaf and hard-of-hearing community in a variety of settings, from the classroom to sporting events, church services, and theater performances.

Prior to January 1, 1983, state courts had been allowed to use noncertified reporters if they could demonstrate that a certified reporter was not available. Seeing the folly of this practice and serious consumer protection implications, in 1983 B&P Code section 8016 was enacted to require all court reporters working in state court to be licensed. Court reporters hired prior to 1983 can still maintain an exemption to the licensing requirement.

Until the 1960s, the Board allowed only licensed court reporters, known as certified shorthand reporters (CSRs), to own and operate companies offering court reporting services. The practice ceased, and in 1972, the Board began registering shorthand-reporting corporations. That process was rescinded by Assembly Bill 2743 (Chapter 1289, Statutes of 1992) when the Board decided that the registration duplicated the filing required by the Secretary of State's Office. (See Corporations Code section 13401(b) exempting "professional corporations" regulated by the Board from having to register.) Additionally, Corporations Code section 13410(a) requires "professional corporations" (those that provide services for which a license is required) to be "subject to the applicable rules and regulations adopted by, and all the disciplinary provisions of the Business and Professions Code expressly governing the practice of the profession in this state, and to the powers of, the governmental agency regulating the profession in which such corporation is engaged[.]"

Also, in 1972, the Board's authority was expanded to give the Board the responsibility to recognize court reporting schools and to set minimum curriculum standards for court reporting programs. Additional authorization to cite and fine schools was passed by the Legislature in 2002. (B&P Code 8027.5)

Beginning in 2022, the Board began registration of all entities offering court reporting services in California, ensuring consumers are protected whether they obtain services from a licensee-owned firm or non-licensee-owned firm.

While litigants may hire individual court reporters directly to report their proceedings, more typically court reporting services are arranged through firms. Firms act much like temporary agencies where they receive the job information from the litigant and subcontract the reporting to individual court reporters. The licensee reports the proceedings, produces the transcript, and provides the transcript to the firm. The firm then distributes the transcript to any parties that ordered the transcript and bills accordingly.

In the past, the rates that freelance reporters (those not employed by courts) could charge were set by statute. In a 1981 compromise package with the profession, the Legislature eliminated the regulation of rates and created the Transcript Reimbursement Fund (TRF), a special fund fully funded by a portion of the court reporters' licensing fees to ensure that the deregulation of rates did not result in harm to indigent litigants who otherwise could not afford the services of freelance court reporters. The TRF allows indigent litigants in civil cases access to reporter transcripts by reimbursing reporters for transcripts through the Transcript Reimbursement Fund.

In 2011, the TRF was expanded to allow qualified pro per litigants, those representing themselves without benefit of counsel, to apply for reimbursement. It started out as a two-year pilot program, and in 2013 it was made a permanent part of the fund.

Under the TRF program, the Board has paid more than \$9.5 million on behalf of indigent litigants to licensed reporters. By law, the TRF may be funded up to \$300,000 as long as the Board maintains a minimum of six months' operating expenses.

In 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF. The TRF is otherwise funded solely from new application and renewal fees.

Description and Responsibilities

The Board regulates the court reporting profession through testing, licensing, and disciplining court reporters, who use the title designation Certified Shorthand Reporter (CSR). By statute, the use of the acronym CSR is restricted to those individuals who have a Board-issued license. In California, a person must be licensed to work as a court reporter in state courts (official reporter) or to act as a deposition officer (freelance reporter). Freelance reporters provide services as individual contractors or subcontracted through court reporting firms. Codes governing deposition/freelance reporters can be found in the Code of Civil Procedure 2025, et al. As of July 1, 2023, there were 6562 licensed CSRs in California, of which 5584 licensees are active and in good standing. As of the same date, there are 213 registered firms.

The Board also has oversight for schools offering court reporting education. Although the Board "recognizes" schools, there is no statutory authority for licensure of the schools. However, only court reporting schools recognized by the Board can certify students to qualify to sit for the CSR license examination. There are eight schools of court reporting recognized by the Board – six public schools and two private schools (Attachment A). The Board can discipline schools up to and including removing recognition. The Board can also issue citations and can issue fines to schools not in compliance with Board rules.

1. Describe the make-up and functions of each of the board's committees (cf., Section 12, Attachment – Not Applicable).

To conserve resources and funds, the Board currently has no active standing committees, but rather appoints task forces to work on specific issues as they arise. A specific example is the License Reciprocity Task Force, which was appointed in 2021 and finished its work in 2022. The Best Practice Pointers Task Force also met and developed additional pointers for publication, (Attachment C)

An organizational chart does not exist showing the relationship of committees to the Board and the membership of each committee because it doesn't apply to the Board's current structure. Table 1a. shows Board member participation in the various task forces.

The Board itself comprises five members, two of whom are licensed CSRs and three of whom are public members. The Governor appoints the two licensees and one of the public members. These three appointments require Senate confirmation. Of the two remaining public members, one is appointed by the Speaker of the Assembly, and the second is appointed by the Senate Rules Committee. All serve four-year terms. The members appointed by the Governor may serve up to a 60-day grace period at the end of their term. The members appointed by the Speaker of the

Assembly and the Senate Rules Committee have up to a one-year grace period at the end of their term. There is a maximum of two consecutive full terms for appointments. There are currently no vacancies.

Table 1a. Attendance	Elizabeth Lasensky	Date Appointed: 10/15/2007, 6/6/2011 & 3/9/2016	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9//2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes

Table 1a. Attendance	Toni O'Neill	Date Appointed: 8/7/2010, 8/4/2011, 7/3/2013 & 7/27/2017	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	Yes
Task Force Meeting	6/26/2020	Remote	Yes
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	Yes
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	Yes
Board Meeting	8/20/2021	Remote	Yes

Table 1a. Attendance	Davina Hurt	Date Appointed: 2/26/2013, 7/9/2015 & 5/19/2020	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	Yes
Board Meeting	2/4/2019	Sacramento	Yes
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	Yes
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	N/A
Task Force Meeting	6/26/2020	Remote	N/A
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	N/A
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	N/A
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	Yes
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

Table 1a. Attendance	Rosalie Kramm	Date Appointed: 7/3/2013 & 7/27/2017	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	No

Table 1a. Attendance	Carrie Nocella	Date Appointed: 6/17/2016	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/19/2018	Los Angeles	Yes
Board Meeting/Strategic Planning	9/17/2018	Sacramento	No
Board Meeting	2/4/2019	Sacramento	No
Board Meeting	7/12/2019	Ontario	Yes
Board Meeting	11/15/2019	Sacramento	No
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	N/A
Task Force Meeting	6/26/2020	Remote	N/A
Board Meeting	11/20/2020	Remote	Yes

Table 1a. Attendance	Robin Sunkees	Date Appointed: 11/20/2019 & 7/21/2021	
Board Meeting	5/21/2020	Remote	Yes
Task Force Meeting	6/19/2020	Remote	Yes
Task Force Meeting	6/26/2020	Remote	Yes
Board Meeting	11/20/2020	Remote	Yes
Task Force Meeting	3/29/2021	Remote	Yes
Board Meeting	4/16/2021	Remote	Yes
Task Force Meeting	7/14/2021	Remote	Yes
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	Yes
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

Table 1a. Attendance	Denise Tugade	Date Appointed: 5/5/2021	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	8/20/2021	Remote	Yes
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

Table 1a. Attendance	Laura Brewer	Date Appointed: 11/20/2021	
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	1/26/2022	Remote	Yes
Board Meeting	7/15/2022	Sacramento & Remote	No
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

Table 1a. Attendance	Arteen Mnayan	Date Appointed:	6/14/2022 & 7/6/2023
Meeting Type	Meeting Date	Meeting Location	Attended?
Board Meeting	7/15/2022	Sacramento & Remote	Yes
Task Force Meeting	9/30/2022	Remote	N/A
Board Meeting	12/14/2022	Remote	Yes
Board Meeting	3/28/2023	Remote	Yes

Table 1a. Attendance	Michael Dodge-Nam	Date Appointed:	6/28/2023
Meeting Type	Meeting Date	Meeting Location	Attended?
<i>Appointed after last meeting of FY 2022/23</i>			

Table 1b. Board/Committee Member Roster					
Member	First Appointed	Re-appointed	Term Expires	Appointing Authority	Appointment Type
<p>Elizabeth Lasensky Ms. Lasensky has a BA in English and a Masters in Library Science. She worked for 20 years as an administrator at Stanford University. She is active with Yolo MoveOn, Yolano Climate Action, the University Farm Circle, a member of the Davis Odd Fellows Lodge, and serves on the board and Advocacy Committee for the Yolo County Healthy Aging Alliance.</p>	10/15/2007	6/6/2011; 3/9/2016	6/1/2019 [Grace Period Ended 6/1/2020]	Senate Rules Committee	Public
<p>Toni O'Neill Ms. O'Neill is freelance reporter focusing on pro tem work for the courts. She previously worked in the positions of official reporter, senior reporter, and supervising reporter during her 27-year tenure with Riverside County Superior Court. Prior to that, she worked as freelance court reporter and as an owner/partner of a deposition agency. She is a member of the National Court Reporters Association and past president of the California Court Reporters Association and has served on various committees for both professional associations.</p>	8/7/2010	8/4/2011; 7/3/2013; 7/27/2017	6/1/2021	Governor	Professional
<p>Davina Hurt Ms. Hurt is a two-term councilwoman and past mayor of the City of Belmont. She serves as the San Mateo County cities representative to Bay Area Air Quality Management District Board. She was appointed to the California Air Resources Board in 2020. She has practiced law in California since 2005 after earning her J.D. at Santa Clara University School of Law with a specialized certificate in International Public law. She studied at the University of Strasbourg's International Institute of Human Rights and has a BA in History and Political Science with a minor in Biology from Baylor University.</p>	2/26/2013	7/9/2015; 5/19/2020	6/1/2023	Speaker of the Assembly	Public

<p>Rosalie Kramm Ms. Kramm is a Certified Realtime Reporter and Registered Professional Reporter from San Diego, California, and President of Kramm Court Reporting. She has been working as a freelance deposition reporter in Southern California since September 1981, and specializes in technical, complex business, and realtime court reporting. She has been active in numerous industry associations, including being president of the Deposition Reporters Association of California, president of the Society for the Technological Advancement of Reporting, and serving on various committees for the National Shorthand Reporters Association.</p>	7/3/2013	7/27/2017	6/1/2021 [Resigned 8/17/2018]	Governor	Professional
<p>Carrie Nocella Ms. Nocella is the Director of External Affairs at the Disneyland Resort. She is active in the community and represents the resort on multiple association boards and committees. Prior to joining Disney, she was an attorney in Sacramento having obtained her Juris Doctorate from University of the Pacific- McGeorge School of Law. She has served as an adjunct law professor at Chapman University School of Law where she received her Bachelor of Arts in Legal Studies and a minor in Spanish. She served as an intern for the United States Supreme Court and Congresswoman Loretta Sanchez.</p>	6/17/2016	N/A	6/1/2020 [COVID Extension to 11/3/2020]	Governor	Public
<p>Robin Sunkees Ms. Sunkees of Carlsbad is freelance reporter focusing on pro tem work for the court. She was an official court reporter for the San Diego County Superior Court from 1991 to 2022, and an official court reporter for the Maricopa County Superior Court from 1986 to 1991. She was a court reporter for M.L. Spicer Reporting from 1985 to 1986. Ms. Sunkees is a member of the San Diego Superior Court Reporters Association, California Court Reporters Association, and the National Court Reporters Association.</p>	11/20/2019	7/1/2021	6/1/2025	Governor	Professional

<p>Denise Tugade Ms. Tugade is a Government Relations Advocate for SEIU United Health Workers (UHW) West. She previously served as staff in the California State Assembly from 2017 to 2020, most recently as Legislative Director for California State Assemblymember Christy Smith (D-Santa Clarita). She was the Assembly Democrats Volunteer and Mail Tree Program Coordinator for the Christy Smith for State Assembly Campaign in 2018. Tugade was a Legislative Aide for Assemblymember Lorena Gonzalez (D-San Diego) and was Communications Director and a Legislative Assistant for then-California State Assemblymember Monique Limón. She was a Senior Associate, AGILE and Human Centered Designed Lead, and Social Media Manager at Cambria Solutions, Inc. from 2015 to 2017. Tugade was a District Coordinator for the TubeHo Neza (Live Well) program at DelAgua Health Ltd. Rwanda in 2014. She is a graduate of the California Asian Pacific Islander Staff Academy. She is the immediate past president of the Feminist Democrats (Fem Dems) of Sacramento, and serves on the executive boards of the Young Asian American Pacific Islander Sacramento Democrats, New Leaders Council Sacramento, and Barkada Sacramento.</p>	5/5/2021	N/A	6/1/2024	Governor	Public
<p>Laura Brewer Ms. Brewer, of Nevada City, has been a court reporter since 1981, working as a freelance deposition reporter and a conference reporter. She has worked as a Communication Access Realtime Translation (CART) captioner and as a realtime reporter since 1992. She is a member of the National Court Reporters Association (NCRA), the Deposition Reporters Association of California, and Intersteno. She has been recognized as a Fellow of the Academy of Professional Reporters (NCRA) and holds the highest levels of certification available. She has served on committees and in other volunteer roles for all three organizations and has successfully competed in steno competitions sponsored by each association.</p>	11/20/2021	N/A	6/1/2025	Governor	Professional

<p>Arteen Mnayan Mr. Mnayan of Los Angeles is an attorney in the Land Use and Public Policy, Regulatory & Political Law practice of Mayer Brown LLP's Los Angeles office. He primarily represents investors and developers in all aspects of the real estate entitlement and development process, focusing on land use entitlement matters, helping developers navigate state and local regulations and authorities, government outreach, and California Environmental Quality Act compliance. As an active member of the policy and land use community, he serves on the Los Angeles Business Council's Legislative Affairs Committee and the Valley Industry and Commerce Association's Land Use Committee and serves on the boards and committees of several non-profit organizations. During law school, he externed for the Central District of California Bankruptcy Court for the Honorable Victoria S. Kaufman. He earned his law degree from Loyola Law School, Los Angeles, and his undergraduate degree from the University of Southern California.</p>	6/14/2022	7/6/2023	6/1/2027	Senate Rules Committee	Public
<p>Michael Dodge-Nam Mike Dodge-Nam of Los Angeles was appointed in 2023 to the Court reporters Board by the Speaker of the Assembly. Mr. Dodge-Nam currently serves as the Chief Business Officer of Roar Social. With over two decades of success, he has a track record of building and growing companies at the intersection of media and technology. Prior to Roar Social, he was Chief Operating Officer of Care Solace, where he focused on improving mental healthcare for school systems and their families. He has served in C-level roles at a wide variety of media and technology ventures and online publishing giants and has also held executive and management positions at Fortune 500 companies. He holds a BA in political science from the University of Chicago and an MBA from the Harvard Business School.</p>	6/28/2023		6/1/2027	Speaker of the Assembly	Public

2. In the past four years, was the board unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it affect operations?

The Board has not had to cancel a meeting for lack of a quorum in the period since the last sunset review.

3. Describe any major changes to the board since the last Sunset Review, including, but not limited to:

- **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**
- **All legislation sponsored by the board and affecting the board since the last sunset review.**
- **All regulation changes approved by the board since the last sunset review. Include the status of each regulatory change approved by the board.**

The Board has had a new chair since September of 2023, Ms. Denise Tugade, a public member appointed by the Governor in May of 2021. In November of 2019, the Governor appointed licensee Ms. Robin Sunkees and in November of 2021, appointed licensee member, Ms. Laura Brewer. The Senate Rules Committee appointed Mr. Arteen Mnayan in June of 2022. The Speaker of the Assembly appointed Mr. Michael Dodge-Nam in June of 2023.

Strategic planning is conducted every three to five years. The prior strategic plan for 2019-2023 was adopted February 4, 2019, and is included in this report as Attachment D. The Board conducted its latest strategic planning session on August 31, 2023. Board staff will work with SOLID, DCA's training agency and facilitator for the strategic planning session, on completing the report for the Board's review at its spring meeting.

There have been a number of legislative changes affecting the court reporting industry since the last sunset review. In 2018, AB 2084 (Kalra) was signed into law, requiring firms that offer court reporting services to follow all the laws and regulations that apply to individual court reporters. This was another step forward on regulating non-licensee-owned firms, an initiative the Board had been pursuing for nearly a decade.

In 2020, SBG 1146 (Umberg) was signed into law. This bill made permanent an emergency measure put into place by the COVID restrictions which allowed court reporters to report depositions without being in the presence of the witness.

Another milestone for the Board occurred in 2021 when SB 241 (Umberg) was signed into law. This bill was a comprehensive firm registration bill. This was a huge benefit for consumers, who now are protected when they hire a registered firm, whether or not it is owned by a licensee.

Also in 2021, adjustments were made to the Pro Per portion of the Transcript Reimbursement Bill with the passage of the 2021 Budget Act. The cap per case was changed from \$1500 to \$2500, and the \$75,000 per year cap on the overall Pro Per Program was removed.

The Budget Act of 2021 also included \$30 million in funding for courts to hire and retain court reporters in family and civil law courtrooms. After an initial delay for clarification, many courts are using that funding to offer a variety of hiring and retention incentives.

The Budget Act of 2021 made small but important clarifying amendments to the firm registration statutes, making it clear the law applied to all entities offering court reporting services no matter how the business was formed.

The Board is grateful for the passage of SB 1443 (Roth), which extended the Board's sunset date one year. This bill was signed into law in September of 2022.

Another milestone for the Board was as a result of the Budget Act of 2022. This legislation included the authority for the Board to license voice writers, an alternate form of verbatim reporting. This initiative was something the Board had been working on for five years.

Also included in the Budget Act of 2022 was an expansion of title protection. Prior to the passage of the legislation, only people who had passed the California license exam could use the terms "certified shorthand reporter" or "CSR." That list of terms was expanded to prohibit the use of "stenographer," "reporter," "court reporter," "deposition reporter," or "digital reporter," by non-licensees.

In 2019 regulations were approved to increase the Board's initial license and renewal fee to \$225.00. The current statutory limit is \$250.00. This increase was to solve a fiscal imbalance which did not allow the administration of the TRF.

In 2021 regulations were approved to implement AB 2138, which requires boards to amend their existing regulations governing substantially related crimes or acts as well as rehabilitation criteria.

And finally, in 2022, regulations were approved to set the fee for firm registration at \$500 annually.

4. Describe any major studies conducted by the board (cf. Section 12, Attachment E).

In 2020, the Board entered into an interagency agreement with the Office of Professional Examination Services (OPES) to have them evaluate the National Court Reporters Association's (NCRA) Registered Professional Reporter (RPR) certification as well as the state license exam of Texas. This review was to further the Board's efforts at exploring license reciprocity. The Texas exam was found to lack an occupational analysis, and the RPR was found to have an inadequate occupational analysis.

In 2022, the Board entered into a similar agreement with OPES to evaluate the National Verbatim Reporters Association's (NVRA) Certified Verbatim Reporter (CVR) certificate. This test is equivalent in speed to the RPR but is specific to voice writers. Work is currently underway on that evaluation. The NVRA also tests steno reporters at the same speed and accuracy, and that certification is known as the CVR-S.

In 2021, the Board conducted an occupational analysis, facilitated by OPES, to ensure that it is testing candidates on the skills and knowledge that are currently needed to enter the court reporting profession. The purpose was to define the profession in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure and in terms of the knowledge necessary to perform those tasks. The results of the occupational analysis provide the basis for the license examinations. The validation report is attached as Attachment E.

5. List the status of all national associations to which the board belongs.

- **Does the board's membership include voting privileges?**
- **List committees, workshops, working groups, task forces, etc., on which the board participates.**
- **How many meetings did board representative(s) attend? When and where?**
- **If the board is using a national exam, how is the board involved in its development, scoring, analysis, and administration?**

The Board does not belong to any national associations.

Section 2 – Fiscal and Staff

Fiscal Issues

6. Is the board’s fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

The CRB is not continuously appropriated. It is set as an appropriation in the Governor’s budget.

7. Describe the board’s current reserve level, spending, and if a statutory reserve level exists.

Per our fund condition report prepared in August 2023, the Board is operating the current fiscal year of 2023-24 with months in reserve of 10.6. While the Board has been enjoying the benefits of cost-savings from remote meetings and testing, the Board maintains a close eye on the future years’ months in reserve to ensure it will not drop below the six-month operating reserves requirement for funding the TRF.

8. Describe if/when a deficit is projected to occur and if/when a fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the board.

The Board is not projected to approach the six months’ threshold until FY 26/27. It is likely the Board will need to increase fees to the statutory cap of \$250 annually. Work on the regulations package to effectuate that change would likely begin in 2024.

Table 2. Fund Condition							
(Dollars in Thousands)	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23 ⁴	FY 2023/24 ⁵	FY 2024/25 ⁵
Beginning Balance ¹	\$435	\$349	\$606	\$818	\$1,068	\$1,225	\$1,212
Total Revenue	\$1,073	\$1,447	\$1,391	\$1,362	\$1,401	\$1,326	\$1,327
Revenue Transfer to Transcript Reimbursement Fund	\$0	\$0	-\$200	\$0	\$0	\$0	-\$100
Transfers to General Fund ²	\$0	\$0	\$0	-\$39	\$0	\$0	\$0
Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues and Transfers	\$1,073	\$1,447	\$1,191	\$1,323	\$1,401	\$1,326	\$1,227
Budget Authority	\$1,129	\$1,160	\$1,152	\$1,224	\$1,242	\$1,244	\$1,281
Expenditures ³	\$1,143	\$1,185	\$1,027	\$1,073	\$1,244	\$1,339	\$1,376
Fund Balance	\$365	\$611	\$770	\$1,068	\$1,225	\$1,212	\$1,063
Months in Reserve	3.7	7.1	8.6	10.3	11.0	10.6	9.2

¹ Actuals include prior year adjustments

² Includes EO transfer to GF (AB 84)

³ Expenditures include reimbursements and direct draws to the fund

⁴ Estimate, based on FM 12

⁵ Estimate, based on 2023 Budget Act

9. Describe the history of general fund loans. When were the loans made? When have payments been made to the board? Has interest been paid? What is the remaining balance?

There are no outstanding loans at this time.

10. Describe the amounts and percentages of expenditures by program component. Use Table 3. Expenditures by Program Component to provide a breakdown of the expenditures by the board in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

A review of the data in Table 3 demonstrates that enforcement costs have increased only slightly since the last sunset review. A significant portion of the enforcement expenses is the Attorney General line item. Matters that are referred to the Attorney General’s Office are more serious matters and, therefore, are more costly to resolve. There really is no predicting what type of complaints will be received nor how complicated they will be, which makes forecasting costs virtually impossible, and, therefore, the Board relies on historical data to project costs.

Examination expenses went down significantly in FY 2021-22 as the skills portion of the exam was completely online for that year. Expenses increased in FY 22-23 due to the cost of conducting the updated occupational analysis.

The licensing expenditures remain relatively stable with a slight downward trend reflecting the slight downward trend of the number of licensees.

The Board continues to be very conscious of keeping administrative costs as low as possible, and the data in Table 3 reflect those efforts.

Table 3. Expenditures by Program Component										
(Dollars in Thousands)	FY 2018/19		FY 2019/20		FY 2020/21		FY 2021/22		FY 2022/23**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$150	\$86	\$150	\$108	\$129	\$79	\$140	\$71	\$161	\$62
Examination	\$120	\$103	\$120	\$133	\$103	\$127	\$112	\$78	\$129	\$186
Licensing	\$120	\$29	\$120	\$30	\$103	\$16	\$112	\$26	\$129	\$18
Administration *	\$250	\$40	\$254	\$38	\$227	\$21	\$251	\$32	\$281	\$23
DCA Pro Rata	\$0	\$152	\$0	\$144	\$0	\$142	\$0	\$155	\$0	\$155
Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	\$640	\$410	\$644	\$453	\$562	\$385	\$615	\$362	\$700	\$444

* Administration includes costs for executive staff, board, administrative support, and fiscal services.

** Projections based on FM 12

11. Describe the amount the board has contributed to the BreEZe program.

The total contribution by the Board to BreEZe is \$212,669. The last year of a contribution was FY 2017/18.

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the board.

Licenses are renewed annually, due on the last day of the licensee’s birth month.

In 1981, the profession initiated legislation that created the Transcript Reimbursement Fund (TRF) to fund payment of court transcripts for indigent litigants in civil matters. By law, the Board funds the TRF in \$100,000 increments, up to a maximum of \$300,000 per year. The Board must stop transfers to the TRF when the Board’s reserve of operating expenses falls below six months. To create this fund, licensing fees were increased from \$40 every two years to \$125 the first year, and \$60 the second year. Subsequently, annual renewal fees were increased to \$80 and then to \$100, in effect since before 1997. Beginning July 1, 2010, the renewal fee increased to \$125, the statutory limit at that time. Effective January 1, 2017, the statutory limit was raised to \$250.

The authority for the fees charged by the Board are found in Business & Professions Code sections 163.5, 8004, 8008, 8031, and section 2450 of Division 24 of Title 16 of the California Code of Regulations.

Table 4. Fee Schedule and Revenue (dollars in thousands)								
Fee	Current Fee Amount	Statutory Limit	FY 2018/19 Revenue	FY 2019/20 Revenue	FY 2020/21 Revenue	FY 2021/22 Revenue	FY 2022/23 Revenue	% of Total Revenue
Delinquent Renewal - CSR	\$112.50	\$125	\$16	\$22	\$20	\$24	\$25	2%
Cite and Fine	Various	Various	\$19	\$13	\$10	\$13	\$4	1%
Duplicate Cert	\$5	\$10	\$0	\$0	\$0	\$0	\$0	0%
Initial License 1/2 - CSR	\$112.50	\$125	\$1	\$2	\$1	\$1	\$2	0%
Initial License - CSR	\$225.00	\$250	\$3	\$10	\$6	\$5	\$11	1%
Re-Exam Dictation	\$25	\$75	\$9	\$6	\$6	\$6	\$8	1%
Re-Exam English	\$25	\$75	\$3	\$3	\$3	\$3	\$5	0%
Re-Exam Prof Practice	\$25	\$75	\$2	\$2	\$3	\$3	\$4	0%
Application Fee - CSR	\$40	\$40	\$3	\$3	\$3	\$4	\$6	0%
Initial Ann Reg CRF	\$500	\$500	\$0	\$0	\$0	\$0	\$48	1%
Renewal Fee - CSR	\$225	\$250	\$928	\$1,371	\$1,331	\$1,298	\$1,267	93%
Surplus Money Investments	Various	Various	\$9	\$14	\$5	\$4	\$21	1%
Canceled Warrants	\$25	\$25	\$0	\$0	\$1	\$1	\$0	0%
Dishonored Check Fee	\$25	\$25	\$0	\$0	\$0	\$0	\$0	0%
Misc Revenue	Various	Various	\$80	\$1	\$2	\$0	\$0	1%
Total			\$1,073	\$1,447	\$1,391	\$1,362	\$1,401	100%

13. Describe Budget Change Proposals (BCPs) submitted by the board in the past four fiscal years.

The Board has submitted no Budget Change Proposals in the interim period from the last sunset review period.

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
<i>Not Applicable</i>								

Transcript Reimbursement Fund

There are two programs under the Transcript Reimbursement Fund (TRF) (B&P Code sections 8030.1. through 8030.10). The first program, known as the Pro Bono Program, was established by the Legislature in 1981 and is available to pro bono attorneys representing indigent litigants. The second program, known as the Pro Per Program, was an expansion of the TRF in 2011 to qualified indigent pro per litigants. Both programs assist indigent litigants in civil matters; however, they differ in who may apply and how much monetary assistance is available to individual cases and all cases overall. The TRF is funded by annual license renewal fees and since its inception has reimbursed transcription costs totaling more than \$9.5 million.

Essentially, the criteria to qualify for reimbursement are:

- The applicant must be either an indigent pro per litigant or a qualified legal services project, qualified support center or other qualified project representing an indigent litigant.
- The case cannot be fee-generating.
- The applicant must certify to refund the full amount of all reimbursements from the TRF from any award of court costs or attorney fees.
- The TRF provides reimbursement for costs as outlined in B&P Code 8030.6.

Transcript Reimbursement Fund (Pro Bono)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
No. of Requests for Reimbursement Received	4	30	164	124	94
No. of Requests Approved	0	0	156	117	84
No. of Requests Denied	4*	30*	8	7	10
Amount of Funds Disbursed	\$0	\$0	\$96,421	\$61,317	\$120,816
Amount of Funds Recovered by Judicial Award of Costs	\$8,331	\$3,737	\$21,475	\$666	\$5,742

Transcript Reimbursement Fund (Pro Per)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
No. of Requests for Reimbursement Received	38	25	119	310	277
No. of Requests Approved	24	0	77	211	263
No. of Requests Denied	38*	25*	22*	9	12
Amount of Funds Allocations (Provisional Approval)	\$0	\$0	\$2,652	\$10,466	\$28,574
Amount of Funds Disbursed	\$10,139	\$846	\$8,043	\$33,678	\$57,409
Amount of Funds Recovered by Judicial Award of Costs	\$0	\$0	\$0	\$0	\$0

* Includes applications returned during temporary closure.

Transfers are made from the Court Reporters Board Fund to the TRF in increments of \$100,000 up to \$300,000 per year. The Board must stop transfers to the TRF when the Board's reserve of operating expenses falls below six months. This threshold was reached in FY 2016-17, and the TRF was temporarily closed in April of 2018. The Board took restorative measures to increase its revenue, resulting in a budget reserve healthy enough to reopen the TRF on November 2, 2020. Part of these measures included an increase in licensing fees from \$125 to \$225 annually effective January 1, 2019.

In 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF. The TRF is otherwise funded solely from new application and renewal fees.

Staffing Issues

14. Describe any board staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

During the pandemic, the Board lost its half-time TRF Pro Per Staff Services Analyst. Existing TRF staff took on the additional work, which slowed application processing time. In July of 2023, the half-time office technician position was increased to full-time with TRF training underway, and the backlog is being reduced.

15. Describe the board's staff development efforts and total spent annually on staff development (cf., Section 12, Attachment B).

While recognizing the importance of training and staff development, with such a small staff, having a single staff person out of the office has a significant impact on the provision of services. All of the courses taken have been offered through the DCA at no cost.

Attached as Attachment B are the year-end organizational charts for the Board.

Section 3 – Licensing Program

16. What are the board’s performance targets/expectations for its licensing¹ program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

The primary objective of licensing court reporters is to ensure that consumers receive accurate, timely, competent service from court reporters who, through examination, have demonstrated at least a minimum level of competency at the time of the examination. The Board expects license and examination applications to be processed promptly in order to facilitate the entry of as many competent court reporters as possible into the workforce as quickly as possible. Similarly, license renewals are to be processed as promptly as possible because court reporters may not work while their license fee is unpaid. The Board continues to meet these expectations by processing all applications and renewals within two to five business days. License renewals are due on the last day of the licensee’s birth month, so staff is very mindful of the time-sensitive nature of payments coming in at the end of the month and works with licensees via phone and e-mail to verify receipt of renewals.

17. Describe any increase or decrease in the board’s average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the board to address them? What are the performance barriers and what improvement plans are in place? What has the board done and what is the board going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

There has been no increase or decrease in the average time required to process applications or issue licenses. The Board does not have pending applications because they are processed promptly, typically within two to five business days. The Board sees no performance issues with its licensing program.

18. How many licenses or registrations has the board denied over the past four years based on criminal history that is determined to be substantially related to the qualifications, functions, or duties of the profession, pursuant to BPC § 480? Please provide a breakdown of each instance of denial and the acts the board determined were substantially related.

There have been no denials for license or registration based on criminal history since the last sunset review.

¹ The term “license” in this document includes a license certificate or registration.

Table 6a. Licensee Population

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
CSR	Active ²	5686	5441	5169	4937	4752
	Out of State	640	634	675	755	821
	Out of Country	12	10	10	11	11
	Delinquent/Expired	1167	1156	1142	1097	970
	Retired Status <i>if applicable</i>	-	-	-	-	-
	Inactive	-	-	-	-	-
	Other ³	-	-	-	-	-

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

Table 6b. Licensee Population

		FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
CRF	Active ⁴	-	-	-	-	187
	Out of State	-	-	-	-	26
	Out of Country	-	-	-	-	-
	Delinquent/Expired	-	-	-	-	-
	Retired Status <i>if applicable</i>	-	-	-	-	-
	Inactive	-	-	-	-	-
	Other ⁵	-	-	-	-	-

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

² Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

³ Other is defined as a status type that does not allow practice in California, other than retired or inactive.

⁴ Active status is defined as able to practice. This includes licensees that are renewed, current, and active.

⁵ Other is defined as a status type that does not allow practice in California, other than retired or inactive.

Table 7a. Licensing Data by Type

	Application Type	Received	Approved/ Issued	Closed	Pending Applications			Cycle Times		
					Total (Close of FY)	Complete (within Board control)*	Incomplete (outside Board control)*	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
FY 2018/19	(Exam)	54	54	0	-	-	-	-	-	-
	(License)	32	32	0	-	-	-	-	-	-
	(Renewal)	6306	6306	-	-	-	-	-	-	-
FY 2019/20	(Exam)	60	60	0	-	-	-	-	-	-
	(License)	66	66	0	-	-	-	-	-	-
	(Renewal)	6019	6019	-	-	-	-	-	-	-
FY 2020/21	(Exam)	55	55	0	-	-	-	-	-	-
	(License)	39	39	0	-	-	-	-	-	-
	(Renewal)	5815	5815	-	-	-	-	-	-	-
FY 2021/22	(Exam)	77	77	0	-	-	-	-	-	-
	(License)	35	35	0	-	-	-	-	-	-
	(Renewal)	5668	5668	-	-	-	-	-	-	-
FY 2022/23	(Exam)	107	107	0	-	-	-	-	-	-
	(License)	68	68	0	-	-	-	-	-	-
	(Renewal)	5516	5516	-	-	-	-	-	-	-

* Optional. List if tracked by the board.

Table 7b. License Denial

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	
	CSR	CSR	CSR	CSR	CSR	CRF
License Applications Denied (no hearing requested)	0	0	0	0	0	0
SOIs Filed	2	3	1	0	0	0
Average Days to File SOI (from request for hearing to SOI filed)	209	78	49	0	0	0
SOIs Declined	0	0	0	0	0	0
SOIs Withdrawn	0	0	1	0	0	0
SOIs Dismissed (license granted)	0	0	0	0	0	0
License Issued with Probation / Probationary License Issued	1	1	0	0	0	0
Average Days to Complete (from SOI filing to outcome)	120	182	0	0	0	0

19. How does the board verify information provided by the applicant?

The clear majority of applicants qualify to take the CSR examination by completing a training program through a recognized California court reporting school. If qualifying through a court reporting school program, the applicant must also have passed one speed examination known as a qualifier.

A person applying for the first time must complete an Application for Examination (Form PDE-22-281), which is included as Attachment H, and submit it to the Board, together with the required qualifying documents and the fee indicated on the face of the application. Persons applying for reexamination do not need to requalify but must complete and submit an Application for Reexamination (Form PDE-29-281), which is included as Attachment I, together with the fee indicated on the face of the application. At the time of testing for each portion of the exam, an applicant is required to provide a current government-issued form of identification which includes a photograph.

A variety of basic information is required to be submitted by examination applicants as indicated on the application form, including the nature and length of any work experience that can be used to establish the minimum one year (1,400 hours) of qualifying work experience. Level and location of educational background is also requested, as is information regarding court reporting certificates from other organizations or states as well as any criminal convictions. Supporting documentation via copies of certificates is required, and work experience must be verified on the official letterhead of the employer. All qualifying documentation is checked via phone or electronically, i.e., through licensing agencies in other states.

a. What process does the board use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant? Has the board denied any licenses over the last four years based on the applicant's failure to disclose information on the application, including failure to self-disclose criminal history? If so, how many times and for what types of crimes (please be specific)?

The Board uses fingerprints to check the Department of Justice database for prior criminal history. If applicants are or have been licensed in another state, history of disciplinary actions is checked by contacting the licensing agency of that state.

The Board has denied six license applications since the last sunset review. Specifically, three applicants failed to disclose criminal convictions (misdemeanor theft; fraudulent check under \$500; and DUI) on their applications. All three applicants received their licenses with two years' probation.

Additionally, one applicant (two separate attempts to obtain licensure) was denied for failure to disclose criminal convictions (felony grand theft and misdemeanor petty theft); failure to disclose previous licensure in CA; and failure to disclose previous discipline in this and two other states. Ultimately, the applicant received their license with a public reproof.

The last applicant failed to disclose a previous discipline in another state. The statement of issues was withdrawn by the Board, and the license was granted.

b. Does the board fingerprint all applicants?

All applicants for licensure must pass the CSR examination, and the Board has required fingerprints of all examination applicants since 1998.

c. Have all current licensees been fingerprinted? If not, explain.

Only those submitting applications for examination since 1998 have been fingerprinted. Anyone applying for the examination prior to 1998 has not been fingerprinted.

d. Is there a national databank relating to disciplinary actions? Does the board check the national databank prior to issuing a license? Renewing a license?

There is no national data bank for court reporters.

e. Does the board require primary source documentation?

The Board does require primary source documentation. For example, letters of recommendation are not acceptable as attesting to an applicant's work experience unless they are on official

letterhead. Otherwise, applicants must submit copies of actual job sheets to demonstrate experience.

20. Describe the board's legal requirement and process for out-of-state and out-of-country applicants to obtain licensure.

There are no differences in the requirements for out-of-state and out-of-country applicants. All applicants must complete the same requirements in order to obtain licensure. The Board is aware of and is compliant with the state and federal military portability laws and regulations.

21. Describe the board's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college credit equivalency.

The Board considers court reporting experience with the military as an acceptable form of work experience for the license application.

a. Does the board identify or track applicants who are veterans? If not, when does the board expect to be compliant with BPC § 114.5?

The Board does track applicants who are veterans.

b. How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the board?

There have been no applicants offering military education, training, or experience for meeting licensing credentialing requirements.

c. What regulatory changes has the board made to bring it into conformance with BPC § 35?

The Board has made no regulatory changes to conform with BPC section 35 because the Board already accepts military experience to qualify for licensure.

d. How many licensees has the board waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on board revenues?

The Board has waived fees for one licensee on active military duty. This has had a negligible impact on the Board's revenues.

e. How many applications has the board expedited pursuant to BPC § 115.5?

The skills or practical portion of the license examination cannot be expedited because of the nature of the examination itself. The two written portions of the license examination are available at any time so there is no reason for expedition.

22. Does the board send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.

The Board does this electronically on DOJ's website, and there is no backlog.

Examinations

Table 8. Examination Data ⁶				
California Examination (include multiple language) if any:				
	License Type: CSR	Exam Title		
		Dictation/Skills	English	Professional Practice
FY 2018/19	Number of 1 st Time Candidates	46	50	48
	Pass %	19.6%	62.0%	64.6%
	Fail %	80.4%	38.0%	35.4%
	Number of Overall Candidates	329	102	76
	Overall Pass %	5.5%	50.0%	63.2%
	Overall Fail %	94.5%	50.0%	36.8%
FY 2019/20	Number of 1 st Time Candidates	56	42	44
	Pass %	66.1%	61.9%	63.6%
	Fail %	33.9%	38.1%	36.4%
	Number of Overall Candidates	288	88	71
	Overall Pass %	27.1%	47.7%	63.4%
	Overall Fail %	72.9%	52.3%	36.6%
FY 2020/21	Number of 1 st Time Candidates	58	70	66
	Pass %	55.2%	77.1%	68.2%
	Fail %	44.8%	22.9%	31.8%
	Number of Overall Candidates	214	107	98
	Overall Pass %	21.5%	63.6%	64.3%
	Overall Fail %	78.5%	36.4%	35.7%
FY 2021/22	Number of 1 st Time Candidates	43	51	51
	Pass %	55.8%	66.7%	70.6%
	Fail %	44.2%	33.3%	29.4%
	Number of Overall Candidates	177	89	85
	Overall Pass %	20.9	55.1%	64.7%
	Overall Fail %	79.1	44.9%	35.3%
FY 2022/23	Number of 1 st Time Candidates	84	94	97
	Pass %	57.1%	76.6%	80.4%
	Fail %	42.9%	23.4%	19.6%
	Number of Overall Candidates	244	160	142
	Overall Pass %	26.2%	63.1%	69.7%
	Overall Fail %	73.8%	36.9%	30.3%
Date of Last OA			2023	2023
Name of OA Developer			OPES	OPES
Most Recent OA Date: July 2023				
National Examination (include multiple language) if any: <i>Not Applicable</i>				

⁶ This table includes all exams for all license types as well as the pass/fail rate. Include as many examination types as necessary to cover all exams for all license types.

23. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

California has one license category for court reporters, Certified Shorthand Reporter (CSR), and it is a required California-specific examination. However, there are two methods of reporting: stenotype machine and voice writing. The same license exam is given to both types, and the same license is issued with a notification of which certification they have used to pass the exam.

The primary objective of licensing court reporters is to ensure that consumers receive accurate, timely, and competent service from court reporters who, through examination, have demonstrated a minimum level of competency.

All persons desiring to practice as a CSR in the state of California (Section 8017, Business and Professions Code) must possess a valid license issued by the Court Reporters Board. Licensure is attained by passing all parts of a three-part examination (CCR Title 16, section 2420): two written portions and one practical or skills portion. The first written portion is Professional Practice, a 100-item multiple choice examination which tests knowledge of medical and legal terminology, ethics, and code requirements. The second written portion is English, which is another 100-item multiple choice examination which tests minimum competency in grammar, spelling, and punctuation. Both written portions are administered via a computer-based testing vendor.

The practical examination (dictation/transcription portion) consists of a 15-minute exercise. The test is now offered online through a third-party vendor using live proctors for security. Via pre-recorded video, four readers replicate a courtroom or deposition situation and dictate from an actual court or deposition proceeding. They read at an average speed of 200 words per minute while examinees report the dictation on a shorthand machine or using voice writing equipment. The examinees are given two hours to transcribe the last ten minutes of their notes. They are graded on the transcription submitted. Successful candidates must achieve 97.5% accuracy.

Applicants must qualify to sit for the examination through one of three methods:

- A. One year of experience (a minimum of 1,400 hours) in making verbatim records of depositions, arbitrations, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine shorthand writing and transcribing these records.
- B. A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or a certificate from the school that evidences an equivalent proficiency and the ability to make a verbatim record of material dictated in accordance with regulations adopted by the Board contained in Title 16 of the California Code of Regulations.
- C. An RPR certificate from the National Court Reporters Association or CVR or CVR-S certificate from the National Verbatim Reporters Association demonstrating proficiency in machine shorthand reporting.

Applicants have three years to pass all three parts of the examination before they are required to take the entire examination again. They may take or retake the failed portions up to three times per year. During the three-year period, they are required to take only the previously failed portions of the examination. The executive officer has the delegated authority to extend the three-year pass requirement for up to one additional year for good cause.

Examinees who have passed all parts of the examination are eligible for licensure. Actual licensure is attained by submitting the statutorily-required fee and the forms provided by the Board.

The license exam is offered three times a year. A candidate may take each portion of the exam once per cycle.

The two written portions of the examination are developed in conjunction with DCA's Office of Professional Examination Services (OPES). Development of the English and Professional Practice portions of the CSR examination begins with an occupational analysis to identify current job knowledge and skills necessary for entry-level court reporters. Upon validation of the occupational analysis, an examination plan is developed to not only identify knowledge and skills required, but also to weight them based on how important and/or how frequently the knowledge or skill is required.

Upon completion of the examination plan, four types of examination development workshops are held. Groups of subject matter experts (SMEs) made up of working court reporters, facilitated by OPES, write questions for the two written exams, each question being tied to the current examination plan. A subsequent group of SMEs reviews the questions, adding finished questions to the test bank. A third group of SMEs constructs the actual examination by selecting questions from the bank, weighted in a manner reflective of the examination plan. Finally, a fourth group of SMEs sets the passing score for a particular examination in accordance with the California Code of Regulations, Title 16, Division 24, Article 3, section 2420, which outlines the Board regulation that requires the passing grades for the written examinations be determined by the Angoff criterion-referenced method.

There are two nationally based, entry-level court reporter competency examinations. One is the Registered Professional Reporter (RPR) examination administered by the National Court Reporters Association (NCRA). The other is the Certified Verbatim Reporter (CVR and CVR-S) examination administered by the National Verbatim Reporters Association (NVRA). Holders of the RPR, the CVR, or CVR-S certification may apply to take the California CSR examination, but there is no straight reciprocity as there are significant differences between the two examinations in the areas of examination development, construction, and administration.

The exam is offered only in English as all proceedings are reported in English and the resultant transcript must be in English.

24. What are pass rates for first time vs. retakes in the past 4 fiscal years? (Refer to Table 8: Examination Data) Are pass rates collected for examinations offered in a language other than English?

Table 8 shows pass rates for each of the three examination sections for the first-time candidates as well as the overall pass rates. For the skills portion of the exam, the average pass rate over the last four years overall is 23.93; for first-timers, it is 58.55. For the English portion of the exam, the average pass rate overall is 57.38; for first-timers, it is 70.58. For the professional practice portion of the exam, the average pass rate overall is 65.53; for first-timers, it is 70.70.

The Board uses the first-time pass rate to evaluate an exam. There is no requirement for unsuccessful candidates to return to school, and the Board has no way of knowing how much, if at all, any of these repeaters practice.

The CSR exam is only offered in English as all reporting and transcription is done in English only.

25. Is the board using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

As of July 1, 2008, the Board has used computer-based testing for the two written portions of the license examination: English and Professional Practice. Once an applicant's qualifications are verified, staff forwards the candidate's information to the testing vendor, currently PSI, who in turn furnishes the candidate with all the information necessary to schedule and take the written portions of the examination. Results are returned to Board staff, who contacts the candidate with licensure or re-testing information. PSI has testing sites not only across California, but also across the United States.

Written exams are updated three times a year. Candidates may only take an examination once during the posting period, scheduled at their convenience.

Beginning in July of 2020, the Board moved to an online platform for the skills exam. The exam is available for three weeks during each of the three testing cycles. The exam is administered through a third-party vendor, Realtime Coach, which uses live proctors for security for the testing. The Board partnered with DCA's Office of Public Affairs to record a series of tests. The tests are developed from actual court and deposition transcripts and rigorously counted out for words and syllabic density. Candidates may choose the time best for them but must schedule 72 hours in advance in order for a proctor to be assigned. If they fail to pass the exam, the test they were assigned will no longer be available to them when they retest during the next testing cycle. Candidates may only test one time per exam cycle.

26. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

The Court Reporters Board is experiencing no issues affecting the processing of applications or administration of examinations.

27. When did the Board last conduct an occupational analysis that validated the requirement for a California-specific examination? When does the Board plan to revisit this issue? Has the Board identified any reason to update, revise, or eliminate its current California-specific examination?

The most current occupational analysis was completed in July of 2023. It is included with this report as Attachment E. The Board typically conducts an occupational analysis every five to seven years. In its new strategic plan, the Board will continue to look at pathways for license reciprocity as well as evaluate the format of the skills portion of the license exam to ensure continued efficacy.

School approvals

28. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the board work with BPPE in the school approval process?

Business and Professions Code 8027 requires court reporting schools to be approved by the Board and the Bureau for Private Postsecondary Education (BPPE), be a California public school, or be accredited by the Western Association of Schools and Colleges (WASC). Any school seeking Board recognition must notify the Board within 30 days of the date on which it provides notice to or seeks approval from the California Department of Education, BPPE, the Chancellor's Office of the California Community Colleges, or WASC. The Board then reviews the proposed curriculum and provides the school tentative approval or denial within 60 days. With an approval, the school then applies for

provisional recognition by the Board. Once granted, the school must operate continuously for no less than three years during which time the school must have at least one person successfully complete the course and pass the CSR examination. Upon completion of those provisions, the school may be granted full recognition.

29. How many schools are approved by the board? How often are approved schools reviewed? Can the board remove its approval of a school?

There are eight Board-recognized schools offering court reporting programs in the state of California. The Board grants “recognition” in order for a court reporting school to operate. Schools are asked to send written materials to the Board annually as part of the ongoing review process. No on-site visits have been made since the pandemic. The Board relies, instead, on information submitted annually by the schools regarding enrollment and curriculum. There is currently no bottleneck of qualified graduates waiting to take the license exam.

If a student graduates from a Board-recognized program, they are qualified to take the license exam. If a student graduates from one of the many other programs available across the country, they would need to pass the RPR, CVR, or CVR-S in order to qualify to sit for the exam. There is no shortage of training programs for court reporting.

The Board may remove recognition of a school that does not continue to meet the minimum curriculum and other regulatory requirements regarding recordkeeping.

30. What are the board’s legal requirements regarding approval of international schools?

No international schools have applied for Board recognition.

Continuing Education/Competency Requirements

31. Describe the board’s continuing education/competency requirements, if any. Describe any changes made by the board since the last review.

The Board does not currently have mandatory continuing education requirements for licensure; however, the Judicial Council requires continuing education for all its court employees, including court reporters. *(Questions a through i and Table 8a. are not applicable.)*

- a. **How does the board verify CE or other competency requirements? Has the Board worked with the Department to receive primary source verification of CE completion through the Department’s cloud?**
- b. **Does the board conduct CE audits of licensees? Describe the board’s policy on CE audits.**
- c. **What are consequences for failing a CE audit?**
- d. **How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?**
- e. **What is the board’s CE course approval policy?**
- f. **Who approves CE providers? Who approves CE courses? If the board approves them, what is the board application review process?**
- g. **How many applications for CE providers and CE courses were received? How many were approved?**
- h. **Does the board audit CE providers? If so, describe the board’s policy and process.**
- i. **Describe the board’s effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee’s continuing competence.**

Table 8a. Continuing Education			
Type	Frequency of Renewal	Number of CE Hours Required Each Cycle	Percentage of Licensees Audited
<i>Not applicable</i>			

Section 4 – Enforcement Program

32. What are the board’s performance targets/expectations for its enforcement program? Is the board meeting those expectations? If not, what is the board doing to improve performance?

A review of the enforcement division of the Board reveals a workload of approximately 120 complaints per year. The Board is staffed with one full-time enforcement analyst performing all enforcement activities. The majority of complaints requiring additional investigation involve a question of untimeliness of transcript delivery or the accuracy of a transcript of legal proceedings.

Additionally, the Board places a great deal of emphasis on prevention of complaints. Outreach is done via seminars to trade associations both remotely and in person. Enforcement staff responds to complaints and all inquiries (via telephone, fax, mail or e-mail) regarding the complaint process, license status, and the laws and regulations relating to the practice of court reporting.

Whenever possible and appropriate, enforcement staff resolves cases through informal mediation. The Board has found that not only does this quicker resolution save time and money for both parties, but it allows the licensee to continue practicing while the issue is resolved. Most licensees are cooperative once the Board outlines the penalties for noncompliance.

The Board’s performance measures are published on DCA’s website, included as Attachment F. The Board has set a target of five days for intake, the average cycle time from complaint receipt to assignment to investigator. This target is being met. The Board has a target of 60 days for intake to investigation, the average cycle time from complaint receipt to completion of the investigation process. The Board’s average intake and investigation time during the period since the last sunset review is 146 days, meeting the goal of 60 days 50 percent of the time. The Board has a target of 540 days for formal discipline, which is the average number of days for completion of the entire enforcement process for cases resulting in formal discipline. The Board’s average number of days for formal discipline is 331, meeting the target 100 percent of the time.

33. Explain trends in enforcement data and the board’s efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the board done and what is the board going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The number of complaints filed over the last five years has remained relatively stable. The Board did see an increase in complaints for FY 2022/23 due to the implementation of firm registration. As firms found out and subsequently complied with the new law, the number of complaints related to firms has decreased.

The Board continues to see the main complaints that are filed with the Board are requests for assistance in obtaining a transcript of a reported proceeding. Possible factors could include a shortage of court reporters, which provides the reporter less time to work on transcription, societal changes in work ethic or a combination of those and other factors.

Table 9a. Enforcement Statistics						
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	
COMPLAINTS	CSR	CSR	CSR	CSR	CSR	CRF
Intake						
Received	122	115	105	111	113	41
Closed without Referral for Investigation	0	0	0	0	0	0
Referred to INV	122	115	105	111	113	41
Pending (close of FY)	0	0	0	0	0	0
Conviction / Arrest						
CONV Received	3	0	0	0	0	N/A
CONV Closed Without Referral for Investigation	1	0	1	0	0	N/A
CONV Referred to INV	1	1	0	0	0	N/A
CONV Pending (close of FY)	2	1	0	0	0	N/A
Source of Complaint⁷						
Public	61	68	82	90	86	13
Licensee/Professional Groups	27	25	9	18	9	26
Governmental Agencies	29	14	5	3	15	0
Internal	8	8	9	0	2	2
Other	0	0	0	0	0	0
Anonymous	0	0	0	0	1	0
Average Time to Refer for Investigation (from receipt of complaint / conviction to referral for investigation)	1	1	1	1	1	1
Average Time to Closure (from receipt of complaint / conviction to closure at intake)	0	0	0	0	0	0
Average Time at Intake (from receipt of complaint / conviction to closure or referral for investigation)	1	1	1	1	1	1
INVESTIGATION	CSR	CSR	CSR	CSR	CSR	CRF
Desk Investigations						
Opened	125	116	105	111	113	41
Closed	100	91	184	101	116	38
Average days to close (from assignment to investigation closure)	67	82	347	35	49	45
Pending (close of FY)	54	88	8	18	17	3
Non-Sworn Investigation						
Opened	0	0	0	0	0	0
Closed	0	0	0	0	0	0
Average days to close (from assignment to investigation closure)	0	0	0	0	0	0
Pending (close of FY)	0	0	0	0	0	0
Sworn Investigation						
Opened	1	0	0	0	0	0
Closed	1	0	0	0	0	0
Average days to close (from assignment to investigation closure)	41	0	0	0	0	0
Pending (close of FY)	0	0	0	0	0	0

⁷ Source of complaint refers to complaints and convictions received. The summation of intake and convictions should match the total of source of complaint.

All investigations ⁸						
Opened	125	116	105	111	113	41
Closed	100	91	184	101	116	38
Average days for all investigation outcomes (from start investigation to investigation closure or referral for prosecution)	67	82	347	35	49	45
Average days for investigation closures (from start investigation to investigation closure)	86	83	348	36	50	46
Average days for investigation when referring for prosecution (from start investigation to referral for prosecution)	131	76	204	43	37	0
Average days from receipt of complaint to investigation closure	86	83	348	36	50	46
Pending (close of FY)	54	88	8	18	17	3
CITATION AND FINE	CSR	CSR	CSR	CSR	CSR	CRF
Citations Issued	17	18	11	16	9	0
Average Days to Complete (from complaint receipt / inspection conducted to citation issued)	75	18	130	37	82	0
Amount of Fines Assessed	\$ 22,250	\$ 15,550	\$ 14,000	\$ 23,750	\$9,000	\$ 0
Amount of Fines Reduced, Withdrawn, Dismissed	\$ 2,500	\$ 950	\$ 1,950	\$ 3,500	\$ 500	\$ 0
Amount Collected	\$ 10,700	\$ 12,650	\$ 6,800	\$ 13,083	\$ 3,567	\$ 0
CRIMINAL ACTION	CSR	CSR	CSR	CSR	CSR	CRF
Referred for Criminal Prosecution	0	0	0	0	0	0
ACCUSATION	CSR	CSR	CSR	CSR	CSR	CRF
Accusations Filed	4	4	4	3	2	0
Accusations Declined	0	0	0	0	0	0
Accusations Withdrawn	0	0	3	1	0	0
Accusations Dismissed	0	0	0	0	0	0
Average Days from Referral to Accusations Filed (from AG referral to Accusation filed)	55	90	125	62	85	0
INTERIM ACTION	CSR	CSR	CSR	CSR	CSR	CRF
ISO & TRO Issued	0	0	0	0	0	0
PC 23 Orders Issued	0	0	0	0	0	0
Other Suspension/Restriction Orders Issued	0	0	0	0	0	0
Referred for Diversion	0	0	0	0	0	0
Petition to Compel Examination Ordered	0	0	0	0	0	0
DISCIPLINE	CSR	CSR	CSR	CSR	CSR	CRF
AG Cases Initiated (cases referred to the AG in that year)	4	8	6	3	2	0
AG Cases Pending Pre-Accusation (close of FY)	2	2	0	0	0	0
AG Cases Pending Post-Accusation (close of FY)	1	4	1	1	2	0
DISCIPLINARY OUTCOMES	CSR	CSR	CSR	CSR	CSR	CRF
Revocation	3	3	3	1	1	0
Surrender	1	0	1	1	0	0
Suspension only	0	0	0	0	0	0
Probation with Suspension	0	0	0	0	0	0
Probation only	4	1	2	0	0	0
Public Reprimand / Public Reapproval / Public Letter of Reprimand	0	1	1	0	0	0
Other	0	0	0	0	0	0

⁸ The summation of desk, non-sworn, and sworn investigations should match the total of all investigations.

DISCIPLINARY ACTIONS	CSR	CSR	CSR	CSR	CSR	CRF
Proposed Decision	2	0	2	0	0	0
Default Decision	1	3	2	1	1	0
Stipulations	5	2	3	1	0	0
Average Days to Complete After Accusation (from Accusation filed to imposing formal discipline)	152	174	184	143	105	0
Average Days from Closure of Investigation to Imposing Formal Discipline	283	243	237	237	163	0
Average Days to Impose Discipline (from complaint receipt to imposing formal discipline)	337	298	328	415	180	0
PROBATION	CSR	CSR	CSR	CSR	CSR	CRF
Probations Completed	3	4	2	2	3	0
Probationers Pending (close of FY)	8	6	5	4	1	0
Probationers Tolerated	2	2	2	2	2	0
Petitions to Revoke Probation / Accusation and Petition to Revoke Probation Filed	1	0	0	0	0	0
SUBSEQUENT DISCIPLINE⁹	CSR	CSR	CSR	CSR	CSR	CRF
Probations Revoked	1	0	0	0	0	0
Probationers License Surrendered	0	0	0	0	0	0
Additional Probation Only	0	0	0	0	0	0
Suspension Only Added	0	0	0	0	0	0
Other Conditions Added Only	0	0	0	0	0	0
Other Probation Outcome	0	0	0	0	0	0
SUBSTANCE ABUSING LICENSEES	CSR	CSR	CSR	CSR	CSR	CRF
Probationers Subject to Drug Testing	0	0	0	0	0	0
Drug Tests Ordered	0	0	0	0	0	0
Positive Drug Tests	0	0	0	0	0	0
PETITIONS	CSR	CSR	CSR	CSR	CSR	CRF
Petition for Termination or Modification Granted	0	0	0	0	0	0
Petition for Termination or Modification Denied	0	0	0	0	0	0
Petition for Reinstatement Granted	0	0	0	0	0	0
Petition for Reinstatement Denied	0	0	0	0	0	0
DIVERSION	CSR	CSR	CSR	CSR	CSR	CRF
New Participants	0	0	0	0	0	0
Successful Completions	0	0	0	0	0	0
Participants (close of FY)	0	0	0	0	0	0
Terminations	0	0	0	0	0	0
Terminations for Public Threat	0	0	0	0	0	0
Drug Tests Ordered	0	0	0	0	0	0
Positive Drug Tests	0	0	0	0	0	0

⁹ Do not include these numbers in the Disciplinary Outcomes section above.

Table 10. Enforcement Aging

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23		Cases Closed		Average %	
	CSR	CSR	CSR	CSR	CSR	CRF	CSR	CRF	CSR	CRF
Investigations (Average %)										
Closed Within:										
90 Days	75	67	88	93	101	37	424	37	72%	97%
91 - 180 Days	14	12	20	7	14	1	67	1	11%	3%
181 Days - 1 Year	4	11	21	1	1	0	38	0	6%	0%
1 - 2 Years	7	1	20	0	0	0	28	0	5%	0%
2 - 3 Years	0	0	12	0	0	0	12	0	2%	0%
Over 3 Years	0	0	23	0	0	0	23	0	4%	0%
Total Investigation Cases Closed	100	91	184	101	116	38	592	38	100%	100%
Attorney General Cases (Average %)										
Closed Within:										
0 - 1 Year	5	3	5	1	1	0	15	0	62.5%	0%
1 - 2 Years	4	2	2	1	0	0	9	0	37.5%	0%
2 - 3 Years	0	0	0	0	0	0	0	0	0%	0%
3 - 4 Years	0	0	0	0	0	0	0	0	0%	0%
Over 4 Years	0	0	0	0	0	0	0	0	0%	0%
Total Attorney General Cases Closed	9	5	7	2	1	0	24	0	100%	0%

34. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The number of complaints has remained consistent, averaging 121 a year. There are two reasons for the relatively low number. First, court reporters are acutely aware of the law and the effects for acting outside of the law. Secondly, as the licensing examination tends to be quite difficult, most licensees are very careful not to place their license in jeopardy.

35. How are cases prioritized? What is the board’s complaint prioritization policy? Is it different from DCA’s *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Board uses the complaint prioritization guidelines from DCA. Under this model, enforcement staff reviews complaints upon receipt to determine the best course of action based on the priority assigned. These guidelines are included as Attachment K.

36. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the board actions taken against a licensee. Are there problems with the board receiving the required reports? If so, what could be done to correct the problems?

- a. What is the dollar threshold for settlement reports received by the board?
- b. What is the average dollar amount of settlements reported to the board?

The only mandatory reporting requirement is on the license renewal form on which licensees are required to self-report any convictions.

37. Describe settlements the board, and Office of the Attorney General on behalf of the board, enter into with licensees.

a. What is the number of cases, pre-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

No cases settled prior to the filing of the accusation.

b. What is the number of cases, post-accusation, that the board settled for the past four years, compared to the number that resulted in a hearing?

Of the 17 accusations filed, five were settled prior to hearing. Seven defaulted, two went to hearing, one was withdrawn, and two are pending.

c. What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?

Five cases settled out of the 17 accusations filed for an overall percentage of 29%. If the seven defaults are included, the overall percentage is 71%.

38. Does the board operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the board's policy on statute of limitations?

The Board does not have a statute of limitations with regard to enforcement. There are statutory requirements for court reporters to retain their stenographic notes. California Code of Civil Procedure 2025.510(e) requires notes of depositions be retained for eight years from the date of the deposition where no transcript is produced and one year from the date on which the transcript is produced. On the official side, California Government Code 69955(e) requires notes to be retained for ten years from the taking of the notes in a criminal proceeding and five years in all other proceedings, except capital felony cases in which case the notes are only destroyed upon court order. If there is a complaint about accuracy of the transcript and the notes have been disposed of in accordance with the statutory requirements, there is nothing for the Board to review. If the court or court reporter continues to retain the notes, however, the complaint is processed normally.

39. Describe the board's efforts to address unlicensed activity and the underground economy.

There are court reporters who neglect to renew their licenses on time but continue to report, which is unlicensed activity from the standpoint that they are working without a current license. The Board issues citations and fines for this violation.

With the advent of remote reporting, there is an uptick in unlicensed reporting of depositions from reporters from other states. Even if the attorneys are remotely appearing from other states, if the witness is located in California, California laws apply. The Board has attempted to educate attorneys on the importance of hiring a licensed court reporter and encourages court reporters to state their license number at the beginning of each proceeding.

The passage of AB 156 in September of 2022 added additional terms to section 8018 of the Business & Professions Code in order to help consumers be clear on who they are hiring to report their proceeding. The law states that except as provided in Section 8043, no other person, entity, firm, or

corporation may assume or use the title “certified shorthand reporter,” or the abbreviation “C.S.R.,” or use any words or symbols indicating or tending to indicate that they are, or it is, certified under this chapter. Use of the words “stenographer,” or “reporter,” or of the phrases “court reporter,” “deposition reporter,” or “digital reporter,” in combination with words or phrases related to the practice of shorthand reporting, as defined in Section 8017, indicates or tends to indicate certification pursuant to this chapter.

To address transparency and enforcement issues, the Board worked with Senator Umberg’s office in 2021 on the eventual successful passage of SB 241 (Umberg). This bill provided comprehensive firm registration. Consumers now are protected when they hire a registered firm, regardless of whether or not it is owned by a licensee.

Cite and Fine

40. Discuss the extent to which the board has used cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the board increased its maximum fines to the \$5,000 statutory limit?

Each complaint is considered on a case-by-case basis. Many factors go into the decision of whether to issue a citation and/or fine, including the violation, mitigating circumstances, prior issues (or lack thereof).

The Board has not increased its maximum fines to the \$5,000 statutory limit.

41. How is cite and fine used? What types of violations are the basis for citation and fine?

The cite and fine is used to gain compliance with the statutes and regulations governing court reporting, not as a form of punishment. The most common violations are untimely delivery of transcripts or unexcused failure to transcribe, unprofessional conduct, or working with an expired license (unlicensed activity).

42. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

There have been 19 informal conferences since the last sunset review.

43. What are the five most common violations for which citations are issued?

The most common violations for which citations are issued include the following:

- Failure to produce a transcript
- Untimely production of a transcript
- Working without a valid license
- Accuracy of the transcript
- Loss of stenographic notes

44. What is average fine pre- and post- appeal?

The average fine pre-appeal is \$905.26 and post-appeal is \$594.73.

45. Describe the board's use of Franchise Tax Board intercepts to collect outstanding fines.

Staffing resources are such that this option is currently not used.

Cost Recovery and Restitution

46. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.

The Board's policy is to request cost recovery in every instance where the case merits recovery and is ordered by the administrative law judge or negotiated through a stipulated settlement. Typically, the amount ordered in a cost recovery encumbers costs for the Attorney General's Office only. The Board is generally successful in collecting these amounts, as seen on Table 11, with the use of a payment plan to assist the licensee in paying over time.

47. How many and how much is ordered by the board for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

As demonstrated in Table 9a, there have been 11 revocations in the last five fiscal years, three voluntary surrenders, and seven placed on probation. Table 11 shows the amounts ordered and collected for those years. Another tool the Board has employed in obtaining full recovery is working with probationers to set up a payment plan over time, rather than demanding the payment in full at the time of the decision.

48. Are there cases for which the board does not seek cost recovery? Why?

Cost recovery is always initially requested, but on a very rare occasion the Board will abandon the request as part of a stipulated settlement.

49. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.

Staffing resources are such that this option is currently not used.

50. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

There is no statutory authority for Board-ordered restitution. However, the Board has maintained a proactive stance in assisting consumers in receiving money owed to them. The claims are based on fees charged by official court reporters for transcripts, which are regulated by law in Government Code 69950. There are no statutory fee requirements for work performed in a deposition or hearing setting by a freelance reporter.

Table 11. Cost Recovery¹⁰ (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Total Enforcement Expenditures	\$ 236,000	\$ 258,000	\$ 208,000	\$ 211,000	\$ 223,000
Potential Cases for Recovery *	7	5	7	2	1
Cases Recovery Ordered	3	0	3	0	0
Amount of Cost Recovery Ordered	\$ 4,737.50	\$ 0	\$ 6,522.50	\$ 0	\$ 0
Amount Collected	\$ 2,229.62	\$ 2,206.50	\$ 6,639.50	\$ 1,630.00	\$ 500.00

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution (list dollars in thousands)					
	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Amount Ordered	0	0	0	0	0
Amount Collected	0	0	0	0	0

¹⁰ Cost recovery may include information from prior fiscal years.

Section 5 – Public Information Policies

51. How does the board use the internet to keep the public informed of board activities? Does the board post board-meeting materials online? When are they posted? How long do they remain on the board's website? When are draft-meeting minutes posted online? When does the board post final meeting minutes? How long do meeting minutes remain available online?

The Board uses its website, www.courtreporters.ca.gov, to provide transparency into the Board's activities. It is the Board's intent to post as much information as possible as more and more people are gaining information via the Internet. On the Board's website, the public can find out who the Board members are, where and when the Board meets and hold exams, everything from the Board's history to its current strategic plan. Additionally, applicants can obtain information regarding all three portions of the license examination, from application to grading policies, lists of court reporting schools to examination statistics broken down by school. The Consumer tab gives information on the complaint process, including providing the complaint form, information on disciplinary action taken against licensees, and information on how students may complain. Complete information about the Transcript Reimbursement Fund has been moved to a dedicated tab.

The Board makes every effort to have meeting materials available via the website ten days before the actual meeting date. Minutes from meetings are posted as soon as they are approved by the Board. Minutes from past Board meetings are available back to 2009. Draft minutes are not posted.

52. Does the board webcast its meetings? What is the board's plan to webcast future board and committee meetings? How long do webcast meetings remain available online?

The Board utilizes the services of DCA's Office of Public Affairs (OPA) to webcast its meetings when sufficient Internet services are available at the meeting location and OPA has staff available. The Board prefers to webcast all of their Board meetings but does not webcast task force meetings. The webcasts are available online for a couple of years, as DCA's server space is available. Since the pandemic, the Board has used WebEx to conduct remote meetings. With the expiration of the Bagley-Keene waivers, the Board meets in person but also used the WebEx platform to allow the public to attend. The Board has seen an increase in public participation when offering a remote platform.

53. Does the board establish an annual meeting calendar, and post it on the board's web site?

The Board does not establish an annual meeting calendar but does post meetings on the Board's website as soon as the date and location are confirmed.

54. Is the board's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the board post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The complaint disclosure policy is set by Business and Professions Code 8010. It provides that information regarding a complaint against a specific licensee not be disclosed until the Board has filed an accusation and the licensee has been notified of the filing of the accusation against his or her license. This does not apply to citations, fines, or orders of abatement, which are disclosed to the public upon notice to the licensee. These are also posted on the Board's website. This is consistent with DCA's complaint disclosure and public disclosure policies.

55. What information does the board provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Board verifies whether a license is in good standing, when it was issued, and when it will expire, as well as an address of record. All disciplinary actions, including citations and fines, are available to the public on the Board website.”

56. What methods are used by the board to provide consumer outreach and education?

The Board utilizes its website and social media accounts as the main source of consumer education.

Licensee Board members and the executive officer participate in trade association meetings at local, state, and national levels. They also make presentations at career fairs and high school events. Seminars are prepared and given at industry conferences, specifically for the California Court Reporters Association and the Deposition Reporters Association, as well as at court reporting schools.

To maximize resources, the Board continually seeks to develop other outreach methods, including renewal form inserts and webinars. Additionally, the Board utilizes an e-mail subscription service to alert interested parties as to Board activities.

Section 6 – Online Practice Issues

57. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the board regulate online practice? Does the board have any plans to regulate internet business practices or believe there is a need to do so?

The court reporting industry has used videoconferencing for many years, but pre-pandemic its use was occasional. During the pandemic, attorneys embraced the videoconference platform, and all depositions were conducted remotely. When courtrooms opened again, the reporter was required to be in the courtroom with the judge. The exception to this is some civil trials were conducted remotely, including the court reporter. Post-pandemic, depositions have remained mostly remote.

Remote reporting comes with its own set of challenges. Connectivity issues can make it hard or even impossible for the court reporter to report, and sometimes the court reporter is dropped from the proceeding. To help navigate this world, the Board developed Best Practice Pointers for Remote Reporting. This has helped answer many questions from the field, but this is definitely an evolving field as everyone tries to successfully make the transition.

The Board encourages all licensees to state their license number at the beginning of the proceeding.

58. What actions has the board taken in terms of workforce development?

The biggest step forward in terms of workforce development for the Board has been the ability to license voice writers. Voice writers do the exact same job as steno writers but with different equipment. Voice writers program personal dictionaries using voice recognition software while steno writers use a stenotype machine with computer aided transcription software. Testing voice writers expands the candidate pool for the license exam as voice writing is already practiced in 38 other states and the military. Because it's already in use, there are many training programs in place.

Since it began licensing voice writers, the Board has seen an increase in the number of applications to sit for the exam. As of December 1, 2023, 16 voice writers have passed all three portions of the exam to become CSRs.

Additionally, the training program is much shorter than it is for steno writers. Steno writers must learn a form of shorthand that is equivalent to learning a foreign language. Voice writers use a shorthand that is based on English. There is also a higher completion rate for the voice writer training program than the steno training program.

The shorter training period and the higher completion rate allow voice writing programs to better align with vocational education requirements. The first CRB-recognized school to teach voice writing has a waiting list for enrollment. At least three other schools are including voice writing in their court reporting programs, and enrollment is up.

In addition to licensing voice writers, the

has explored a number of license reciprocity options and is currently working with OPES to evaluate the CVR and CVR-S certifications from NVRA.

59. Describe any assessment the board has conducted on the impact of licensing delays.

The Board has experienced no licensing delays.

60. Describe the board's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

Board staff meets with schools as a group three times a year as a guest at their association meeting. Board staff is also available upon request to speak at court reporting schools at all levels, from beginning classes to more advanced classes.

61. Describe any barriers to licensure and/or employment the board believes exist.

To be very literal, the only barrier to employment is licensure and successful completion of the license exam. The license exam is difficult but rigorously reviewed to ensure it is testing for entry-level skills only while recognizing the need for verbatim accuracy.

By allowing voice writers to test and become licensed, the Board has moved to reduce one barrier to licensure. Not only do voice writers benefit from a shorter training period, but voice writing also offers

easy retraining for steno reporters who have become injured and can no longer practice using the steno machine method.

The Board, through its reciprocity efforts, has also looked at the possibility of changing the format of the skills portion of the license exam to align with other state and national certification testing.

62. Provide any workforce development data collected by the board, such as:

a. Workforce shortages

The court reporting industry has suffered the same post-pandemic labor shortages as every other segment of the economy. Remote reporting has tempered this effect in the deposition field as reporters are more easily able to cover multiple depositions in a single day without the travel time to and from actual deposition locations.

The Judicial Council has reported a shortage of court reporters. Unfortunately, beginning in 2011, courts stopped providing court reporters in civil matters, forcing civil litigants to privately hire court reporters in order to have a record for appeal. This has created a thriving freelance market for civil court work. While the rates for transcripts are set in statute, other costs, such as appearance fees, are not. The courts now have a challenge making an official position competitive with the freelance marketplace.

b. Successful training programs.

Pass rates for each school are included as Attachment J.

63. What efforts or initiatives has the board undertaken that would help reduce or eliminate inequities experienced by licensees or applicants from vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or that would seek to protect those communities from harm by licensees?

The court reporting industry has long been welcoming to low-income and historically marginalized individuals. The flexible schedule of deposition work makes it attractive for single parents yet allows them to earn enough to support their families. The workforce is mainly women and is very diverse as far as ethnicity.

On the consumer side, the Board administers the Transcript Reimbursement Fund to help qualified indigent litigants pay for their civil transcripts.

Section 8 – Current Issues

64. What is the status of the board's implementation of the Uniform Standards for Substance Abusing Licensees?

Substance abuse has not manifested itself as an issue with the court reporting industry. The rare cases that appear are dealt with on a case-by-case basis.

65. What is the status of the board's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

The Board participates in updating and standardizing its enforcement reporting as a part of the DCA's continuing support and tracking, more currently referred to as Enlighten Enforcement. As demonstrated in the Board's performance measures, enforcement targets have been set and progress is monitored to ensure goals are achieved.

66. Describe how the board is participating in development of BreEZe and any other secondary IT issues affecting the board.

a. Is the board utilizing BreEZe? What Release was the board included in? What is the status of the board's change requests?

The Board is not on BreEZe.

b. If the board is not utilizing BreEZe, what is the board's plan for future IT needs? What discussions has the board had with DCA about IT needs and options? What is the board's understanding of Release 3 boards? Is the board currently using a bridge or workaround system?

The Board is currently in the process of changing to the Connect system through an extensive IT modernization project funded by a grant from the California Department of Technology's Technology Modernization Fund. Board staff worked with DCA's Office of Information Services to compete for funds, and it was granted \$960,000 for the Board's IT modernization efforts.

Section 9 – Board Actions and Responses to COVID-19.

67. In response to COVID-19, did the board take any steps or implement any policies regarding licensees or consumers? Has the board implemented any statutory revisions, updates or changes that were necessary to address the COVID-19 Pandemic? Any additional changes needed to address a future State of Emergency Declaration.

During COVID, an emergency measure was put in place via legislation authored by Senator Umberg, which waived the requirement for the court reporter to be in the physical presence of a party witness. Post-COVID, this waiver was made permanent as the deposition field continues to embrace the remote platform.

The biggest change resulting from the COVID restrictions was switching the in-person skills portion of the license exam to an online platform. Luckily, a contract was in place as the Board was beginning a pilot project to offer online testing as well as in-person testing. Tests were developed, recorded and uploaded to the third-party vendor, Realtime Coach. This allowed the Board to continue to issue licenses without any gap at all, an important protection for consumers.

There have been two benefits as a result of the online move. The biggest benefit has been the stabilization of pass rates. Historically, the pass rate would vary greatly, from as low as 13.5% to as high as 87.8%. Since the online change, pass rates have varied only between 50% to 58.8%.

The second benefit has been economic. The in-person tests are offered at hotels as two large rooms are required, one for dictation and one for transcription. The transcription room requires a power source for laptops and printers for 100 people. In addition to the cost of the actual meeting space, the travel cost for Board staff and the dictation readers is necessary.

The cost savings was not just to the Board, but also to the candidates, who saved travel and hotel costs.

Section 10 – Board Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the board.
2. Short discussion of recommendations made by the Committees during prior sunset review.
3. What action the board took in response to the recommendation or findings made under prior sunset review.
4. Any recommendations the board has for dealing with the issue, if appropriate.

(Following are the issues from the prior oversight committee, the prior committee staff recommendation, and the prior Board's response. Current Board responses are indicated by ** and are underlined.)

Issue #1: What is the status of the Transcript Reimbursement fund?

Staff Recommendation: *The Board should report at the hearing on the most recent revenue and expenditure projections for the Court Reporters Fund and when transfers to the TRF will resume.*

Board Response: Funded completely from court reporter license fees, the TRF was set up to assist qualified indigent litigants with transcript costs. The fund has two programs. The main fund, or Pro Bono Program, was set up in 1981 and requires indigent litigants to have a pro bono attorney handling the case. In 2011, a two-year pilot project was developed to allow pro per litigants, litigants representing themselves, access to the fund. The pilot project was a success and is now a permanent part of the TRF as the Pro Per Program. Business and Professions Code (BPC) 8030.2 authorizes the Board to transfer funds to the TRF in increments of \$100,000 for a total of \$300,000 annually.

During the Board's last sunset review, the cap for the Pro Per Program was raised from \$30,000 to \$75,000. This became effective January 1, 2017, and the Board was able to process twice the number of claims as in prior years. The Pro Bono Program receives \$225,000 from the total amount transferred.

Another change as a result of the last sunset review was the exclusion of vexatious litigants from the TRF beginning January 1, 2017. As a result of that change, 45 applications have been returned.

BPC 8030.2(a) provides that a transfer to the TRF shall not be made by the Board if the transfer will result in the reduction of the balance of the Court Reporters Fund to an amount less than six months' operating expenses. The Board was unable to transfer funds to the TRF beginning in fiscal year 2017-18. The Board was able to continue to process applications received through July 6, 2017, with the remaining funds previously transferred to the TRF. At the time the TRF ran out of money, the Board's fee increase regulations package was still under Department and Agency review and had not yet been submitted to OAL for review. Therefore, it was deemed prudent to send the remaining applications back to the claimants with information on how to resubmit when the fund reopened.

The license fee increase portion of the regulations package was approved and became effective January 1, 2019. The latest revenue and expenditure projections indicate that a transfer can be made in July 2020. The Board is working with DCA Budgets to closely follow revenue projections monthly as the license fee increase goes through its first year of implementation. By February of 2020, we will have a full year of data with the increase in place, which will allow us to better project when a transfer could be made. The intention is to transfer \$100,000 as soon as the Board is able to do so without compromising the required six months' operating expenses reserve.

***Current Board Response: The Board reopened the TRF in November of 2020 with an initial transfer of \$100,000 from the Court Reporters Fund. The Board contacted pro bono firms and the courts statewide to notify as many users as possible. Additionally, the Board notified stakeholders via its website and social media accounts and informed the state trade associations. Since reopening the TRF, the Board has processed 765 applications, approving \$377,682.

For additional funding, in 2021, the Board received a one-time transfer of \$500,000 from the General Fund to the TRF.

Issue #2: Should certified shorthand reporters be allowed to use "voice writing" systems?

Staff Recommendation: *The Business & Professions Code should be amended to clarify that voice writing is authorized as a method of shorthand reporting. Further, the Business and Professions Code should be amended to require a certified shorthand reporter to demonstrate competence, through the practical examination, in whichever or both forms of shorthand reporting that the reporter would then be authorized to use under the certification.*

Board Response: At its July 2018 meeting, the Board was able to view a demonstration of voice writing realtime technology. It became apparent to the Board that voice writing and steno writing are the same skill but using differing technologies to capture the shorthand. Because of the similarity, voice writers will be able to take the exact same examination in order to become certified.

The Board originally proposed testing current licensees who want to switch from steno writing to voice writing but discovered it does not have legislative authority to do so. Legislative staff recommends demonstrating competency in either or both methods, grandfathering in all current licensees as steno writers. A legislative change will be needed to affirm that current certificate holders will have to retest the skills portion of the exam if they wish to change reporting methodologies.

The Board is happy to place the legislative staff recommendations on the next meeting agenda for consideration.

***Current Board Response: The Board has been licensing voice writers since November of 2022 as a result of trailer bill language passed effective July of 2022. The Board has issued 16 licenses to voice writers to date.

Currently four of the CRB-recognized court reporting programs have added voice writing programs to their curriculum, and enrollment is increasing.

The Board submitted a regulations package on November 1, 2023, to the Office of Administrative Law to update the curriculum requirements to include voice writing. To clarify, only the skills portion of the license exam and training programs has changed as the academic portions are the same for both methods of reporting.

Issue #3: Should the Board require certified shorthand reporters to meet new continuing education requirements?

Staff Recommendation: The Board should report to the committees on what information it believes should be included in a continuing education requirement, who would provide such continuing education, at what cost [to] certified shorthand reporters, and whether there are any other means available to the Board to assist certified shorthand reporters in keeping apprised of changes in law or regulation.

Board Response: A continuing education requirement of 30 hours over a three-year period, which is similar to the requirements to maintain national certification, is the Board's recommendation. Additionally, 10 of those hours should be ethics courses. The Board suggests a mandate from the Legislature requiring proof of completion be sent to the Board as a condition of license renewal. The Board will track the continuing education with existing staff.

Because there is already a requirement for continuing education for national certification as well as for official court reporters in California, there are many companies providing classes offered for continuing education credit. The cost for continuing education courses varies from conference/seminar registration for state and/or national events, to free tests given on material provided by the national association. In addition to allowing for a discretionary hardship waiver, the Board would work with SOLID, DCA's training unit, to develop testing materials on Board publications such as their newsletter or website.

The Board keeps its website updated with all changes to laws and regulations as well as publishing a newsletter twice a year with such changes. The Board also distributes news of law and regulation changes via its email subscription list. All of these alternate methods of education are voluntary and already in place, suggesting the mandatory component would be necessary to ensure all licensees are up-to-date.

***Current Board Response: The Board is supportive of mandatory continuing education for court reporters to help ensure reporters are current with changes in technology, laws, and regulation. While a number of court reporters pursue higher certifications through the National Court Reporters Association, there are many reporters who feel that once they pass the California license exam, they are finished with their education. While the Board strives to inform licensees of industry changes, there is no way to ensure all licensees are keeping up to date.

Issue #4: What is the Board's plan for implementing an online skills examination?

Staff Recommendation: The Board should report to the committees on its efforts to implement online testing, including the time frame for implementation, projected costs/cost savings, the procedures that will be used to ensure that the online test is secure, and protections that will be used to prevent fraudulent test taking.

Board Response: The Board is finalizing the contract to implement online skills testing and should be able to offer an online option to candidates beginning with the July 2019 testing cycle. This is the culmination of work done by a task force made up of educators and court reporters from across the state. The Board reviewed their findings and adopted a plan to move forward at their July 2017 meeting. Extensive vetting was done with the testing vendor to ensure that the test will be secure. In addition to the current methods used to verify candidate identification, the online test will be monitored by a live proctor. Candidates will need a webcam that can pan the room to ensure only the candidate is present. Once that and the identification is verified, the webcam will be placed to show the candidate's hands. Candidates will have a set amount of time to upload their notes after reporting the examination, after which they will complete the editing process and upload a final transcript. As is the current practice, candidates that pass the exam will have their notes reviewed.

The Board will save between \$50,000 and \$75,000 per year by moving the skills portion to an online format. That represents the cost of the hotel contract as well as staff travel costs. There will also be a cost savings to the candidates who will not have travel and hotel expenses.

***Current Board Response: The Board successfully moved to online testing of the skills portion of the exam in July of 2020. The initial plan was to offer both online and in-person testing, but the advent of the COVID pandemic forced the testing to be offered only via a remote platform.

The Board uses a third-party vendor, Realtime Coach, to administer the online skills testing. Candidates are offered a random test from the test bank under the supervision of a live remote proctor who also oversees the transcription of the test by the candidate.

In addition to realizing cost savings to the Board, candidates also enjoy the freedom from travel and hotel expenses associated with in-person testing.

The secondary benefit has been the stabilization of pass rates. Historically, the pass rate would vary greatly, from as low as 13.5% to as high as 87.8%. Since the online change, pass rates have varied only between 50% to 58.8%.

Issue #5: Does the new test for determining employment status, as prescribed in the court decision *Dynamex Operations West Inc. v. Superior Court*, have any potential implications for licensees working in the shorthand reporting profession as independent contractors?

Staff Recommendation: *The Board should inform the committees of any discussions it has had about whether the Dynamex decision may somehow impact the current practice of shorthand reporting.*

Board Response: While the Dynamex decision has implications for the court reporting industry, it is outside the Board's scope. The current business practice in the freelance arena is for court reporting firms to hire court reporters as independent contractors, and the Dynamex decision will have an impact on that business model. However, the Board has no jurisdiction over whether a firm hires court reporters as employees or as independent contractors.

***Current Board Response: The Board still does not have jurisdiction over whether a court reporting firm decides to hire court reporters as employees or independent contractors.

Issue #6: Is the Board able to enforce court reporting statutes against foreign court reporting corporations?

Staff Recommendation: *The Board should advise the Committees as to whether the Board believes that the unpublished appellate ruling in the Holly Moose case indicates that the courts would revisit the Board's authority over out-of-state corporations that arrange shorthand reporting services and whether the Board intends to begin taking disciplinary action against out-of-state corporations for unlicensed practice.*

Board Response: No, the Board is not able to enforce the entirety of court reporting statutes against foreign court reporting corporations, but it can now bring a civil action against them in some instances. Due to the successful passage of Board-sponsored AB 2084 (Kalra), BPC section 8050 was added to the Board's practice act. BPC section 8050 lists those, to include non-licensee-owned firms, that shall not charge for a transcript formatted in violation of the Minimum Transcript Format Standards, which are defined in regulation. Nor may they charge any fees for court transcripts other than the fees set out in the Government Code. Additionally, all transcripts must be made available to all parties at the same time, and all parties must be notified of a request for preparation of all or any portion of a transcript, including excerpts and expedites.

While the remedy for these violations is civil litigation rather than an administrative action directly from the Board, it is now clear that the requirements of this section apply to out-of-state corporations, and there is a civil remedy for violation. As with all enforcement decisions, the Board would investigate and evaluate each complaint individually.

As far as being able to enforce the remaining body of law that pertains to court reporting against foreign court reporting corporations, the Board currently lacks jurisdiction to enforce its laws against foreign corporations because the BPC does not currently authorize "foreign professional corporations" to perform court reporting services (*Court Reporters Board of California v. U.S. Legal Support*, Corrected Final Statement of Decision, 111CV197817, pp 5-6, June 21, 2012).

The Board is currently in a powerless position where it cannot enforce court reporting statutes against foreign court reporting corporations because they do not meet the definition of "foreign professional corporation" as set out in Corporations Code section 13401(c), yet the Board cannot cite them for

unlicensed activity either because there is no requirement for businesses to be licensed with the Board.

The Board cannot speculate based solely upon the unpublished appellate ruling in *Moose v. U.S. Legal* whether the courts would revisit the Board's authority over out-of-state corporations. The Board would rather obtain clarity from the Legislature than use its scarce resources to fund another lawsuit in an unpredictable attempt to clarify jurisdiction. To enforce all court reporting laws universally, the Board would need a statute specifically authorizing foreign professional corporations to perform court reporting services.

Some members of the industry have attempted to characterize the Board's lack of jurisdiction as a lack of willingness to take action against out-of-state corporations for unlicensed practice. Current law is not specific enough for the Board to successfully pursue such an action. Existing law is silent as to foreign professional corporations, neither restricting them from practice nor granting them authority to do so.

To enable the Board to enforce its court reporting statutes and regulations against foreign court reporting corporations, the Board needs a statute added to Article 5, "Shorthand Reporting Corporations" of Chapter 13, of Division 3 of the BPC authorizing "foreign professional corporations" to perform court reporting services. Clarification of jurisdiction from the Legislature would greatly benefit the California consumer, who would then be able to turn to the Board for problems if needed.

***Current Board Response: The passage of SB 241 (Umberg) in September 2021 allowed the Board to begin registration of court reporting firms. It took the better part of a year to get the IT infrastructure in place, and registration began in July of 2022.

This is a huge benefit to the consumers of California. Prior to the passage of the bill, consumers that happened to hire a firm that was not owned by a licensee had no assistance from the Board in resolving a complaint. Now the Board is able to investigate and act if a violation is found.

The Board currently has 213 registered firms.

Issue #7: What is the status of BreZE implementation by the Board?

Staff Recommendation: *The Board should update the Committees about the current status of its Organization Change Management Process and the most-recent timelines for replacing its existing information technology system.*

Board Response: Facilitated by SOLID, DCA's training unit, the Board has completed all of the mapping of its business processes. In the next step, DCA will be using the business mapping to identify the Board's business requirements. The required Project Approval Lifecycle (PAL) approval process for all technology projects is underway. The Board and DCA have begun drafting the Stage 1 documentation on schedule as of February 2019. As the PAL process moves forward, the Board looks to join other boards to gain efficiencies in the procurement process and identify cost sharing opportunities. The current schedule is as follows:

- PAL Stage 1 – Begins 2/2019
- PAL Stage 2 – Begins 5/2019
- PAL Stage 3 – Begins 9/2019
- PAL Stage 4 – Begins 12/2019
- Project/Development Begins – 6/2020

***Current Board Response: The Board has elected not to use the BreZE platform. Instead, it has opted to develop inLumon's (Connect) commercial off-the-shelf (COTS) license management software that is currently utilized by ten (10) Boards and Bureaus at the Department of Consumer Affairs (DCA).

In late 2021, the DCA Office of Information Services (OIS) and the Board applied to the California Department of Technology's (CDT) Technology Modernization Fund (TMF). Per CDT's website, "The TMF was established to make immediate investments in IT that will yield quick and meaningful results for the people of California." The Board was awarded a grant of \$960,000 from the TMF in the spring of 2022. Once the required interagency agreements were successfully completed with CDT, solicitation documents were prepared, conducted, and executed to purchase the inLumon software and retain a software implementation team.

Upon concluding project conception and initiation with CDT TMF, the Board entered the planning phase for the modernization project and staff began meeting with a DCA OIS Project Manager to define the scope, budget, and the work breakdown schedule. Weekly meetings were held to help Board staff with writing scope documents and preparing information for use by developers on forms and processes in anticipation of contract execution with the software implementation team.

In June of 2022 contracts were executed to launch the project execution phase and work began with the system implementation team to develop software functionality that supports the scope documents and the Board processes. The project is scheduled for completion on June 30, 2024.

The scope of the project includes removing the Board from the CAS and ATS legacy systems. At the conclusion of the project, consumers will be able to file a complaint online. Also, exam candidates will be able to apply online as well as apply for a license upon successful completion of the testing process. Licensees will be able to renew online. And finally, applicants to the TRF will be able to submit an application online.

Issue #8: Necessary technical changes to Chapter 13 of the Business and Professions Code (Section 8000 et seq.)

Staff Recommendation: In order to simplify the administration of the TRF, Section 8030.6 of the Business and Professions Code should be amended to clarify that the Pro Per program should also operate on a fiscal year basis.

In order to clarify the Board's authority to impose a separate fee for each portion of the examination, Business and Professions Code Section 8031(b) should be amended to clarify the current format of the examination.

Board Response: The Board is in agreement with the staff recommendations.

***Current Board Response: This change has been made.

The Board has the following additions:

Request #1: Licensees and firms should be required to maintain a public email. The Board would need authorization to collect and publish this information.

Currently the Board is only allowed to share a mailing address for licensees. If a litigant is trying to get a transcript on an expedited basis, regular mail is completely inadequate.

Request #2: The 30-day processing time for TRF applications per BPC 8030.6(a)(8) should be extended to 90 days to align with Rule of Court 8.130. This change would reduce confusion for the applicant.

Issue #9: Should the licensing and regulation of shorthand reporters be continued and be regulated by the Board?

Staff Recommendation: *Recommend that the licensing and regulation of shorthand reporters continue to be regulated by the Board in order to protect the interests of the public and be reviewed once again in four years.*

Board Response: Court reporters play an essential role in our judicial system as a neutral third party who creates verbatim transcripts of proceedings in a timely fashion, thus ensuring the appeal rights of all litigants. Under the watchful eye of the Board, court reporters do their best work, and, should any fall short, the Board is available to step in and correct the issue and work to ensure it does not happen again.

The Board embraces its consumer protection mission and has worked hard to parlay scarce and limited resources into the most effective operation possible. The Board works hard to balance the multiple consumer interests that would otherwise be left to the entity with the deepest pockets and strongest power, despite a right or wrong position. The current Board members are actively engaged in their policy-setting duties as well as the enforcement matters that rise to their level. The current Board should continue its dedicated oversight of the court reporting industry for the protection of California consumers.

***Current Board Response: The court reporting industry continues to embrace technology, creating new twists to the daily practice. The Board acts as a valuable conduit for information to licensees.

More importantly, the Board is available to assist consumers who have issues with court reporting services, including transcript delivery. While attorneys and judges may be accustomed to working with court reporters on a routine, even daily basis, many litigants find themselves dealing with court reporters and transcripts as a new experience. The laws, from billing to transcript delivery, can be confusing, and the Board is frequently called upon to assist these consumers with navigating the industry.

The rapid advances in AI also make it important that the Board be available to both consumers and the industry. The Board has this and other initiatives in its sights, so to speak, as part of its newly developed strategic plan.

The Court Reporters Board may be a comparatively small board, but with appeal rights and due process rights at stake, the importance of the role of a court reporter cannot be overemphasized. Therefore, good oversight by the Board is essential for the consumers of California. The Board ensures the integrity of transcripts and protects consumers from incompetent reporters. The lives and financial well-being of litigants depend on the competence and integrity of court reporters. The Board makes it possible for consumers of the legal system to have confidence that they can rely on the record produced by licensees.

Section 11 – New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues raised under prior Sunset Review that have not been addressed.
2. New issues identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

CRB ISSUE No. 1: Growth of Artificial Intelligence (AI)

Advances in Artificial Intelligence (AI) pose a couple of challenges to the court reporting industry. More people are being exposed to features like auto-captioning in remote meeting platforms. If people are speaking clearly and not too quickly, the captions can be quite accurate. This leads to a perception that automatic speech recognition will replace court reporters, which makes it very difficult to promote the profession.

The reality is that in a state as diverse as California, AI and voice recognition will have limited uses. Between the accents encountered and the speed at which people speak, AI will not be accurate enough to produce a verbatim record.

That same feature, however, is being added to court reporting software to allow the software to offer suggestions of words being heard. The reporter may then accept the translation as accurate or reject the suggestion. Carried out to its full potential, the AI software could possibly be doing 100% of the translation, with a type of monitor approving the transcript as it is created.

This change will have a big impact on consumers who look to the court reporter to be the objective, unbiased person creating the record on which any appeal relies.

It will be important for the Board to stay abreast of changes in technology and updates to court reporting software.

Legislative Action Needed: [none at this time]

CRB ISSUE No. 2: Remote Reporting

The practice of reporting remotely is undergoing rapid change. If minimum technical standards for remote proceedings (adequate bandwidth, a reliable internet connection, and appropriate equipment) are met, remote proceedings can be comparable to in-person proceedings. However, if only one of these parameters is not met or fails, even momentarily, capturing the record in remote proceedings becomes problematic and at times impossible for the court reporter.

The Board has received feedback from multiple parties relating diverse experiences with remote reporting. Licensees have related to the Board that they have reported lengthy trials remotely without any problems. Others have reported being unable to hear to produce a record and unable to communicate with the parties after having been muted by the event host.

Legislative Action Needed: [None at this time.]

CRB ISSUE No. 3: Digital Monitoring

There are firms that are using digital recorders to cover deposition proceedings. Digital monitors record the proceedings electronically and are trained to make notes of the proceedings, for instance, to obtain spellings of names or terms of art, as well as to stop speakers from overlapping. The recording is then transcribed by someone else.

There is no oversight of this type of recording. If the attorneys know about it before the commencement of the proceedings and stipulate to it, that's a knowing decision on the part of the consumer. However, if the parties are not informed until the end of the proceeding, if at all, the consumer has been harmed by being misled into assuming a licensed reporter would be reporting and transcribing the proceeding.

To help consumers be aware, the Board, with the help of DCA's Office of Public Affairs, has produced an information piece called "Five Reasons to Use a Licensed Court Reporter." This is included as Attachment L. This was distributed to the State Bar Association as well as posted on the Board's website and social media accounts. Additionally, the Board encourages licensees to state their license number at the beginning of each proceeding in order to alert attorneys as to whether they are receiving the services of a licensee.

Legislative Action Needed: Because this method of recording has become more prevalent, the Board recommends that the Legislature look at mandating the Board to set standards and oversee the practice of digital monitors.

Additionally, legislation requiring a court reporter to state their name and license number on the record before beginning to report a proceeding would serve to further protect consumers from unlicensed activity.

CRB ISSUE No. 4: Fiscal Solvency

It is critical for the Board to be well funded not only to carry out its consumer protection mandate but also to fund the TRF. The Board is approaching the statutory maximum for licensees and is already at the statutory maximum for firm registration. Looking toward the future projections would indicate the statutory caps should be raised.

Legislative Action Needed: [Statutory licensee cap of \$250 and firm registration cap of \$500 should be increased.]

CRB ISSUE No. 5: Captioning Oversight

Court reporters who provide instantaneous translation of a proceeding for the hearing impaired are called captioners. They are often used in educational settings as well as a variety of social and professional settings from conferences to church services. While there is national certification offered on a voluntary basis, there are no standards or oversight in California. This leaves the consumer vulnerable to poorly skilled practitioners.

The Legislature may look at mandating that the Board set standards and oversee the practice of captioning in California.

Legislative Action Needed: [None at this time]

CRB ISSUE No. 6: Workforce Continuity

The availability of court reporters has historically followed the same labor supply cycle as other industries. There are times when there are ample court reporters, resulting in a very competitive environment and reduced school enrollment. At other times, there are not enough court reporters to cover all of the available work, leading to a more competitive environment and increased school enrollment.

The National Court Reporters Association (NCRA) had predicted a nationwide shortage of court reporters, and some sectors have experienced it. Here in California the shortage was exacerbated in 2010 when the courts stopped providing court reporters for civil matters and eliminated those positions. Because those courtrooms continued to require court reporters, litigants were forced to privately hire court reporters, and the freelance portion of the industry began to cover court work, but at much higher rates and less efficiency.

The creation of a thriving private market for court work has put a strain on the courts' ability to hire court reporters. Courts find it difficult to compete with the private market they helped to create. The Legislature has provided \$30 million in ongoing funding for hiring of court reporters, and, after an initial delay in implementation, the courts are now hiring, offering signing and retention bonuses.

The Board has been proactive on this issue, exploring license reciprocity with Texas, NCRA, and most recently with the National Verbatim Reporters Association (NVRA). Additionally, the Board is considering changing the skills testing format to conform to universal formats to increase pass rates and the licensee pool.

In addition, the Board was successful in getting legislative approval to license voice writers. Voice writing is another method of verbatim reporting, using voice recognition software and a personalized dictionary rather than steno shorthand. The theory behind the methods is similar in that both use shortened abbreviations and specially created arbitrary entries. Steno shorthand is based on a completely different "language" of shorthand abbreviations. Voice writing, on the other hand, is based on English. This makes voice writing easier for students to learn resulting in a shorter training period and a higher completion rate.

Since the Board began licensing voice writers in November of 2022, 16 licenses have been issued and the number of applicants to the license exam has steadily increased.

School enrollment is up for the programs recognized by the Board, some by as much as 83%. While students who complete a training program from a Board-recognized school are eligible to take the license exam, other training programs are available. If a student completes a program by a non-Board-recognized school, they must pass the RPR, CVR, or CVR-S certification before being eligible to take the California license exam. As a direct result of our licensing voice writers, as of January 2023, NVRA is offering its certification test three times per year in California.

The Board continues to work on reciprocity efforts and monitor new technology as it evolves.

Legislative Action Needed: None at this time.

Section 12– Attachments

Please provide the following attachments:

- Board's administrative manual. *See Attachment G*
- Current organizational chart showing relationship of committees to the board and membership of each committee (cf., Section 1, Question 1). *Not Applicable – No Attachment*
- Major studies, if any (cf., Section 1, Question 4). *See Attachment E*
- Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 2, Question 15). *See Attachment B*
- Provide each quarterly and annual performance measure report for the board as published on the DCA website. *See Attachment F*

List of attachments:

- A. School List
- B. Organization Charts
- C. Best Practice Pointers
- D. Strategic Plan 2019 – 2023
- E. Occupational Analysis Validation Report
- F. Performance Measures
- G. Administrative Manual
- H. Application for Examination
- I. Application for Reexamination
- J. Pass Rates by School
- K. Complaint Prioritization Guidelines
- L. Five Reasons to Use a Licensed Court Reporter