

CCRA *online*

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NCCRA (Northern California Court Reporters Association)
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L-R: Sheri Turner Gray, Pam Katros, and Lesia Mervin



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CCRA Online Copy Deadlines

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the California Court Reporters Association

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CCRA MISSION STATEMENT

The mission of the California Court Reporters Association is to advance the profession of verbatim shorthand reporting by promoting professional reporting excellence through education, research, and the use of state-of-the-art technology; establishing and maintaining professional standards of practice; and advocating before legislative and regulatory bodies on issues which impact the judicial system and others served by the court reporting profession of California.

President's Message — A Call To Action

*By Sheri Turner Gray, CSR 7350
CCRA President*



Edmund Burke said, "Nobody made a greater mistake than he who did nothing because he could do only a little." How many times have you thought, what can I do?

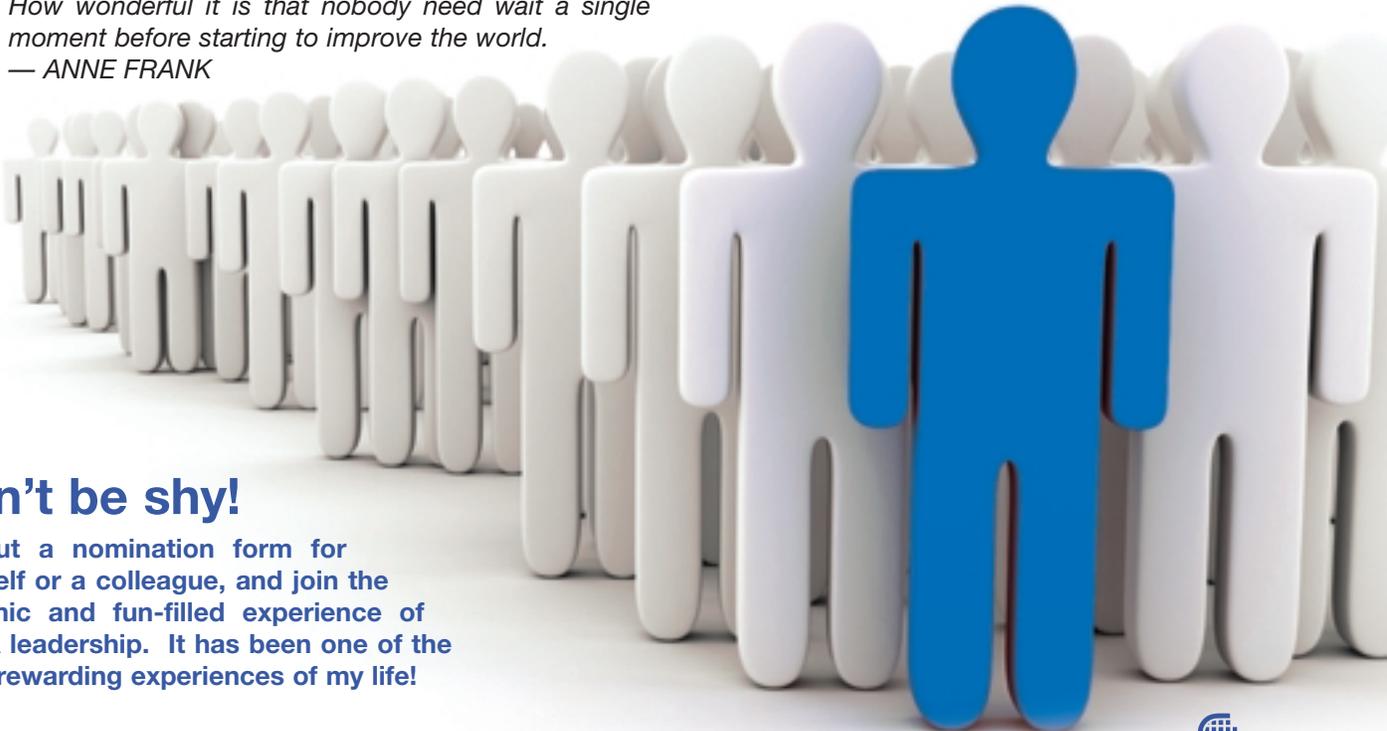
You have seen all the situations and crises that CCRA has effectively dealt with in the last many years. Hopefully, you have felt that CCRA has made a positive difference in your professional life. Maybe you have been inspired to increase your personal education and skills. You are probably grateful that CCRA has saved your job and you are not replaced by an electronic recording machine. We have successfully passed legislation and have two more bills pending now: one to help officials and one to help freelancers. We conducted a California Action Team Training seminar a few months ago that was so motivating. Isn't it amazing how CCRA accomplishes all of these things? It seems like magic!

Not really. All these things are accomplished by ordinary reporters who care about their profession and are committed to the goals of CCRA in promoting and protecting the stenographic profession in California. If you fall into that category, you have something to offer CCRA, even if you wonder what it might be.

If you have thought about getting more involved in your profession, now is the time. CCRA is accepting nominations for board positions and volunteers for our various committees, such as the Public Relations Committee, the Technology Committee, the Support our Students Committee, the Judicial Procedures Committee, the Depo Advisory Committee.

There is a spot for any interest that can be filled by YOU!

How wonderful it is that nobody need wait a single moment before starting to improve the world.
— ANNE FRANK



Don't be shy!

Fill out a nomination form for yourself or a colleague, and join the dynamic and fun-filled experience of CCRA leadership. It has been one of the most rewarding experiences of my life!



Shop at the CCRA Store!



Mini Mouse = \$25



Paper Holder = \$5



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CCRA's PR Committee Continues Its Grassroots Education Effort

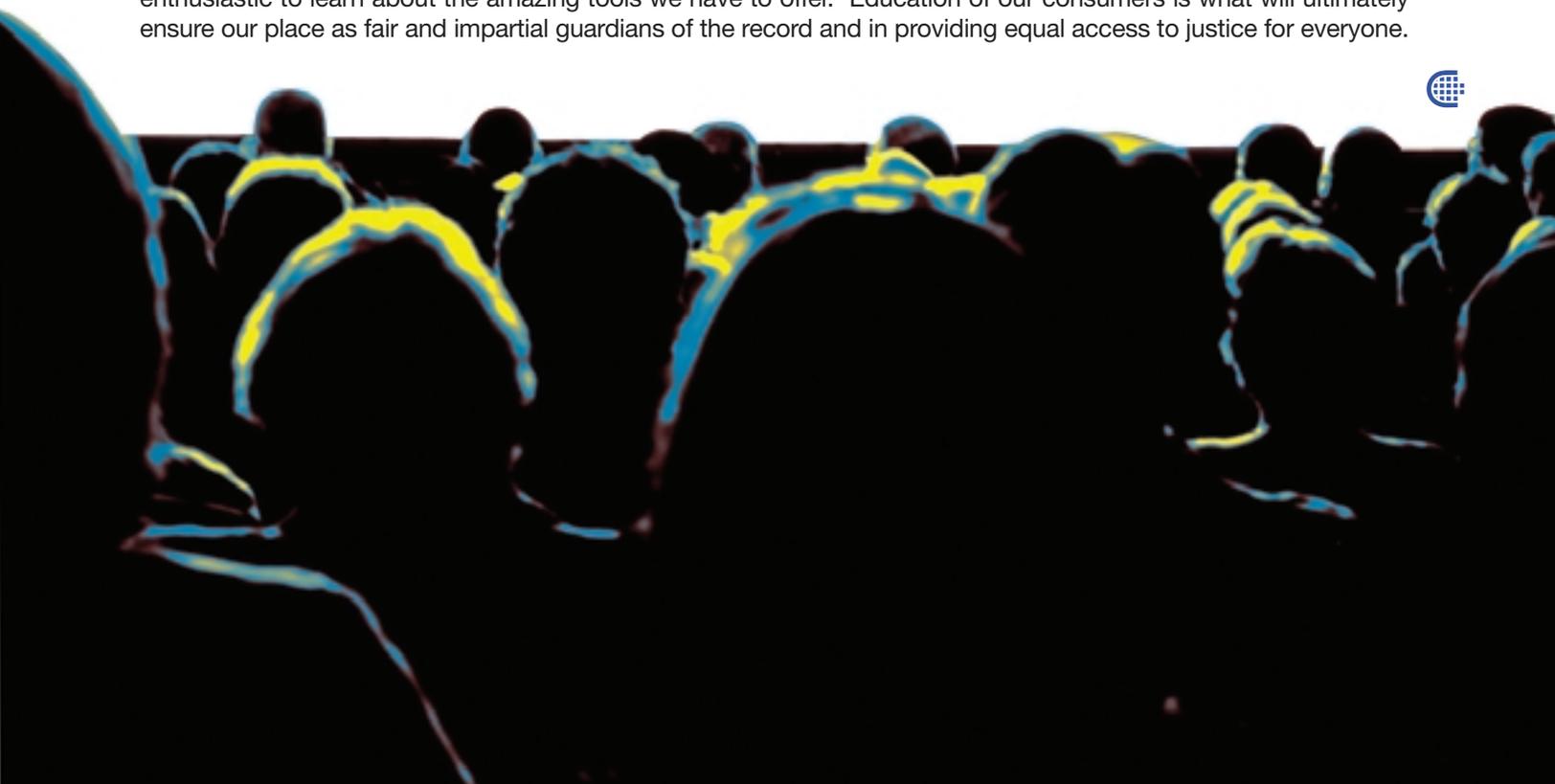
*By Lynden J. Glover, Director
Public Relations Committee Chair*

On April 29, 2009, Sheri Turner Gray and I presented a seminar entitled "Deposition Procedures: Laws and the Ethics of Court Reporting" to the Sacramento Valley Paralegal Association. Well, more accurately, I was Sheri's sidekick as she made the presentation. We're fortunate to have a president who is also a professional educator and court reporter teacher and, as you all can attest, a very talented author. The presentation of this seminar was part of the PR Committee's efforts to educate our consumers of the history of our industry, the skill level and method required to accomplish the task with which we are charged, some of the new and innovative products available, and the very important ethics our consumers have a right to expect from us.

This is the second time I've been invited to participate in this type of seminar since joining the Board of Directors of CCRA. What I've learned very quickly is how necessary our grassroots effort of educating our consumers is. The most surprising thing I've observed at these presentations is the lack of knowledge the legal industry has of our profession and how much they appreciate learning about the fantastic tools and methods we have to offer for delivery of a product they rely so heavily on. Our attendees have been very interested in the legislative and ethical issues we are facing, such as contracting, incentive gift giving, and replacement of court reporters by digital/audio recordings, and they very quickly declare their agreement and support of our position on each of these topics.

This grassroots effort of meeting with attorneys, paralegals, and support staff is one of the most important ways CCRA has to contribute to the vitality and longevity of our industry. While CCRA is attempting to meet with and educate as many groups of consumers of court reporting services as possible, it is still up to each individual reporter to educate their clientele of available litigation support tools and the high ethical standards our industry must be held to.

Whether it's a bar association, paralegals, or other various support staff, these professions are very eager and enthusiastic to learn about the amazing tools we have to offer. Education of our consumers is what will ultimately ensure our place as fair and impartial guardians of the record and in providing equal access to justice for everyone.





The Perils of Remote Access

Q. The person who recently repaired my computer set it up so he will be able to remotely fix problems in the future by taking control of my PC. My question is this: Am I exposing my personal financial information to him, even if it's on a memory stick in the USB port of my computer?

A. When you provide remote access to your computer, you are giving carte blanche access to your system. Any data on your hard drive is accessible, as is data on a floppy disk, zip disk, connected external drive, or memory stick in the USB slot. It's truly no different than if your repair person sat down at the keyboard and used your computer.

As long as you have full faith and confidence in your computer-repair person, you should be fine. But if you don't want him to have access to certain data, you'll need to remove it from your computer. For example, if you have the data on a memory stick, simply remove it from the USB port.

Having said that, most computer repair folks are honorable people who do not make a habit of rummaging through data — but they certainly could if they were so inclined. As a matter of protocol, remote access should never be implemented without your permission, as owner of the computer.

Q. Your weekly newsletters have helped this old mind become more computer literate, so thank you for that. My question is this: I had a dial-up connection at one time, but I am now

using DSL service. My problem is that the dial-up box continues to appear, sometimes knocking me off a Web site I'm visiting. Can you help me? I'm using Internet Explorer.

A. Your computer is still trying to connect to the Internet by dialing. You can resolve that by opening Internet Explorer and clicking Tools > Internet Options > Connections tab. Click to select the setting that says "Never dial a connection," then click OK to save your changes. That will prevent the pesky prompt from popping up in the future.

Q. How can I stop addresses from being automatically added to my Outlook Express address book? Thanks for your help, Mr. M.

A. There is a setting in Outlook Express that automatically adds people to your address book when you reply to a message. To disable this feature, open Outlook Express and click Tools > Options > Send tab. Click to remove the check mark beside "Automatically put people I reply to in my Address Book," then click OK.

Q. I know this is way out of your field, but I'm working on a sewing project and I need to know how to make a continuous bias strip for covering cords. Is there somewhere online I can look?

A. I don't even know what a continuous bias strip is, but thanks to Google (www.google.com), even a stitch-challenged person like me can find the right answers. Using Google, I searched for "How to create continuous bias strip." Of the search

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results that appeared, <http://tinyurl.com/2edtaz> and <http://tinyurl.com/cvko4m> look particularly promising. You might also want to run similar searches on YouTube (www.youtube.com) and WonderHowTo (www.wonderhowto.com) for video tutorials.

Google is a remarkable search tool that is under utilized by most users. If you familiarize yourself with its advanced search features and techniques, you'll be able to find just about anything and very quickly. The GoogleGuide (<http://tinyurl.com/apzkr>) is a search enthusiast's dream-come-true, combining Google's many features in one suitable-for-laminating cheat sheet.

Mr. Modem's DME (Don't Miss 'Em) Sites of the Month

The Diaries of John Quincy Adams

It sounds like a snoozer, but it's really not. Here you can learn about the fascinating life of America's sixth President. The site contains a complete digital collection of Adams' personal diaries, which he began in 1779, when he was 12. Diaries can be searched by volume, date, or selected pages of his 51 volumes, comprising 14,000 pages — which begs the question: When did he have time to do anything else?

www.masshist.org/jqadiaries

Hairstyle Gallery

Say goodbye to those dog-eared hairdo magazines at your local salon; it's time to harness the power of the Internet to select a new hairstyle. Browse the Hairstyle Gallery, which contains thousands of photos of well-coiffed individuals. Search by color, texture, style, celebrity, length, face shape, or in my case, "Where did it go?" (I don't care what anybody says, I'm not losing my hair; I'm getting prematurely pink.)

<http://hairstyles.hairboutique.com>

World-O-Meter

Statistics about population growth, the environment, and other large-scale topics can be difficult to grasp. The World-O-Meter tracks statistics, some frightening and some amusing, such as the Earth's current population, the rate of forest loss, the number of bicycles produced annually, the amount of money Americans spend on perfume, and many others.

www.worldometers.info



For plain-English answers to your questions by email, plus great computing tips, subscribe to Mr. Modem's award-winning newsletter. Subscribe using Promo Code 1640 and receive TWO free months with your 12-month subscription (60 issues!) To view a sample issue or subscribe, visit www.MrModem.com



Court Reporters Board of California

Best Practices for the Use of Backup Audio Media



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Court Reporters Board of California
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Backup Audio Media (BAM) is the generic term for any audio recording, including the audio synchronization tool built into computer-aided translation (CAT) software.

For the purposes of these guidelines, “party” is defined as a named person or entity in a case and/or their attorney.

The duties and responsibilities of the certified shorthand reporter (CSR) regarding preservation of the official record are not changed by the use of BAM.

Stenographic notes are the official record.

- It is the obligation of the CSR to interrupt the proceedings when the record is in jeopardy due to the speed of the testimony, unintelligible and/or simultaneous speakers, et cetera.
- It is the duty of the CSR to read back from the stenographic notes, which are the official record, and no playback of the recording in lieu of readback is allowed.
- CSRs must comply with all applicable local, state and federal rules and/or laws to ensure the integrity of the record, including California Penal Code 632.
- When a backup recording is made by a CSR at his or her own discretion and not otherwise ordered for preservation by any federal, state or local law and/or rule, it is the personal property of the CSR and there is no public entitlement to these recordings.
- The BAM file may be provided at the request of an attorney and/or a party to a proceeding at the discretion of the CSR.
- If the BAM is going to be released, the following best practices should be used.

Providing BAM at the request of an attorney or party to a proceeding:

1. If the BAM is made available to any court reporting firm or party in a case, it is the responsibility of the CSR to ensure that no confidential or off-the-record discussions are contained in the released recording.
2. If the CSR decides to release the BAM, the CSR and/or reporting firm should release a copy and not the original (unless ordered otherwise by a court.) The original should be maintained for no less than one year.
3. If the CSR and/or reporting firm makes available a copy of the BAM to one party, the same offer must be made at the same time to the other party(ies) to the proceeding.
4. CSRs and/or reporting firms should check all applicable local, state and federal laws, rules and regulations to ensure that creating a backup audio media is in compliance with those laws, rules and regulations, including but not limited to California Penal Code 632, which prohibits eavesdropping on or recording confidential communications.
5. If the CSR and/or reporting firm offers BAM as a value-added service, all parties should be advised prior to the start of the proceeding.
6. If the transcript or any portion thereof is designated confidential or sealed, the BAM file shall be clearly labeled as such.

Approved 3/13/09



Where Have All the Depos Gone?

By Sheri Turner Gray, CSR 7350
CCRA President



The following is a letter to CCRA and my response concerning the downturn of depo work in California:

Dear CCRA,

Thank you for your e-mailing of this latest issue. Perhaps in the next issue, someone could address the lack of deposition work in California as well as in the courts. Most reporters I know here in the [Orange County] area are down from three to four jobs per week to three to maybe four per month. Other states do not seem to be having such issues, but it looks like California is leading the way in the downturn for reporter jobs.

For myself, personally, due to the lack of income, I am going to have to give up reporting for a lesser-paying, somewhat-more-consistent job to make ends meet if things don't improve soon. I know of several reporters who are in similar situations. Hopefully going forward, you can address this matter that is affecting reporters statewide in one of your next issues.

Sincerely,

Struggling Depo Reporter

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Dear Struggling Depo Reporter,

Thank you for writing and expressing your concerns and experiences. I truly do appreciate hearing from reporters all over the state. Sometimes freelance reporters are so isolated from each other that we don't always hear what is going on. That is why the trickle-up of information seems slow, because we are not always told.

Things have certainly changed from years ago in the depo world, haven't they? I have experienced in my area the exact same scenarios that you are describing in your area, with about the same reduction in business. Several depo firms in Sacramento have shut down or been subsumed into larger firms. Several struggling firms have been bought out by the conglomerates that are using their unethical and illegal business practices to get the work. An attorney/mediator commented the other day about the national firms taking so much work away from the local reporters. Some reporters have had to leave the field for lack of work. Sadly, brand new CSRs are not getting the opportunity to work at all. All very difficult situations, indeed.

I did write an article published in *CCRA's online* magazine in March called "[**The Changing Face of the Legal Industry**](#)," (see page 11 for reprinted article) and Oklahoma republished it in their magazine. NCRA recently asked my permission to republish it in the JCR as well. This is a nationwide problem. I also interviewed with a reporter for the JCR who is addressing the very topic of work downturn as well. So we definitely are not alone in our misery.

The fact is, California still has one of the worst economic situations in the country, with indicators still on the declining trend, and the unemployment rate is still rising, almost 12% now in the state. This is the first time that the reporting industry has not been more immune to the economic crises of the state. Some speculate it's mostly due to the dry-up of insurance money to fund cases. When insurance money was free-flowing, there was a shortage of reporters. When litigants have to cough up their own money for legal fees and costs, the situation changes.

Most of the work I do is not insurance defense, and the attorneys are trying to cut costs however they can for their clients, including not taking depositions they would have otherwise taken and wanting discounts for services they have previously enjoyed and happily paid for. But if the client doesn't have the money, what are they supposed to do?

Also, I see more and more depositions being set as posturing moves or threats, and the witness doesn't show up or the attorneys end up settling the case for some very small amount, saying, "Bill me an appearance fee," and we all go home. And that would be one of the 20% of jobs on our calendar, because 80% of them change or go away.

I really think it is the same in most of the country, although California feels harder hit because of the numbers of attorneys and reporters. But the attorneys are certainly struggling too. I don't know what the answer is. We can't very well create depositions, can we?

We in California have statutory protections for licensed CSRs, as opposed to other forms of making the record, that are not enjoyed by other states; although we have had recent battles fighting ER implementation in the courts (again), and the leap to ER in depositions wouldn't be long following if that were to happen. [This very scenario recently happened in Florida, where several years ago official reporters in court were replaced with

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ER. Now they have amended Florida law to allow use of ER or other nonstenographic methods of making the record for depositions also.] So far CCRA has been successful in fighting this ER threat, and we will have more battles on that front later this year. Every job given to ER would be a job taken away from a California reporter that desperately needs it right now.

As an association we cannot create more work, but we can do everything we can to protect the available work from falling into hands via unethical marketing and pricing practices. This is all ammunition for AB1461 (Ruskin), the bill that CCRA and DRA co-sponsored, and I testified at the first hearing for this bill on Tuesday 4/21. There is heavy and well-funded opposition from these big reporting firms that are taking the work through gift-giving schemes that individual California reporters and reporter-owned firms are prohibited by law from engaging in. They employ other unethical marketing and pricing tactics that apparently give them a huge profit; money they are using to oppose this legislation. I hope our bill can weather the opposition and prevail. It was a bit frustrating testifying at the hearing, but we did pass out of committee by a 7-3 vote. It is moving forward.

Please read in CCRA's April online magazine the reprint of an article about the Ruskin bill that was published for attorneys in the Recorder a couple of weeks ago. [Transcript *Tug of War*] (see page 12 for reprinted article)

CCRA is doing our best to fight all these good fights and to keep our members informed of what is going on out in the trenches. These battles don't get won without an enormous amount of time, effort, energy, and money on CCRA's part. We truly need the support and membership of reporters in California. We are doing everything within our power to support you as an individual reporter as well. Hopefully we can all weather this economic situation.

I wish there were easy solutions, and I wish I knew what they were.



The Changing Face of the Legal Industry

*By Sheri Turner Gray, CSR 7350
CCRA President*

REPRINTED FROM CCRA ONLINE MARCH 2009

Through all this recession, depression, economic stress, whatever term you choose, the legal industry is in the throes of woe just like everyone else. In my many years of freelance reporting, I have seen economic tough times come and go. And in the past, usually when the economy goes south, the lawsuit filings rise. I have not seen that trend in the last couple of years as things have slowed down. And in the litigation world, the economic situation seems like the elephant in the room that no one wants to talk about.

The average reporter, I think, knows that it's bad out there generally, but do we really know how bad it is and how it affects us? Folks in court reporting agencies who attempt to sell services know these stories very well, because they are right on the front lines and in the trenches. Reporters look anxiously to their firms to provide them with work, but with work dwindling in many markets, these situations affect every one of us.

If you subscribe to the National Law Journal, you saw an article on 2/13/09 on "Black Thursday," along with some other headlines from the past couple of weeks that are not very encouraging, that really lay out in the open what is happening with law firms. Six law firms cut more than 700 lawyers and staffers on "Black Thursday." The article says, "If you were among law firm associates or legal staffers who still had a job by the end of Thursday, consider yourself lucky." The link to read the full article is: <http://findcareersuccess.typepad.com/blog/2009/02/black-thrusdaydisaster-or-opportunity.html>.

All of the articles aren't doom and gloom. But as freelance reporters who are at the mercy of the attorneys we work for, it might be time to really evaluate the way we do business and provide services. One young man commented, "However,

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with so much fear and anxiety in the market, this is an excellent time to take market share away from competitors. And the flat-out best way to accomplish this is to provide better service. Whether it pertains to billing, adding services, or just anticipating your clients' needs better, this crazy market can represent an unbelievable opportunity for you." Provide better service. What a concept.

Gone are the days of being able to pick and choose the type of depo you want to take each day. Picky reporters are reporters who probably sit home far more often than they would like instead of working. Don't want to do an arbitration? Cover a two-day civil trial? Do realtime hookup? I might not have a job for you then. Highly skilled reporters with a great professional attitude are always in demand. Do you need to upgrade in any of these areas to be more marketable?

And as much as we would like to and need to continue to raise our prices to cover ever-growing overhead, I do know law firms that have had to lower their hourly rates to their clients. And let's face it, depositions are expensive for clients. The money has to come from somewhere. Lawyers are scrutinizing their bills more than ever before and wanting to make sure they get the best value for the price, without sacrificing quality.

What I have talked to attorneys about and what I am experiencing in my work are these changes: In "the olden days" there were always a certain number of depositions automatically taken in a civil case, at least the plaintiff(s) and defendant(s), before anyone started talking settlement. Now cases are going to mediation or mandatory settlement conferences without a stitch of discovery being done beforehand. When it is clear that the case will not settle and will inevitably go to trial, THEN they notice the depositions. So what I am seeing is fewer depositions taken, but the ones that are taken seem to be more important, more critical, more are being videotaped, and the transcripts are expedited because they are on the eve of trial. More stress for everyone.

In my opinion, the key to remaining viable and relevant in our job is to be sensitive to the changes in the legal industry. Be sensitive to the attorneys and the added

stresses they have. Adapt the way we do business to be more helpful, more indispensable, more vital to the judicial process. Be a team player as much as we can, within the parameters of our position as independent and impartial officers of the court. And most of all, have a good attitude. When things are stressful, the last thing everyone wants in the room is a cranky reporter. Realize what is going on out there, how it affects us as reporters, the firms we work for, and our clients, and do the best we can to help rather than hinder the situation.

And hang on to the hope that "this too shall pass."



Transcript Tug-Of-War Lawmaker Targets Depo Providers Who Offer Rebates

By Cheryl Miller

The Recorder Staff Writer

www.callaw.com

REPRINTED FROM CCRA ONLINE APRIL 2009

When is an iPod Nano a tool of unfair competition? When a multistate deposition company can lure law firm business with the promise of a free media player, but veteran court reporter Stephanie Grossman cannot, the Palo Alto stenographer said. "If I did that," Grossman said, "I would lose my license."

Grossman and other licensed reporters say they're losing business in a tough economy to competitors that, because of a loophole in state law, don't have to abide by the same rules governing gift giving, document formatting, and professional conduct. The licensed reporters have found an ally in Assemblyman Ira Ruskin, D-Redwood City, who has introduced legislation that would force all shorthand operators, regardless of their corporate setup, to comply with the same standards of practice enforced by the California Court Reporters Board.

"This profession...is part of the legal system, and it needs to be governed by a proper ethics system," Ruskin said. "In an era where we've seen the ill effects of deregulation

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in many areas, the prudent thing to do is to close the loophole that's led to the deregulation of this important industry."

The conflict stems from significant technological and business-side changes that have reshaped the court reporting industry over the last few decades. Originally, reporting was largely the domain of regionally based mom-and-pop shops — with an emphasis on the mom, thanks to the women who dominated the profession. California law was established to oversee individual licensees and certified shorthand reporting corporations, the two dominant forms of operation.

That business model eventually expanded to include large multistate firms that offered deposition services, often to complement a menu of other products geared to the legal industry. Some of those firms are not owned or run by licensed reporters; others are formed as partnerships. Under state law, neither type of operation is regulated by the Court Reporters Board.

So while licensed reporters are barred from giving clients gifts worth more than \$100 in a calendar year, unregulated firms have no such restrictions.

Many such firms buy ads in legal publications, including *The Recorder*, and send mailers to law firms offering perks like Montblanc pens, gift cards, cash rebates, and iPod shuffles for deposition bookings. Alabama-based Freedom Court Reporting, which has affiliates in seven California cities, has established a lucrative point system. Clients earn one point for every \$50 they spend, according to the company's Web site. Twenty points can be cashed in for gourmet cookies. Booking secretaries and paralegals racking up 350 points score trips to Miami Beach including airfare and four nights in a three-bedroom penthouse.

Freedom's owner, Mickey Turner, said her company has no attorney clients in California; its affiliates here work for traveling Alabama lawyers. It's unclear if the new legislation would affect Freedom's activities in the state. Three other firms did not respond to *The Recorder's* requests for comment. Grossman said her firm, Grossman & Cotter, recently lost a long-standing client to a reporting company that plied the law firm's paralegals with baseball tickets. She declined to name the firm. "Several of our

reporters used to report there all the time!" she said. "And, yes, we've had to cut back. We've lost business because of this. It very definitely affects our income."

Licensed reporters have another complaint. They say they're bound by law to provide transcripts with standard-size print and margins. In an industry that pays reporters and charges clients by the transcript page, the rule is designed to protect both workers and consumers. Licensees claim that some unregulated firms will take the standardized transcript produced by a licensed reporter and reformat it at another location and submit it to a client with wider margins, additional paragraphs, or other changes that increase the number of pages — and subsequently, the amount due.

Yvonne Fenner, executive director of the Court Reporters Board, said the agency started receiving a "flurry" of complaints about such practices three or four years ago. But when consumers and licensed reporters realized the board couldn't do anything, "people just stopped complaining." The board has not taken a position on Ruskin's legislation, but generally supports the notion of extending the state's rules to all shorthand operators, Fenner said.

Although Gov. Arnold Schwarzenegger has previously proposed eliminating the Court Reporters Board, the well-organized reporting lobby has pushed back his efforts in the Legislature. With their sizable numbers and court-employed members' ties to powerful labor unions, the reporters' lobby has also repelled efforts to replace some shorthand work with audio and video recording.

Now they're hoping to use that strength to enact Ruskin's Assembly Bill 1461. "We're not trying to restrict who can do business," said Sheri Turner Gray, president of the California Court Reporters Association. "We just want to make sure every entity abides by the same standards!" No hearing date has been set yet on the bill.

Reporter Cheryl Miller's e-mail address is cherylmliller@hmisivemedia.com.

Editor's note: As expected, there is opposition to this legislation from the firms engaging in these unfair practices. CCRA will keep you apprised of new developments.

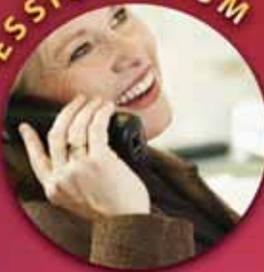


The Professional

TECHNOLOGY



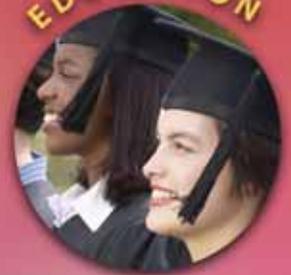
PROFESSIONALISM



ACCURATE TRANSCRIPTS



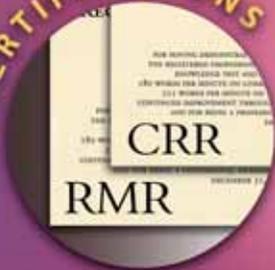
EDUCATION



BEST BUSINESS PRACTICES



CERTIFICATIONS



TIMELY TRANSCRIPTS



Freelance Reporter

What are the attributes that make a freelance reporter a professional? And what do freelancers look for in a firm? Here, one reporter takes on those questions.

By Sandy Bunch VanderPol

Freelance reporting has markedly changed during the past several years. It has evolved into a profession that allows the reporter to work for more than one firm and the firm owner to choose a freelance reporter from a large number of reporters. The firm can select a freelance reporter who will best serve the firm and its clients. We all understand the business of freelance reporting, but it's the "new environment" — the networking environment — that has become an integral part of both the firm's and the freelance reporter's business model.

In most states we have seen a trend toward firm owners networking with either firms or freelance reporters to cover their clients' depositions throughout the state and country. This trend has opened a door of opportunity for service-oriented and highly skilled freelance reporters to promote themselves not only to the local reporting firms but also to national and statewide reporting firms.

As a firm owner for more than 18 years and as a freelance reporter for the past 11 years, with six years' reporting exclusively for one firm in the early stage of my career, I've come to appreciate the unique challenges that the firm owner and the freelance reporter deal with on a daily basis. Those challenges provide many of us that inner feeling of accomplishment when we do our job professionally — it's why many of us are still in this business and why we truly love what we do, whether we are freelancers or firm owners.

To create a competitive edge and to succeed in this "networking" environment, we must "be the best we can be." How can you be the best? How can you rise to the level needed to compete for the challenging and lucrative jobs? How can you promote yourself as a qualified and highly skilled freelance reporter? How can you make the firm's job easier? How can you adequately represent the firm that hires you to report for its client?

Sandy Bunch VanderPol, RMR, CRR, is a member of the Freelance Community of Interest.

As a freelance reporter — a highly skilled freelance reporter — you are an asset to any firm owner. You need to be the high-quality freelance reporter that any firm would be proud to associate with. "Be the best you can be" by offering the firm what it relies on and expects from you. The following lists will help you reach your goal.

Education

- Join your local, state, and national associations.
- Stay current about the events that affect the profession.
- Read and even study the professional publications that are offered.
- Be knowledgeable on the statutes that relate to depositions in the jurisdiction you are reporting and know how to apply them.
- Know and apply any new punctuation and grammar rules.

Certifications

- Strive for the highest level of certification that NCRA has to offer the freelance reporter.
- Be proud of your certifications and always look to achieve the highest certification.
- So firm owners can find you to cover their work, make sure your name is in the *NCRA Source Book*, which lists freelance reporters and the certifications they hold.

Technology

- Be prepared to provide the latest technological services.
- Offer realtime capabilities. Many firm owners require the services of a realtime reporter, someone who can guarantee that clients will be successfully hooked up to realtime.
- Be prepared to provide a usable rough draft within the expected timeline.
- Know how to stream the testimony over the Internet using one or more of the available vendors.

Those challenges provide many of us that inner feeling of accomplishment when we do our job professionally — it's why many of us are still in this business and why we truly love what we do, whether we are freelancers or firm owners.

- Understand what post-deposition technology firms are providing to their clients — for example, secure transcript repositories, video syncing, online deposition scheduling, exhibit scanning, condensed transcripts, paperless options, and digital signatures.
- Be available to the firm by e-mail or cell phone.
- Make sure you have optimum connection and accessibility, even during a deposition, to e-mail using a BlackBerry or an Air Card.
- Stay connected when you send in expedites. (There may be questions or production issues that need to be addressed.)
- Respond in a timely fashion to any calls or e-mails sent by the firm.

Professionalism

- Have a résumé or bio ready to send to a firm on request.
- Offer generic business cards that allow you to insert the firm's name and phone number.
- Have a signature block for the firm you are working for to input into any e-mail you send while doing its work.
- Know the rates that you can charge the firm for covering a deposition.
- Have a page layout for each firm you work for, especially if sending roughs directly to counsel.
- Know if the firm requires a job sheet with your transcript and request a copy of the job sheet.
- Be prepared to invoice and collect for your services.
- Use professional etiquette.
- Always introduce yourself to counsel and state the firm you are working for.
- Pass out your card to counsel.
- Shake counsel's hand while introducing yourself.
- Dress appropriately. A well-groomed and poised reporter demonstrates confidence.

- Be prompt. Remember, arriving on time means arriving at least 15 minutes early for the job.
- Be engaged; don't have your head constantly in your computer editing or answering e-mails.
- Be cordial; thank counsel at the conclusion of the deposition.

Best Business Practices

- Remember that you work for a firm and that the firm's client is not yours.
- Have counsel call the firm if that counsel calls you directly to cover work. Remember, you are a freelance reporter who is building your reputation and building the business of the firm you are reporting for.
- Don't steal any clients!

Accurate Transcripts

- Maintain your machine speed to ensure accuracy.
- Proofread your "insert" (cut and paste) pages carefully, because that is where the production room finds the most errors.
- Provide the firm with the correct information for production purposes; know how many copies and who has ordered them.
- Certify your transcripts by signing them yourself. Whether by ink, electronic, or digital signature, *you* are the certifying authority.
- Make sure you know the statutory or regulatory format standards, and apply them. It's your license that is at stake.

Timely Transcripts

- Know the deadline for transcript completion before you take the job; always meet that deadline.
- Give the firm a heads-up if — for any reason — you cannot meet the deadline.

Firm Wish List

While working as a freelance reporter during the past 11 years, I've come to appreciate the extras that come my way from the firm, that make my job much easier. I call those extras "My Firm Wish List." If I could have the perfect firm to work for, the firm would provide me with the following:

- Give mutual respect and trust.
- Don't distrust me — I won't steal your clients.
- Provide a page layout in my CAT system software that allows prompt transcript production, because time is valuable.
- Before the deposition, e-mail a notice of the deposition and the proof of service.
- Facilitate accurate realtime translation by e-mailing an ASCII file or electronic transcript file of a prior deposition, if available.
- Be up-front about what rates you will be paying me, or be willing to discuss or negotiate those rates.
- Provide any counsel's standing orders for copies before the deposition so we can facilitate an accurate work sheet and production.
- Allow the direct e-mailing of the rough draft to counsel, especially if your client wants it *now* and it's after business hours.
- Confirm receipt of my e-mailed transcripts for production.
- Print the certificate page only from the digitally signed PDF file that I e-mail you. Better yet, provide the option to send my transcript through a vendor's software that allows for digital and electronic signatures.
- Provide prompt payment for my services.
- Allow me to use your UPS or FedEx account for sending in exhibits.
- Provide payment for back orders on transcripts.

In today's world of freelance reporting, an increasing number of firms are looking for the specialized, skilled reporters who can provide the value-added services that their clients expect. Consider the benefits to not only you but also the entire profession when you aspire to excel. Recognize your own unique skills and build on them. Always maintain your integrity and reputation. ■

National Court Reporters Association Launches “Ethics First” Campaign to Confront Gift-Giving Issues

By Marshall Jorpeland, NCRA, mjorpeland@ncrahq.org
and Mark Golden, NCRA, mgolden@ncrahq.org
703-556-6272 (office)

National Court Reporters Association FOR IMMEDIATE RELEASE

VIENNA, Va. (April 24, 2009) — The National Court Reporters Association (NCRA) is launching an “Ethics First” campaign to encourage court reporters, firms that employ them, and the clients they serve to avoid giving and accepting high-value gifts, an activity that threatens the perception of reporters’ impartiality and violates NCRA’s Code of Professional Ethics.

“As officers of the court, reporters are held to a very high standard,” says NCRA President Karen Yates, CRR, CBC, CCP, of Minden, Nev. “Restrictions on giving and accepting gifts are designed to prevent court reporters from violating or appearing to violate their duty to remain independent and impartial to all parties.”

She emphasizes that court reporters compete in the marketplace on the basis of their skills and the products and services they provide, not the gifts or incentive prizes they give.

“There should be no incentives to hire court reporters other than the excellent service you will receive from them,” Yates says.

The NCRA’s Code of Professional Ethics does not rule out token gifts or inexpensive promotional items. It does not seek to limit competition among court reporters or their firms based on price or volume, and it does not prohibit providing pro bono services.

NCRA Executive Director and CEO Mark J. Golden, CAE, states, “The association’s ethics code recognizes that giving nominal items, valued at less than \$100 per year per individual, should not compromise or be viewed as compromising a court reporter’s neutrality and impartiality.”

Law firm managers and paralegals should be especially wary when accepting gifts from court

reporters. The IRS may consider these gifts to be revenue, creating a taxable event to the recipient, whether it is a lawyer, legal assistant, or any other employee of the law firm, and in some instances the law may consider the gift to belong to the firm’s client. In addition, a reporter or deposition firm who gives gifts to a law firm that exceed \$600 would be required to provide an IRS information return to that recipient law firm.

The Ethics First campaign will reach out to courts reporters, owners of firms that offer court reporting services, state leaders, state associations, and law firms. More information is available at www.ncraonline.org/EthicsFirst.

NCRA is a volunteer member, nonprofit organization representing the judicial reporting and captioning professions. Members include official court reporters, deposition reporters, broadcast captioners, providers of realtime communication access services for deaf and hard-of-hearing people, and others who capture and convert the spoken word into information bases and readable formats.



Cal-e-licious

Turkey Taco Bake

By Gerie Bunch

Ingredients:

2 1/2 lb. taco seasoned
ground turkey, cooked
1 1/2 purple onion chopped
1/2 red bell pepper, chopped
3 cloves garlic, minced
1 14 oz. can corn, drained
1 8 oz. can tomato sauce
1 jar 24 oz. fiesta fajita salsa
1/2 tsp. pepper flakes
1/2 tsp. chili powder

1/2 tsp. cumin
1/2 c. chopped fresh cilantro
2 c. grated jack and
cheddar cheese

Toppings:

2 c. Bisquick
3/4 c. corn meal
1 c. milk
3 eggs



Heat oven to 415 degrees. Sauté the ground turkey until cooked and place in a large bowl. In a little olive oil, sauté the next three ingredients until tender, add to meat. Then add the remaining ingredients except cheese and fresh cilantro to the meat and mix well. Pour into 9x13 baking dish and a 6x6 baking dish, top with cilantro and cheese. In a separate bowl, whisk together the topping ingredients; pour over the two dishes, creating a nice even layer. Bake for 15 – 20 minutes until top is golden brown. Serve on a bed of shredded of lettuce, a wedge of lime or lemon and top with a dollop of sour cream.

Great for a large group, potluck or freezing and reheating.



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|----------------------|--|
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| Friday, October 9 | Evening Welcome Reception on the Piazza Terrace overlooking the resort. |
| Saturday, October 10 | Cocktail Party and Barbeque by the pool with live entertainment followed by a reception in the Presidential Suite. |
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Legislation Update

By Sandy Bunch VanderPol, CSR #3032

AB 5 (Evans [D]) **Civil Discovery: Electronic Discovery Act**

Status: 03/12/2009—In Senate. Read first time. To Com. on RLS. for assignment.
Current Location: 03/12/2009-S RLS.

Summary: The Civil Discovery Act permits a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, and land or other property in the possession of any other party to the action. Existing law requires the party to whom an inspection demand has been directed to respond separately to each item or category of item by any of certain responses, including a statement that the party will comply with the particular demand for inspection by the date set for inspection pursuant to a specified provision. This bill would establish procedures for a person to obtain discovery of electronically stored information, as defined, in addition to documents, tangible things, and land or other property, in the possession of any other party to the action. This bill would permit discovery by the means of copying, testing, or sampling, in addition to inspection, of documents, tangible things, land or other property, or electronically stored information. This bill contains other related provisions and other existing laws.

AB 48 (Portantino [D]) **Private Postsecondary Education: California Private. Postsecondary Education Act of 2009**

Status: 04/22/2009—From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 10. Noes 0.) (April 21).
Current Location: 04/22/2009-A APPR.

Summary: This bill would express the intent of the Legislature to enact legislation to establish a Bureau for Private Postsecondary Education and to encourage the Department of Consumer Affairs to receive and respond to student complaints and provide information to students and prospective students of private postsecondary educational institutions, until a

Bureau for Private Postsecondary Education is established. The bill would continue the existence of the Private Postsecondary and Vocational Education Administration Fund under the administration of the Department of Consumer Affairs and would appropriate \$1,000,000 from that fund to the department for the above purposes.

AB 170 (Mendoza [D]) **Court Reporters: Rough Draft Transcript**

Status: 03/23/2009—In Senate. Read first time. To Com. on RLS. for assignment.
Current Location: 03/23/2009-S RLS.

Summary: Existing law provides that the report of the official reporter or official reporter pro tempore of any court, as specified, when transcribed and certified as being a correct transcript of the testimony and proceedings in a case, is prima facie evidence of that testimony and proceedings. Existing law specifically provides that the report, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. Existing law also provides that the rough draft transcript may not be cited or used to rebut or contradict the official certified transcript and that the production of a rough draft transcript shall not be required. This bill would provide, until January 1, 2017, that the instant visual display of the testimony or proceedings, or both, shall not be certified and cannot be used, cited, distributed, or transcribed as the official certified transcript of the proceedings. The bill also would prohibit the citation or use of the instant visual display of the testimony or proceedings, or both, to rebut or contradict the official certified transcript of the proceedings.

AB 176 (Silva [R]) **Maintenance of the Codes**

Status: 03/23/2009—In Senate. Read first time. To Com. on RLS. for assignment.
Current Location: 03/23/2009-S RLS.

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Legislation Update

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Summary: This bill would provide for minor changes to Business & Professions Code Section 8027, as relates to court reporting schools, among other things. This bill is proposed by the Law Revision Commission.

AB 250 (Miller [R]) Criminal Procedure: Trials: Timing

Status: 03/04/2009—Referred to Com. on PUB. S.

Current Location: 03/04/2009-A PUB. S

Calendar Events: 05/12/09 9 a.m. — Room 126 ASM PUBLIC SAFETY

Summary: Existing law requires that a defendant be brought to trial within 60 days of arraignment in a felony case, as specified. Under existing law, the case must be dismissed if the defendant did not waive that time limit or consent to an extension of time, as specified, and the case is not brought to trial within the time limit. Under existing law, the defendant may withdraw his or her waiver of time and then the case is required to be brought to trial within 60 days of the withdrawal of the waiver. This bill would require the withdrawal of the waiver to be done in open court, as specified.

AB 484 (Eng [D]) Franchise Tax Board: Professional or Occupational Licenses

Status: 04/21/2009—Re-referred to Com. on B. & P.

Current Location: 04/21/2009-A B. & P.

Summary: The bill would require the Franchise Tax Board, if an individual licensee fails to pay taxes for which a notice of state tax lien has been recorded, as specified, to send a preliminary notice of suspension to the licensee (including a CSR licensee). The bill would provide that the license of a licensee who fails to satisfy the unpaid taxes by a certain date shall be automatically suspended, except as specified, would require the Franchise Tax Board to mail a notice of suspension to the

applicable state governmental licensing entity and to the licensee, and would provide that the suspension be canceled upon compliance with the tax obligation. The bill would require the Franchise Tax Board to meet certain requirements and would make related changes. The bill would authorize a state governmental licensing entity, as specified, to impose a fee on a licensee with a suspended license in an amount necessary to cover its administrative costs. The bill would make implementation of its provisions contingent upon appropriation of funds for that purpose in the annual Budget Act.

AB 493 (Tran [R]) Employment and Benefits Appeals Board

Status: 04/22/2009—From INS.: Failed passage.

Current Location: 04/22/2009-A INS.

Summary: This bill would affect the workers' compensation reporters. This bill would abolish the Unemployment Insurance Appeals Board, the California Occupational Safety and Health Appeals Board, and the Workers' Compensation Appeals Board and transfer their duties to the Employment and Benefits Appeals Board, which this bill would create in the Labor and Workforce Development Agency. The bill would make conforming changes to existing law.

AB 996 (Anderson [R]) Courts: Continuous Hours of Operation

Status: 04/21/2009—n committee: Set second hearing. Failed passage. Reconsideration granted.

Current Location: 04/21/2009-A JUD.

Summary: Existing law requires all offices of every state agency to be kept open for the transaction of business from 8 a.m. until 5 p.m. of each day from Monday to Friday, inclusive, other than legal holidays, but provides that any state agency or division, or branch or office thereof, may be kept

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Legislation Update

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open for the transaction of business on other hours and on other days. This bill would authorize the Chief Justice of the Supreme Court, the presiding justice of a court of appeal, or the presiding judge of a superior court to order the court to operate on a continuous and ongoing basis, 24 hours per day, 7 days per week.

AB 1040 (Strickland, Audra [R]) Appeals: Notice: Class Action Settlements

Status: 04/21/2009—In committee: Set, first hearing. Hearing canceled at the request of author.

Current Location: 03/26/2009-A JUD.

Summary: Existing law provides that an appeal is to the court of appeal, other than in a limited civil case, and specifies certain judgments and orders from which an appeal may be taken. This bill would require the appellant, upon filing a notice of appeal, to state if the appeal is from a lower court's approval of a class action settlement. If so, then the appeal shall be entitled to expedited briefing and preference in setting the date for oral argument within 120 days after the notice of appeal has been filed.

AB 1168 (Carter [D]) Professions and Vocations

Status: 03/02/2009—Read first time.

Current Location: 02/27/2009-A PRINT

Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards and bureaus within the Department of Consumer Affairs, and places the department under the control of the Director of Consumer Affairs. Existing law authorizes the director to request specified reports from these boards. This bill would make nonsubstantive, technical changes to that provision. (Could be a spot bill — watch)

AB 1338 (Anderson [R]) Arraignment Courts

Status: 04/29/2009—Re-referred to Com. on APPR.

Current Location: 04/29/2009-A APPR.

Summary: Existing law provides, when a criminal complaint is filed, for the arraignment of the defendant on those charges before the court in which the complaint is filed, as specified. This bill would authorize the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. The bill would authorize the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.

AB 1461 (Ruskin [D]) Shorthand Reporting

Status: 04/22/2009—From committee:

Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 3.) (April 21).

Current Location: 04/22/2009-A APPR.

Summary: Existing law provides for the certification and regulation of shorthand reporters by the Court Reporters Board of California and makes a violation of these provisions a crime. Existing law prohibits a shorthand reporting corporation, as defined, from doing or failing to do any act that constitutes unprofessional conduct under any statute, rule or regulation pertaining to shorthand reporters or shorthand reporting. This bill would additionally prohibit a firm, partnership, sole proprietorship, or other business entity providing or arranging for shorthand reporting services from doing or failing to do any act that constitutes unprofessional conduct under any statute, rule or regulation pertaining to shorthand reporters or shorthand reporting. By expanding the scope of a crime, the bill would impose a state-mandated local program. The

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Legislation Update

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California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

**AB 1564 (Committee on Insurance)
Workers' Compensation.**

Status: 04/22/2009—In committee:
Set, first hearing. Hearing canceled at the request of author.
Current Location: 04/02/2009-A INS.

Summary: Existing law requires all oral testimony, objections, and rulings at all hearings and investigations before the appeals board or a workers' compensation judge to be taken down in shorthand by a competent phonographic reporter. This bill would, instead, require all oral testimony, objections, and rulings to be recorded on a permanent accessible record by a competent hearing reporter. This bill includes other topics not related to court reporting.

SB 377 (Corbett [D]) Courts: Judgeships

Status: 04/27/2009—Placed on APPR suspense file.
Current Location: 04/15/2009-S APPR.

Summary: Existing law specifies the number of judges for the superior court of each county and for each division of each district of the court of appeal. This bill would, upon the Legislature's appropriation in the Budget Act of moneys expressly identified for the purpose of initially funding the costs of additional new judges, authorize 50 additional judges, to be allocated to the various superior courts pursuant to uniform criteria approved by the Judicial Council.

SB 489 (Liu [D]) Private Postsecondary Education: Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009

Status: 04/20/2009—Set, first hearing. Hearing canceled at the request of author.
Current Location: 04/20/2009-S B., P.& E.D.

Summary: This bill would enact the Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009, which would express the intent of the Legislature to, among other things, provide for the protection, education, and welfare of California's citizens, postsecondary educational institutions, and students, as specified. The bill would require the California Postsecondary Education Commission to establish a Bureau for Private Postsecondary Education to function as the statewide private postsecondary and vocational educational licensing and enforcement agency, in accordance with the act. The bill would require the commission, working through its executive director, to fulfill specified functions and responsibilities under the act. The bill would require each private postsecondary education institution desiring to operate in this state to apply to the bureau for licensure. The bill would establish procedures and standards for application and bureau licensure. The bill would authorize the commission to impose a school licensure fee on each institution making application to the bureau, in accordance with an unspecified fee schedule, and would require the costs of implementing the act to be covered by fee revenues. The bill would require the Legislative Analyst's Office, by January 1, 2013, to review the effectiveness of the bureau in implementing the act and submit a report of its findings to the commission, the Legislature, and the Governor. The bill would provide that a private postsecondary institution approved under the former Private Postsecondary and Vocational Education Reform Act of 1989 as of June 30, 2007, shall, at a minimum, be

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Legislation Update

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recognized as an approved institution through the reapproval period that the institution had as of June 30, 2007, plus 2 additional years beyond that date.

SB 544 (Committee on Judiciary) Civil Law: Omnibus Bill

Status: 04/29/2009-Set for hearing May 12.

Current Location: 04/13/2009-S JUD.

Calendar Events: 05/12/09 1 p.m. — Room 112 SEN JUDICIARY

Summary: Existing law, the Civil Code, is composed of 4 divisions relating to persons, property, obligations, and general provisions relating to persons, property, and obligations. This bill would declare the intent of the Legislature to enact technical and noncontroversial statutory changes relating to civil law.

SB 638 (Negrete McLeod [D]) Regulatory Boards: Operations

Status: 04/21/2009—From committee: Do pass, but first be re-referred to Com. on RLS. (Ayes 8. Noes 1. Page 581.) Re-referred to Com. on RLS.

Current Location: 04/21/2009-S RLS.

Summary: Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs, with board members serving specified terms of office. Existing law generally makes the regulatory boards inoperative and repealed on specified dates, unless those dates are deleted or extended by subsequent legislation, and subjects these boards that are scheduled to become inoperative and

repealed as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified. The bill would authorize the appropriate policy committees of the Legislature to review the boards, bureaus, or entities (including the Court Reporters Board) that are scheduled to have their board membership or bureau chief so terminated or reviewed, as specified, and would authorize the appropriate policy committees of the Legislature to investigate their operations and to hold specified public hearings. The bill would require a board, bureau, or entity, if their annual report contains certain information, to post it on its Internet Web site. The bill would make other conforming changes.

For information concerning this report or the information contained herein, you may contact California Court Reporters Association, Attn. Sandy Bunch VanderPol, CSR #3032, at 65 Enterprise, Aliso Viejo, California 92656, (949) 715-4682 or by e-mail at RealtimeCSR@calweb.com.

