



Realtime Saves Jobs!

“Realtime reporting has improved significantly and has been a major asset to the justice system.”

*William Vickery, Executive Director,
Administrative Office of the Courts*

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The Electronic Magazine of
the California Court Reporters Association

Editor

Connie Parchman
3275 Royalton Court
Pleasanton, CA 94588
Tel: (925) 462-8141
Fax: (925) 398-6660
parchman1@aol.com

Main Office

CCRA
65 Enterprise
Aliso Viejo, CA 92656
Phone (949) 715-4682
Fax (949) 715-6931
Email: staff@cal-ccra.org

CCRA OFFICERS

President

Lesia Mervin
303 County Civic Center
Visalia, CA 93291
Tel: (559) 733-6561, ext. 1130
Fax: (559) 737-4290
lesia@quik.com

Secretary-Treasurer

Carolyn Dasher
44 W. Bonita Avenue
Sierra Madre, CA 91024
Tel: (626) 482-0015
Fax: (626) 836-8601
carolynjoy00@yahoo.com

President-Elect/ Vice President Freelance

Sheri Turner
601 University Avenue,
Suite 148
Sacramento, CA 95825
Tel: (916) 649-1060
Fax: (916) 649-1061
sheri@dbreporters.com

Past President

Sandy Bunch VanderPol
5560 Petersen Lane
Lotus, CA 95651
Tel: (530) 295-3975
Fax: (530) 295-3975
realtimccsr@calweb.com

Vice President Officials

Jim Partridge
Officials Superior Court
330 West Broadway
Dept. 75
San Diego, CA 92101

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

By Lesia J. Mervin, CSR #4753, RMR, CRR
CCRA President



REALTIME SAVES JOBS!

**“Realtime reporting has improved significantly
and has been a major asset to the justice system.”**

*William Vickery, Executive Director,
Administrative Office of the Courts*

At no time in the past has the Administrative Office of the Courts (AOC) ever mentioned the words “court reporters” without mentioning “ER.” The AOC has never acknowledged that realtime even exists. In a surprise turn of events, at the Senate Budget Subcommittee hearing on April 9, William Vickery made these comments and urged the legislature to **not** consider replacing court reporters in felony matters.

At no time in the past has the use of realtime technology in our industry been so important. Thankfully, the reporting industry as a whole has reinvented itself time and time again. We stepped up to the challenge many years ago and reinvented ourselves as realtime reporters, putting the reporter on the cutting edge of technology. Realtime, rough drafts, daily transcripts, Web streaming, CART reporting, and electronic transcripts are just a few examples of how we've changed the way we do business today. These skills bring us to the forefront today as the best guardians of the record, unequalled by any digital technology available.

We know the Governor did not include DR in his May Revise Budget, and the Assembly did not put forth DR in their proposed budget. However, the Senate has put forth DR in family law, probate, mental health courts, and law and motions proceedings. It's crunch time, and CCRA is working harder than ever for a positive result. I'm hopeful the next message I send will be a huge VICTORY alert to all our members. Even if that is so, we must be mindful of the fact that California's budget is not going to be any better next year. We must remain vigilant and strong in our fight against digital recording. CCRA will continue to monitor the situation very closely. We are confident that we have laid the proper groundwork in place with the legislature, and we are ready and able to launch again at any time.

I would urge all my fellow reporters to conduct a self-assessment of your reporting skills. Are you providing the best product possible? Are you keeping your writing skills up? Are you keeping up with technology? Are you letting the “realtime train” pass you by because you don't want to “bother” with changing the way you've always done things? Are you marketable in the freelance and/or official arena? I challenge each and every one of you to take a look. Realtime is saving jobs. Never in reporting history has it been more evident. You must be the best you can be, and to do that you must constantly strive to better yourself by continuing education. Never stop learning. There's no time to sit back and hope that these tough budgetary times will just go away. **Is YOUR job the one that will be cut because YOU didn't take the time to keep up with technology? This is not a dream, but a reality.**

Please join us in Las Vegas on October 10-12 at the fabulous Riviera Hotel and Casino. We have a wonderful slate of seminars planned to help you keep up with technology, network with colleagues, and become the best reporter you can be.

Learn – Learn – Learn. Knowledge is Power.

FYI...

DR in Maine Courtrooms

The state of Maine is experiencing a state budget crisis similar to California's. Digital recording machines might replace court reporters in many of the state's courtrooms. Court administrators have provided prelayoff notifications to seven of the state's 16 court reporters. **The layoffs would take effect July 1 with the start of the new two-year budget cycle.**



Free Business 411 Directory

In case you haven't heard, a few months ago, Google launched 1-800-GOOG-411 (1-800-466-4411) in the U.S. It's a free telephone service that lets you search for businesses by voice and get connected to those businesses for free.

Another feature added for Internet-enabled phones: during your call to GOOG-411, just say "map it," and you'll get a text message with the details of your search plus a link to a map of your results right on your mobile phone.

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Lesia Mervin

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Officials**

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**President-Elect/
Vice President Freelance**

Sheri Turner

Secretary-Treasurer

Carolyn Dasher

Board of Directors

District A

Rose Goni-Davis
Tel: (916) 863-0730
gonidavis1@sbcglobal.net

District D

Natie Alvarado
Tel: (626) 938-0042
alvaradocr@aol.com

District B

Kelly Roemer
Tel: (510) 451-1580
kroemer@aikenwelch.com

District E - (At Large)

Judith Gillespie
Tel: (951) 682-5686
grdm@earthlink.net

District C

Doreen Perkins
Tel: (559) 488-1949
cortrepr1@aol.com

District F - (At Large)

Lynden J. Glover
Tel: (714) 542-6500
lynden@lyndenj.com

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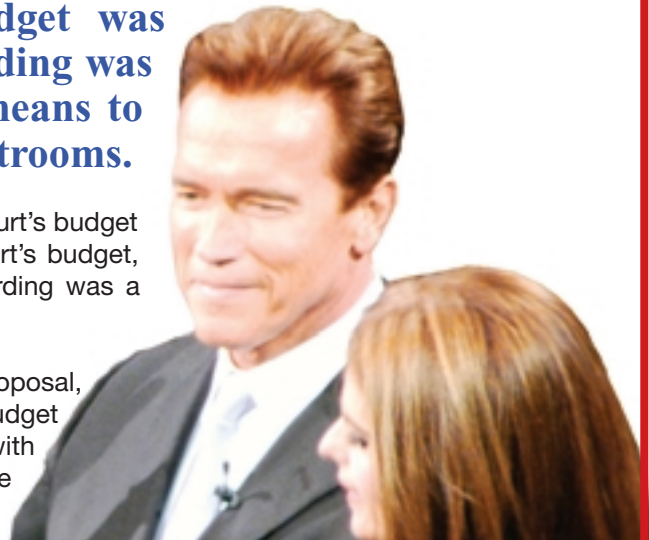
Sandy Bunch VanderPol

No Digital Recording in Governor's May Revise Budget

The Governor's May Revise Budget was released on May 14. Digital recording was NOT put forth as an alternative means to make the record in California courtrooms.

One small victory for the profession! However, the court's budget does still include a \$245 million reduction in the court's budget, but the Governor did not put forth that digital recording was a means to achieve those cost savings.

The Assembly did **NOT** include DR in their budget proposal, however the Senate has included ER in their budget proposal. We are diligently working in Sacramento with the Conference Committee appointed to decide the issue and are hopeful for a positive result.



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Mouse Pad = \$15



Wall Clock = \$20



Freelance & Official
Compendiums = \$25



Sunshade = \$15

Court of Appeal Decision NOT What We Hoped — What Now?

*By Sheri Turner, Vice President Freelance
President-Elect*

If you have been a deposition reporter longer than I have, perhaps you worked in the days when freelance deposition rates were regulated by statute. But sometime predating my reporting career — I understand around the advent of the 80's or so — deposition rates were deregulated. Since that time, it has been a free market, with the rates being whatever the market will bear, and obviously varying throughout the state. Business practices vary throughout the state as well, with reporting firms trying to maintain business and have good relationships with their clients while providing reporting services and products.

On May 7, 2008, the Second Appellate District of the Court of Appeal issued a decision in a case which basically states that it is within the trial court's discretion to determine whether a reporting firm's fees charged for deposition transcripts in a case are reasonable or not. [Click here](#) to view the appellate court's ruling.

Here is the background of the case:

Once upon a time there was a lawsuit in which Coast Court Reporters provided deposition services and expedited transcripts. Porfirio Serrano, who was a nonnoticing party, objected to being charged expedited fees on a COD basis for their transcripts when the noticing attorney was also being charged expedited fees. Coast Reporters subsequently waived the COD requirement and provided the transcripts in the underlying case, agreeing that the dispute would be settled by the trial court's ruling as to the reasonableness of the fees. The trial court concluded that although in the Court's opinion the fees may be "unconscionable," that the court had no authority to limit the fees charged by Coast and ordered Serrano to pay up. Serrano paid the fees but appealed the order, hoping that the court would determine what constitutes "reasonable fees."

The appeals court heard arguments in the case and asked the parties for briefs. They also asked for briefs from any other interested persons and groups. Being extremely concerned about this potential ruling, CCRA hired a premier appellate attorney, Jay-Allen Eisen, to write and submit an amicus curiae brief on our behalf.

Briefs were also filed by NCRA and DRA, although taking slightly different tacks, basically stating that in a free-market situation, and in the cost-sharing scenario where parties each help bear the costs of the deposition transcripts, that it could not be within the court's purview to determine if those charges were "reasonable" or not. [Click here](#) to view CCRA's amicus brief. [Click here](#) to view NCRA's amicus brief.

On May 7, the appellate court filed its ruling and reversed and remanded the trial court's decision, directing it to determine whether the expedited fees charged by the reporting firm were reasonable, and directing a refund of any fees paid in excess of reasonable charges. The decision does say that the court's intervention to determine reasonableness of fees would not be necessary when there is a fee agreement or arrangement between the ordering attorney and the reporter or firm providing the reporting services.

Needless to say, we are disturbed and disappointed with this ruling and hope that it does not create massive confusion and chaos as an avenue for every attorney to dispute the reporting fees charged, or as a posturing position for attorneys in a case.

On Thursday, May 15, Coast Reporters did file a petition for rehearing, with the intention to correct factual errors in the court's ruling and what they view as misstatements or misapplications of the cited laws. We are asking Mr. Eisen to write a letter to the court on behalf of CCRA and urge them to grant the rehearing. The appeals court has until June 6 to decide if they will rehear the case or not. There is a chance that the decision may be changed in some way. But in the meantime, this creates confusion for the deposition reporters.

For now, our advice to deposition reporters and firms is to somehow obtain an agreement in writing from ordering attorneys, after the deposition and before providing the transcript, wherein an estimate of charges is given to the attorney and an agreement for payment is reached. This can be done by e-mail, fax, or letter. By apprising the attorney of the estimate and verifying their transcript order and agreement to pay the quoted

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Court of Appeal Decision NOT What We Hoped — What Now?

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charges, it might be a protection against anyone coming back later to dispute the charges after the fact. This agreement would most likely have to come from the reporting firm, not the reporter on the job (unless, of course, they are one and the same). Some reporting firm owners are hoping that this ruling is simply the result of an isolated instance and will make no significant change in the way they conduct their business unless it becomes absolutely necessary. [Click here](#) for advice from NCRA via a video message from Mark Golden, the executive director: <http://www.ncraonline.org>

Rest assured that CCRA is closely watching the developments of this case with the interest and intent of protecting our members and the reporting profession. We will help our members in any way possible and keep you informed of any further information or actions.



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ANNUAL CONVENTION**

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Las Vegas

October 10-12, 2008
Riviera Hotel & Casino

STENOGRAPHIC REPORTER

YOUR WINNING HAND!

Have You Encountered This?

By Robin K. Casey

I recently received a phone call from a retired San Diego Official Court Reporter. This retired reporter received a communication from a representative of the San Diego City Attorney's office indicating that because the Franchise Tax Board reports the retired reporter filed a Schedule C in the past, he/she may be subject to past small business license fees and city taxes due and owing to the City of San Diego.

A further communication reads, in part, as follows:

"Our records indicate that over the last several years, you have been filing Form Schedule C – Profit or Loss From Business to possibly report business activity conducted within the City of San Diego."

"The City presumes that a taxpayer is conducting business within its jurisdiction if the taxpayer filed a business return/form with the Franchise Tax Board and or Internal Revenue Service using a City of San Diego address. Further, State law (Business and Professions 16300) requires cities to use the manner in which a taxpayer reported income to the IRS and FTB to determine whether the taxpayer performed services as an employee or as a separate business entity. A Person who is an employee and whose compensation is reported on a Federal W-2 is not a business and is not subject to the Business Tax requirement."

In an effort to show that any income received due to transcript preparation is a direct result of our official duties as prescribed by law, my first thought was to cite California Government Code 69956, "The official reporter shall perform the duties required of him by law," and California Code of Civil Procedure 269(b), "If a transcript is ordered by the court or requested by a party" ... "the official reporter or official reporter pro tempore shall" ... "write the transcripts out."

To seek out further advice on this subject, I e-mailed my esteemed CCRA colleagues from across the state inquiring into this area, and I received the following case cite out of Los Angeles: *City of L.A. v. Vaughn*, 55 Cal.2d 198; 358 P.2d 913; 10 Cal.Rptr. 457, 1961, reads, in part, as follows:

"Question: Is an official court reporter of the Superior Court of the State of California as a matter of law engaged in business 'as an independent contractor and not as an employee of another' when he prepares reporter's transcripts from the notes taken by him during civil trials, at the request of attorneys or other persons entitled by law to request the preparation of such transcripts?"

"No. Defendant is an officer and employee of the Superior Court of the State of California in and for the County of Los Angeles, and the preparation of civil transcripts by him constitutes part of his official duties provided for by law."

If an Official Court Reporter of the Los Angeles Superior Court receives a letter regarding having a city business license, the said reporter is directed to write a letter citing the above-referenced case.

Although I cannot cite in which counties, my information is that this case has been successfully cited for use in other California counties.

This situation is still ongoing here in San Diego. I will keep you apprised of its eventual outcome. If you have had an experience in this regard, please e-mail me directly at: rsunkees@adelphia.net



Briefs Online

Looking for a quick brief for those hard to write words or common phrases? If you have a word or phrase that you would like a brief form for, let me know, and I will publish your requested brief in the next CCRA Online. If you have briefs that you would like to share with our members, please send them to Doreen Perkins, CortReptr1@aol.com, or 1100 Van Ness, Dept. 50, Fresno, CA 93724-0002.

BRIEFS TO SHARE:

The four briefs below allow you to add other words to make one stroke out of very common phrases that are used all of the time. This article will go through a list of “and when,” and give you a sample of adding the word “I” to the phrases below. Once you master the four below, then you are off and running and will be able to incorporate the additional words in your brief for “and whether,” “and what,” and also “and whether or not.” Have fun with these briefs; your options are endless.

And when	SKWH
And whether	SKWHR
And what	SKWHA
And whether or not	SKWHRAO

Sample of what you can do with the above briefs:

And when I	SKWHI
And whether I	SKWHRI
And what I	SKWHAI
And whether or not I	SKWHRAOI

Options available:

And when you	SKWHU
And when her	SKWHER
And when his	SKWHIZ
And when I also	SKWHILS
And when also	SKWHLS
And when are	SKWH-R
And when are the	SKWH-RT

And when are these	SKWH-RZ
And when are those	SKWH-RS
And when aren't	SKWH-RNT
And when can	SKWH-K
And when can't	SKWH-KT
And when could	SKWH-KD
And when couldn't	SKWH-KTD
And when had	SKWH-D
And when had the	SKWH-TD
And when had these	SKWH-DZ
And when had those	SKWH-DS
And when hadn't	SKWH-ND
And when have	SKWH-F
And when have the	SKWH-FT
And when have these	SKWH-FZ
And when have those	SKWH-FS
And when haven't	SKWH-VT
And when her	SKWHER
And when his	SKWHIZ
And when I	SKWHI
And when is	SKWH-S
And when it is	SKWH-TS
And when it isn't	SKWH-FNT
And when shall	SKWH-RB
And when shall the	SKWH-RBT
And when shall these	SKWH-RBDZ
And when shall those	SKWH-RBTS
And when shouldn't	SKWH-RBTD
And when the	SKWH-T
And when these	SKWH-Z
And when was	SKWH-FS
And when was the	SKWH-FTS
And when were	SKWH-RP
And when were these	SKWH-RPZ
And when were those	SKWH-RPS
And when weren't	SKWH-RPT
And when will	SKWH-L
And when will the	SKWH-LT
And when will these	SKWH-LZ
And when would	SKWH-LD
And when would these	SKWH-LDZ
And when would those	SKWH-LTS
And when wouldn't	SKWH-LTD
And when you believe	SKWHUBL
And when you believe it is	SKWHUBLTS
And when you believed	SKWHUBLD

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Briefs Online

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And when you believed the
 And when you believed these
 And when you feel
 And when you feel it is
 And when you feel these
 And when you feel those
 And when you felt
 And when you felt the
 And when you felt these
 And when you get
 And when you go
 And when you got
 And when you got the
 And when you got these
 And when you got those
 And when you had
 And when you had the
 And when you had those
 And when you happen
 And when you happened

SKWHUBLTD
 SKWHUBLDZ
 SKWHUFL
 SKWHUFLTS
 SKWHUFLZ
 SKWHUFLS
 SKWHUFLT
 SKWHUFLTD
 SKWHUFLDZ
 SKWHUGT
 SKWHUG
 SKWHUGD
 SKWHUGTD
 SKWHUGDZ
 SKWHUGTS
 SKWHUD
 SKWHUTD
 SKWHUTS
 SKWHUP
 SKWHUPD

And when you have
 And when you have been
 And when you have been the
 And when you have gone
 And when you have got
 And when you have got the
 And when you have got these
 And when you have got those
 And when you have had the
 And when you have had these
 And when you have had those
 And when you have known

SKWHUF
 SKWHUFB
 SKWHUFBT
 SKWHUFG
 SKWHUFGD
 SKWHUFGTD
 SKWHUFGDZ
 SKWHUFGTS
 SKWHUFTD
 SKWHUFDZ
 SKWHUFTS
 SKWHUFN



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An Assemblyman Who Takes the Time to Listen — Meeting with Assemblyman Chuck DeVore

By Lynden Glover



As part of CCRA's effort to inform and educate members of the Assembly Budget subcommittees, my associate, Debby Steinman, and I met with Assemblyman Chuck DeVore in his Irvine office on April 4. As Assemblyman DeVore has quite an impressive military and aerospace background, we knew we needed to be very well versed in both the Legislative Analyst Office's (LAO) report and CCRA's rebuttal report by Justice Served.

We did our homework!

Debby and I felt the meeting was extremely beneficial. Assemblyman DeVore met with us for about 35 to 40 minutes. After initial introductions, we asked him if he was familiar with the court reporter's duties and responsibilities. Although he had never been in court, he had an understanding of our role, and we augmented his understanding by explaining realtime for the judges and/or attorneys, instant translation, and immediate readback capability.

We brought up the specific issue of cost, starting with what I thought was the most significant, the \$26 million offset between what the courts spend on transcript fees and what they collect in court reporter fees. It's a wash. I discussed that the only remaining issue was salary, and that the digital recording (DR) monitors will also have to be paid salaries and benefits. He was very interested in the cost perspective.

At first it was a little scary, knowing that Assemblyman DeVore is very technologically savvy, but I think that was the best part going for us. He seemed to understand immediately the shortcomings of having just an audio recording and then having a nonparticipant transcribe it as opposed to the court reporter who reported the proceedings. He was under the impression that DR had voice-activation capabilities, and when we explained that DR doesn't have voice-activation capabilities, he became quickly disenchanted with DR.

I brought up that the LAO talked about the "shortage of court reporters." Fortunately, Debby had just explained to me, and I relayed to Assemblyman DeVore, that the Orange County courts had not hired any court reporters for many years because of "budget constraints," but that they had just hired 17 new reporters. I also advised him about the Los Angeles court's recent recruitment, and that there were 100 applicants.

I mentioned to him that I owned a freelance firm, and that we're continually receiving e-mails every week from reporters looking for work. I told him the LOA's statements about court reporter shortages were just not true. I feel very confident that he understood our position on that particular point.

We also explained court reporters are predominantly female, and this proposal would displace a lot of single moms.

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An Assemblyman Who Takes the Time to Listen — Meeting with Assemblyman Chuck DeVore

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I also discussed the Americans with Disabilities Act (ADA) and the assistance court reporters provide. Having recently attended NCRA's Legislative Boot Camp, I felt very confident on this subject matter, and explained how it gives access to equal justice for all. He asked if that meant the hard-of-hearing and deaf could participate as jurors, and Debby explained that they could and elaborated on how that is accomplished.

After quite a bit of discussion, Assemblyman DeVore stated that had Debby and I not come in and made our presentation to him, that very likely this proposal would have sailed through — I think he meant from his standpoint — but that we had brought up many issues that created a lot of questions in his mind, and he was going to present those questions at the budget meeting.

Assemblyman DeVore further stated that with the information we had provided — the two analyses and our verbal discussion — he would be able to request and receive a delay. He asked us if we would have a representative at the budget meeting, and we answered that we would. He continued chatting with us for quite a while after that about the bases of his beliefs and what he stands for. Debby told him she does read his articles in the "Opinion" section of the *Register* newspaper, and really enjoys them.

I think we covered about everything there was to cover. I can't tell you how pleased I am with how this went. I really didn't know much about Assemblyman DeVore before this other than what I had read on his Web site, but I am so impressed with him. He listened to us, really focused, took it all in, and seemed to understand our position.

He took a lot of time with us, and we never got the feeling he wanted us to leave. He showed us he was genuinely interested in what we had to say by asking us questions and engaging us in discussion.



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The point I want to make is how important our active participation is. Meeting with Assemblyman DeVore restored my faith in our representatives' willingness to listen to us and to consider the issue from our perspective.

There is so much ambivalence and apathy today, and, in my opinion, that's one of the main reasons our society is in the trouble we're in. Each of us must take responsibility to participate in having our voices heard.



Court Reporter Brains Explained

From the deposition of a neuropsychologist:

A. May I give an example of this?

Q. Sure.

A. Okay. If you look — and the example is this. Our brains are a miracle. Okay. They're a miracle that needs to be protected. And if you look at the court reporter right now, as an example, okay, this is a miracle in progress happening right before your eyes.

Let me just explain what she needs to do. I am speaking, so the information has to come in through her ear into her temporal lobe, and it has to go log itself into the language center. She has to be able to comprehend what I'm saying. Then it has to get rerouted to the prefrontal cortex where it has to hold — she has to be able to hold the information, because, you know, I continuously talk so she has to hold it, right? Then she has to analyze it, integrate it and synthesize it. Then it has to go back to the cerebellum and she has to be able to execute this, and she has to be able to then convert my words into those little squiggly marks. Have you ever seen court reporters have little squiggly language things? So she has to convert it into a different language, and the white matter tracks allows her to reroute all of this information simultaneously without effort.

We take our brains for granted. She's sitting here. I'm probably talking too fast for her, but she's able to do this simultaneously. Seamlessly.

No animal on the planet can do this. All right. That's why I believe court reporters will never be replaced. Because no technical — no technology could replace the beauty of that brain and the miracle of that brain. And that's why your brain should always be protected and you should take care of it.



Three Months Missing from Digital Recording Archive

Dear CCRA,

In an effort to keep CCRA updated regarding digital recording, I would like to relay the following: I was notified of an appeal. The first two dates were digitally recorded by the court using FTR Gold. I was the reporter on one of the dates. Since I was the reporter on the appeal, the court asked me to transcribe the two FTR Gold dates. I agreed.

When beginning the transcript, I was informed that one of the dates from the recording was missing from the FTR system and that I would be provided it as soon as it was located. I then spoke to the Judicial Assistant in the department about it. She informed me that she had been contacted to see if she could locate the date. She stated that there were approximately **three months total missing from the FTR files**, and that the date in question was included in that three-month time period. As of this date, the FTR recording has not been located for transcribing.

*Michelle L. Matheson, C.S.R.
Fresno, Ca*

Digital Recording in California Courtrooms

By Lesia J. Mervin, CSR #4753, RMR, CRR
CCRA President

Leaving no stone unturned, CCRA's DR Task Force concluded there was a need to further explore the cost and effectiveness of the Legislative Analyst Office's (LAO) proposal to expand digital recording (DR) into 20% of California courtrooms next year, specifically as it related to family law and juvenile proceedings.

Once again, CCRA asked Justice Served to prepare an independent analysis of these issues detailing the negative consequences to such an action, including the source of the LAO cost projections, the nature of family and juvenile proceedings, transcript cost comparisons, and recording problems with DR.

Full report click here: [http://www.cal-ccra.org/ER Budget Crisis.htm](http://www.cal-ccra.org/ER_Budget_Crisis.htm)

The report is now being distributed to the various legislators on the Senate and Assembly budget committees that are involved in the decision-making process.

A few highlights of the report include:

The Nature of Family and Juvenile Proceedings

"There is a false belief that recording technology has advanced to the stage where mechanical problems are few and voice-recognition software will produce cost-effective transcripts. In fact, digital recording is better technology than analog "tape," but a recording device is only as good as the operator who turns it on, it records only what a microphone "hears," and is subject to system failure. Finally, there is no voice-recognition technology currently in use or intended to be used to assist in the transcription of recordings. Voice-recognition technology is not advanced to the point where it supports this use. Accordingly, statewide court costs will rise for transcripts produced by others from recordings compared to court reporters using personally funded technological advances to produce a transcript from stenography."

"Family (domestic relations, dissolution of marriage and child custody) cases regularly involve large amounts of money and high stakes. Often, the verbatim record is needed to clarify agreements and stipulations that are made in open court concerning real estate, bank accounts, retirement funds, restraining orders, child custody/visitation, child support, spousal support, debts, and psychological evaluations, because minute orders produced by the clerks do not contain sufficient detail. The accuracy and timeliness of the verbatim record becomes paramount in these instances. The relatively high volume of transcript production in family cases justifies continued use of court reporters to report that record."

Juvenile dependency cases involve even higher stakes: Placement of abused and neglected children, and termination of parental rights."

Transcript Cost Comparison

"Court-purchased transcripts prepared by a court reporter are less expensive and timelier compared with those produced from DR. A licensed court reporter pays for his/her own Computer-Aided-Transcription (CAT) software, equipment, staff, and supplies, and is paid 18-year-old statutory rates to produce transcripts as an independent contractor with a profit incentive. Transcripts produced from digital recordings, on the other hand, are usually sent to unregulated private transcribers who charge free-market rates that currently cover a wide range of costs to California courts. It is important to note that even a transcript "delivered" by a private transcriber still needs to be copied, bound, filed, billed and fees collected. All of these functions are now performed by individual court reporters, so the courts will have to hire additional staff or divert existing staff to perform these additional tasks."

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Digital Recording in California Courtrooms

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RECORDING PROBLEMS USING DR

“While technical and human error problems can occur with both court reporting and DR, there are many more documented instances of these problems in the use of DR. Having to retry a case or conduct a new hearing to recapture a lost record is a staggering price to pay for a “cost savings” that doesn’t even hold up under analytical scrutiny.”

CASE	VOLUMES OF TRANSCRIPTS	TOTAL # OF PAGES	# OF INAUDIBLES /ERRORS	% ERROR PER PAGE
State v Robinson (Court reporter)	9	1,288	8	>1%
State v Smith (Elect. Recording)	6	717	171	24%
State v Nutall (Elect. Recording)	3	304	45	15%

“There are many more instances of mechanical and human error failures that render DR as a less desirable choice over court reporting for making the court record.”



Word 2007 vs. Word 2003

*By Lesia J. Mervin, CSR #4753, RMR, CRR
CCRA President*

Microsoft®

Having trouble opening Word document e-mails sent from other computers? It could be a compatibility issue with the version of Word installed on your computer. Many new computers have Word 2007 installed, which saves files by default to a .docx file. These files are often not able to be opened by earlier versions of Word, unless you have installed a free Microsoft Compatibility Pack for 2007 Word, Excel and PowerPoint File Formats.

By installing this compatibility pack, when you open a file that has a .docx file extension, it will automatically convert the file to a .doc file, easily opened by Microsoft Word 2003, 2002, or Word 2000.

The free file conversion download is available on the Microsoft Web site.

<http://www.microsoft.com/downloads/details.aspx?FamilyId=941B3470-3AE9-4AEE-8F43-C6BB74CD1466&displaylang=en>



CCRA Needs a Few More Great Leaders to Come Forward!

The Nominating Committee of CCRA is in the process of selecting qualified candidates for service as officers and members of the Board of Directors for 2008-2009.

Each year, half of the positions on the Board of Director's of CCRA expire. Nominations are accepted each spring to fill the following vacant positions: District A, Northern California; District C, Central Valley; and an at large position.

June 30 is the deadline for nominations for the 2008-09 CCRA Board of Directors.

Do you know of someone that you feel needs to be part of the leadership protecting your profession? Have your life circumstances changed and you now find a little extra time to give back to the profession that's been so good to you?

Please nominate yourself or a respected colleague – but don't delay. The deadline will soon be here.

Go to: www.cal-ccra.org/boardnominations.htm for the nomination form.

As an active CCRA member you have a special understanding of the qualities of leadership which candidates for CCRA office should possess. You have the opportunity to assess their character and to determine in your own mind those who

possess the leadership capabilities which are so necessary to the administration of CCRA and to the court reporting profession as a whole.

The Nominating Committee hopes you will consider it your personal responsibility to participate in our nominating procedures by submitting names of candidates for consideration by the Nominating Committee. Please state the reasons for your recommendation of each candidate.

Candidates will be contacted by CCRA regarding their willingness to serve. Your recommendation should be received by CCRA headquarters by June 30, 2008.

Go to: www.cal-ccra.org/boardnominations.htm for the nomination form.

This is a very important matter, so please give it your attention.



THE TRIFECTA – Having Fun, Socializing and Giving Back

By Debby Steinman, CSR, RDR, CRR



Front row, left to right: Mallory Uehara, Bobette Webb, Kim Owen, Daniela Buturoaga, Lisa Augustine, Brianna Augustine, Debi Pinkham, Molly Pinkham, Teresa Grove, Brittany Hyams, Pam Moncayo.

Back row, left to right: Chris Vaudreuil, LaVette Webb, Linda Cohen, Sheri Kuebler, Elaine Euhara, Charlotte Freeman, Karlee Hughes, Michael Hyams, John Lindsey, Patti Lindsey, Cinnamon Cosio, Debby Steinman.

Not pictured: Kim Carido, Teresa Fletcher, Jenee Fraine, Wendi Hardy, Shelley Hill, Kathy Hoffman, Shari Jameson, Kim Kaldenbach, Kim Kantor, Leslie Labor, Dave Palmer, Shanthi Ramesh, Jackie Vigil, Sandy Wingerd, Suzanne Costello and Heidi Stewart.

On Sunday morning, May 4, 2008, some of the Orange County Superior Court Reporters Association members participated in the 10th annual Pediatric Cancer Research Foundation 10K run and 5K walk for children's cancer research. PCRf is a nonprofit organization that was founded in 1982 to improve the care, quality of life, and survival rate of children with malignant diseases.

This was the first time the Orange County Superior Court Reporters participated in an event of this kind, and had so much fun contributing to such a worthy cause, it was decided to make it an annual event.

The event was held at the Irvine Spectrum. There were many booths with health products, health information,

vitamins, jewelry, a petting zoo, a very creative bakery, entertainment, and various other things.

There were 35 participants, most of whom were reporters, but also friends and family, including Michael Hyams, our Executive Director, who placed fourth in the 10k run. By establishing a team, we were provided team t-shirts with "OC Superior Court Reporters" on the back.

The Orange County Employees Association was a generous donor to this cause on behalf of the Orange County Superior Court Reporters Association.

Everyone had a good time, and we hope to have more participants next year.



Legislation Update

By Sandy Bunch VanderPol, CSR #3032

AB 582 (Evans [D]) Court transcription fees.

Status: 06/21/2007-Referred to Com. on JUD.

Current Location: 06/21/2007-S JUD.

Summary: This bill is sponsored by SEIU with CCRA and COCRA actively working with SEIU. This bill would provide for an increase in the folio rates for transcripts prepared by the official court reporter and official reporter pro tempore. This bill would also create a statewide uniform transcript format.

AB 863 (Davis [D]) Los Angeles County Superior Court employees.

Status: 09/05/2007-To inactive file on motion of Assembly Member De Leon.

Current Location: 09/05/2007-A
INACTIVE FILE

Summary: Existing law provides that each trial court may establish a salary range for each of its employee classifications, and considerations shall include, but are not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention. This bill would require the Los Angeles County Superior Court to pay each employee in a bargaining unit represented by any specified employee organization an amount equivalent to the additional amount the employee would have received if the reclassification raise the employee received on October 1, 2005, had been retroactive to August 1, 2005. The bill would also provide that the Legislature urges the Los Angeles County Superior Court to act in a responsible manner and disburse the funds, which are currently held by the Administrative Office of the Courts, as directed for the purposes of paying the amounts prescribed in this act.

AB 1869 (Anderson [R]) State boards and commissions: reorganization.

Status: 04/15/2008-In committee: Set, first hearing. Failed passage.

Current Location: 04/15/2008-A B. & P.

Summary: This bill would abolish the court reporters board and committees, and other specified boards and committees, and transfer all of their respective duties, responsibilities, obligations, liabilities, and jurisdiction (hereafter, duties) to the Department of Consumer Affairs. Business & Professions Code Section 8000, as relates to the Court Reporters Board as amended above, shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed. All officers and employees of the predecessor entities who are serving in the state civil service, other than as temporary employees, shall be transferred to the department. The status, positions, and rights of those persons shall not be affected by the transfer and shall be retained by those persons as officers and employees of the department.

AB 1925 (Eng [D]) Franchise Tax Board: professional or occupational licenses.

Status: 05/28/2008-Read third time, passed, and to Senate.

Current Location: 05/28/2008-S SENATE

Summary: This bill would require a state governmental licensing entity, as defined, including the Court Reporters Board, issuing professional or occupational licenses, certificates, registrations, or permits to provide to the Franchise Tax Board the name and social security number or federal taxpayer identification number of each licensee of that entity. 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 applicable state

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governmental licensing entity and to the 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, and 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 cancelled upon compliance with the tax obligation. The bill would require the Franchise Tax Board to meet certain requirements with regard to such a suspension, and would make related changes. To prevent financial hardship, Section 19265 of the Revenue and Taxation Code, as added by this act, grants a delinquent taxpayer the opportunity for an additional hearing for financial hardship prior to the suspension of a professional or occupational license. The bill would make implementation of its provisions contingent upon appropriation of funds for that purpose in the annual Budget Act.

AB 2189 (Karnette [D]) Shorthand reporters: continuing education requirements.

Status: 05/01/2008-Referred to Com. on B., P. & E.D.

Current Location: 05/01/2008-S B., P. & E.D.

Calendar of Events: 06/09/08 1:30 p.m. or upon adjournment of session – Room 3191 SEN BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT

Summary: Existing law provides for the certification and regulation of shorthand reporters by the Court Reporters Board of California in the Department of Consumer Affairs, and provides for the regulation of shorthand reporting schools by the board. Existing law provides for the renewal of a shorthand reporter's certificate if specified requirements are met. This bill would require the board to establish, on or before July 1, 2009, minimum approved continuing

education requirements for renewal of a shorthand reporter's certificate, with certain exceptions, and would require the board to establish a procedure for approving providers of continuing education courses, as specified.

AB 2193 (Tran [R]) Civil discovery: out-of-state proceedings.

Status: 05/01/2008-Referred to Com. on JUD.

Current Location: 05/01/2008-S JUD.

Calendar of Events: 06/10/08 1 p.m. – Room 112 SUPPORT AND OPPOSITION LETTERS DUE NO LATER THAN 5 P.M. 5/29, IN ROOM 2187 SEN JUDICIARY

Summary: Existing law permits a California court, by subpoena, to compel a natural person to submit to oral or written deposition, and to produce documents and things, in connection with actions pending outside of California. Existing law specifies the circumstances pursuant to which this power will be exercised, including when the out-of-state court has issued a mandate, a writ, and a letter of request. This bill would repeal these provisions and would enact the Interstate and International Depositions and Discovery Act. The provisions of the bill, beginning January 1, 2010, would apply to an organization as well as a natural person, and would apply to depositions for the production of tangible items and inspection of premises, in addition to those requiring testimony. The bill would broaden the range of documents issued by an out-of-state court pursuant to which a California court would be authorized to issue a subpoena in this regard. The bill would establish a process for obtaining a subpoena, which would require payment of a fee, to be deposited in the Trial Court Trust Fund, and submitting the subpoena of the out-of-state court with a specified application. The bill would provide that a party is not required to retain a local attorney to depose a witness in these circumstances. The bill would permit an active member of the California State Bar to

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who is retained by a party to an out-of-state proceeding to issue a deposition subpoena, as specified. The bill would provide a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and a request for relief in this regard would be filed in the superior court in which the discovery is sought with payment of specified fees. The bill would permit a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. The bill, beginning January 1, 2009, would require the Judicial Council to prepare an application form, and to either create subpoena forms, or modify existing subpoena forms, for issuance pursuant to its provisions.

AB 2299 (Silva [R]) Maintenance of the codes.

Status: 05/05/2008-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.
Current Location: 05/05/2008-S JUD.

Summary: Existing law establishes the California Law Revision Commission. Existing law authorizes the commission to recommend changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law and bring the law into harmony with modern conditions. This bill would make changes to the terms used to describe recording technology to effectuate the recommendations of the commission to CCP 2025.560 and B&P 8027. The bill would make additional technical, nonsubstantive changes.

AB 2357 (Duvall [R]) Courts: private information.

Status: 05/22/2008-Referred to Com. on JUD.
Current Location: 05/22/2008-S JUD.

Summary: Existing law requires the Judicial Council to adopt rules for court administration, practice, and procedure, and to perform other functions prescribed by

statute, including to provide for the uniform entry, storage, and retrieval of court data relating to civil cases in superior court and any other data relating to court administration. This bill would provide that it is unlawful for the courts to outsource internationally any private information. The bill would require the Judicial Council to adopt rules of court and procedures to implement this provision.

AB 2299 (Silva [R]) Maintenance of the codes.

Status: 05/05/2008-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.
Current Location: 05/05/2008-S JUD.

Summary: Existing law establishes the California Law Revision Commission. Existing law authorizes the commission to recommend changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law and bring the law into harmony with modern conditions. This bill would make changes to the terms used to describe recording technology to effectuate the recommendations of the commission to CCP 2025.560 and B&P 8027. The bill would make additional technical, nonsubstantive changes.

AB 2448 (Feuer [D]) Courts: access to justice.

Status: 05/15/2008-Referred to Com. on JUD.
Current Location: 05/15/2008-S JUD.

Summary: This bill would, beginning July 1, 2009, revise and recast these provisions to provide, instead, that an initial fee waiver shall be granted by the court at any stage of the proceedings at both the appellate and trial court levels if an applicant meets specified standards of eligibility and application requirements. The bill would authorize the court to reconsider the initial fee waiver and to recover fees and costs that were waived under specified circumstances. Among other

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things, the bill would impose a lien in favor of the court against any settlement, compromise, award, or other recovery in excess of \$10,000 by a party in a civil case whose court fees and costs were initially waived in the amount of those waived fees and costs. The bill would require the Judicial Council to adopt rules and forms to establish uniform procedures to implement these provisions, and would require applicants for an initial fee waiver to complete application forms under penalty of perjury. (By the court being able to recover fees that were previously waived, it helps maintain the portion of the filing fees that are charged by the AOC to offset the court reporters in civil.)

AB 2884 (Portantino [D]) Court reporters: rough draft transcript.

Status: 05/27/2008-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Current Location: 05/27/2008-S JUD.

Calendar of Events: 06/10/08 1 p.m. – Room 112 SUPPORT AND OPPOSITION LETTERS DUE NO LATER THAN 5 P.M. 5/29, IN ROOM 2187 SEN JUDICIARY

Summary: This bill would provide that the instant visual display of the testimony or proceedings, or both, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. The bill also would prohibit the citation or use or distribution of the instant visual display of the testimony or proceedings, or both, to rebut or contradict the official certified transcript of the proceedings.

AB 3037 (Eng [D]) Boards and commissions.

Status: 05/27/2008-To inactive file on motion of Assembly Member Torrico.

Current Location: 05/27/2008-A INACTIVE FILE

Summary: Existing law creates various

boards to license and regulate professions and vocations and other matters. Under existing law, the Joint Committee on Boards, Commissions, and Consumer Protection is required to determine if a public need exists for the continued existence of a board based on specified factors. This bill would also require the committee to consider as a factor whether the functions of the board would be accomplished more effectively if the board were replaced by a single executive officer. Included is the Court Reporters Board.

AJR 38 (Levine [D]) Training for Realtime Writers Act of 2007.

Status: 08/27/2007-Referred to Com. on JUD.
Current Location: 08/27/2007-A JUD.

Summary: This measure would urge the Congress of the United States to enact legislation that would provide competitive grants for training court reporters and closed captioners.

SB 145 (Corbett [D]) Court facilities.

Status: 01/07/2008-Placed on inactive file on request of Senator Corbett.

Current Location: 01/07/2008-S INACTIVE FILE

Summary: Existing law requires the Judicial Council, in consultation with the superior court of each county and the county, to enter into agreements concerning the transfer of responsibility for court facilities from that county to the Judicial Council. Transfer of responsibility may occur not earlier than July 1, 2004, and not later than June 30, 2007. Existing law requires counties to remit to the state, for deposit in the Court Facilities Trust Fund, county facilities payments composed of the costs of various items related to court facility operation and maintenance. This bill would extend the deadline for the transfer of responsibility for court facilities to December 31, 2008. The bill would require that any

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transfer agreement that is executed on or after January 1, 2008, and on or before June 30, 2008, contain a requirement that the county pay an additional amount annually, to be calculated pursuant to a specified method. The bill would provide that the county is not required to make the additional payment if the county, before January 1, 2008, has submitted a proposed county facilities payment in connection with court facilities. The bill would further require that any transfer agreement that is executed on and after July 1, 2008, contain a requirement that the county facilities payment be calculated pursuant to the greater of 2 specified methods. The bill would make related, conforming changes. This bill contains other related provisions and other existing laws.

SB 797 (Ridley-Thomas [D])

Professions and vocations.

Status: 05/27/2008-Read second time. To third reading.

Current Location: 05/27/2008-A
THIRD READING

Calendar of Events: 05/29/08 100 ASM
THIRD READING FILE

Summary: Existing law authorizes the Court Reporters Board to, among other things, appoint an executive officer and employ other employees as may be necessary. These provisions will become inoperative on July 1, 2008, and be repealed on January 1, 2009. This bill would extend those dates, making the provisions inoperative on July 1, 2011, and repealing them on January 1, 2012. Other consumer boards are included in this bill.

SB 823 (Perata [D]) Private postsecondary

education: California Private Postsecondary Education Act of 2007.

Status: 08/31/2007-Hearing postponed by committee. (Refers to 8/30/2007 hearing)

Current Location: 08/31/2007-A APPR.
SUSPENSE FILE

Summary: The Private Postsecondary and Vocational Education Reform Act of 1989 generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, INCLUDING PRIVATE COURT REPORTING SCHOOLS, as defined. The act establishes in the Department of Consumer Affairs the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act. This bill would recast, revise, and reenact the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 as the California Private Postsecondary Education Act of 2007. The bill would establish the Board for Private Postsecondary Education in the Department of Consumer Affairs, and would provide that the board would generally succeed to the duties assigned to the bureau under the 1989 act. The bill would repeal the California Private Postsecondary Education Act of 2007 on January 1, 2015. This bill contains other related provisions and other existing laws.

SB 971 (McClintock [R]) Government reorganization: realignment or closure.

Status: 02/01/2008-Failed Deadline pursuant to Rule 61(b)(3). Last locations was APPR.
SUSPENSE FILE

Current Location: 02/01/2008-S DEAD

Summary: This bill would enact the Bureaucracy Realignment and Closure Act of 2009. Beginning on January 1, 2009, the Controller, the Director of Finance, the Legislative Analyst, the Legislative Counsel, the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, and the State Auditor would be required to develop recommendations for the closure or realignment of state bureaucracies, INCLUDING THE COURT REPORTERS

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BOARD, for consideration by the commission. It would require the commission to independently evaluate the recommendations, conduct 3 public hearings, and, by January 1, 2010, have at least one member of the commission visit each state bureaucracy considered for realignment or closure. This bill would require the commission, not later than July 15, 2010, to submit a report of its final recommendations to the Governor and the Legislature that establishes a list of state bureaucracies that are proposed to be realigned or abolished. It would require the Governor, upon approval of the list of recommendations, to prepare the list as a reorganization plan and to submit the plan to the Legislature under the provisions relating to the Governor's reorganization plans.

SB 1150 (Corbett [D]) Courts: judgeships.

Status: 05/22/2008-Set, first hearing. Held in committee and under submission.

Current Location: 05/22/2008-S APPR. SUSPENSE FILE

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 authorize 50 additional judges, upon appropriation by the Legislature in the 2008-09 fiscal year, to be allocated to the various county superior courts, pursuant to uniform criteria approved by the Judicial Council.

SB 1182 (Ackerman [R]) Trial courts: restructuring.

Status: 05/01/2008-To Com. on JUD.

Current Location: 05/01/2008-A JUD.

Calendar of Events: 06/10/08 9 a.m. - Room 4202 ASM JUDICIARY

Summary: Existing law provides for the restructuring of the trial court system, including the abolition of municipal courts,

the unification of those courts with superior courts, and state funding of trial courts. This bill would delete provisions that have become obsolete as a result of that trial court restructuring.

SB 1320 (Dutton [R]) Death penalty: appeals.

Status: 04/15/2008-Set, first hearing. Failed passage in committee. (Ayes 3. Noes 20. Page 2343.)

Current Location: 04/07/2008-S PUB. S.

Summary: Under existing law, for all cases in which a sentence of death has been imposed following a trial that was commenced on or after January 1, 1997, the record on appeal must be certified in 2 stages, one for completeness and one for accuracy, as specified. Existing law provides time limitations for both stages of certification, as specified. Under existing law, trial counsel is required to notify the court of any errors in the transcript he or she incidentally discovers while reviewing the transcript in the ordinary course of trial preparation. This bill would, instead, require that the record be completely certified within 90 days after entry of the imposition of the death sentence, unless the record exceeds a certain page limit or good cause is shown, as specified. The bill would require trial counsel to alert the court as to any errors in the transcript of the proceedings, as specified. This bill would require the clerk of the court to keep a comprehensive journal of proceedings on a form developed by the Judicial Council which would include specified information related to all proceedings culminating in the imposition of the death sentence, as specified. This bill would require that the journal, the clerk's transcript, and the court reporter's transcript be delivered to the court and trial counsel within 30 days of the imposition of the death sentence. Following the imposition of the death sentence and prior to the 90-day deadline to certify the record, this bill would

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require the court to hold one or more hearings with counsel to address the completeness and the accuracy of the record, as specified. This bill would provide that once the record has been certified, appellate counsel could bring a motion for reference to the trial court during the appeal process for correcting the record, as specified. This bill contains other related provisions and other existing laws.

SB 1407 (Perata [D]) Court facilities: financing.

Status: 05/29/2008-From THIRD READING: Read third time. Passed Senate to ASSEMBLY.

Current Location: 05/29/2008-S ASSEMBLY

Calendar of Events: 05/29/08 47 SEN THIRD READING FILE

Summary: (1) The Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified. The bill would require the Judicial Council to make recommendations to the Governor and the Legislature for projects based on its determination that the need for a project is most immediate and critical. (3) Existing law imposes various fees for filing specified documents in connection with certain civil proceedings. Existing law also imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security and court facilities. Supplemental penalties and fees are imposed upon specified parking offenses and persons ordered to attend traffic violator school. Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations. This bill would increase those fees, and would provide for a specified portion of those fees to be deposited into the Immediate and Critical

Needs Account of the State Court Facilities Construction Fund, as described in (1) above. The bill would make other conforming changes. (4) This bill would declare that it is to take effect immediately as an urgency statute.

SB 1490 (Padilla [D]) Employment: independent contractors.

Status: 05/22/2008-Set, first hearing. Held in committee and under submission.

Current Location: 05/22/2008-S APPR. SUSPENSE FILE

Summary: Existing law requires every person employing labor in this state to furnish reports or information to the Industrial Welfare Commission. Existing law requires that person to permit a member of the commission or employees of the Division of Labor Standards Enforcement free access to the place of business or employment of that person to secure information or make an authorized investigation. That person is required to keep a record showing the names and addresses of all employees employed, and keep, for a period of not less than 2 years, at a central location in the state or at the plants or establishments at which employees are employed, payroll records showing the hours worked daily by and the wages paid to employees employed at the respective plants and establishments. Under existing law, a person who willfully fails to maintain these records or permit a member of the commission or employees of the division to inspect records is subject to a civil penalty of \$500. A person who neglects or refuses to furnish the information requested by the commission, refuses access to his or her place of business, hinders the commission or employees of the division, or fails to keep any records required by this provision is guilty of a misdemeanor. This bill would require a person employing labor in this state to provide to an individual hired as an independent contractor, when that individual is hired, a form that

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includes a notice that the individual has been hired as an independent contractor, a statement explaining the impact that the individual's status as an independent contractor has on his or her tax obligations and eligibility for labor and employment protections, and a notice that the individual may request a written determination from the Employment Development Department as to whether the individual is an independent contractor or employee. The bill would require the person employing labor in this state to maintain, for a period of no less than 2 years, records of the independent contractors hired by that person which include specified information concerning each independent contractor, and to make these records available for inspection by a member of the commission or an employee of the Department of Industrial Relations or the Employment Development Department. The bill would provide that a person who willfully fails to maintain these records or permit a member of the commission or employees of those departments to inspect those records is subject to a civil penalty of \$500. The bill would also provide that a person who neglects or refuses to furnish information requested under this provision, refuses access to his or her place of business, hinders the commission or employees of

those departments, or fails to keep any records required by this provision is guilty of a misdemeanor. By expanding the definition of an existing crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1583 (Corbett [D]) Employment: independent contractors.

Status: 05/22/2008-To Com. on JUD.

Current Location: 05/22/2008-A JUD.

Calendar of Events: 06/10/08 9 a.m. – Room 4202 ASM JUDICIARY

Summary: Under existing law, a person who knowingly enters into a contract for services that require an independent contractor license with a person who does not meet the burden of proof of independent contractor status, as prescribed, is subject to a civil penalty of \$200 per person so contracted for each day of the contract. This bill would provide that a person who knowingly advises another person to treat an individual as an independent contractor to avoid employee status for the individual shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor.

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.

