

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

OCTOBER 2019

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PRESIDENT'S MESSAGE

DIANE FREEMAN, CSR, RPR, *CalDRA* PRESIDENT

When I took the oath last February in Santa Barbara to lead the California Deposition Reporters Association, several past presidents and officers told me "If everyone likes you, you're not doing a good job." I must be doing a fantastic job!

This year has been a challenge so far, as you all know, having seen it being played out on Facebook. I believe productive discussion and lively debate lead to solutions, but we must keep our minds and hearts open. Sometimes we are our own worst enemies (speaking for myself).

Where do we go from here?

I am optimistic because, as we all know, there is nothing that can replace a human stenographic reporter at capturing a verbatim record.

I am optimistic because we have some incredibly brilliant young reporters gaining experience by virtue of senior members sharing their knowledge and experience. CalDRA has the distinction of having dedicated past board members who continue to participate, contribute, and serve.

I am optimistic because we have legislators on our side. CalDRA has been working on firm registration since 1999. We are closer than ever, thanks to Assemblymember Evan Low, Chair of the Assembly Business and Professions Committee, and Robert



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ASSOCIATION DEDICATED TO
THE FREELANCE
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PRESIDENT'S MESSAGE

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Sumner, Chief Consultant, advocating tirelessly for California CSRs. When AB 1520 was gutted in the Appropriations Committee, our board was surprised and disappointed, having spent so much time and effort on educating our members about it. The wheels of justice turn in mysterious ways. These two powerful legislative advocates immediately drafted AB 1469, a new bill with the same purpose.

Then we get hit with AB 5. Thank you Todd Olivas and Ed Howard for putting on the educational podcast to help our members understand this bill and its consequences. I am optimistic we will succeed in 2020 in exempting CSRs from being categorized as employees.

Thank you, President Elect Erika Sjoquist and Vice President Mary Pierce, for stepping up on the board, without hesitation, to fill the void when two of our officers resigned. I do not know anyone more qualified than you two, and I am honored and grateful to you both.

My heart is also full of gratitude for our three brave new district reps who joined our board during this tumultuous time.

Veronica Guerrero. We met in Sacramento when she was a CSR candidate taking that dreaded test. I immediately knew she was special. I am so excited to work with her and watch her become a great leader.

Stephanie Biard Leslie. She generously offered her office for our Protect The Record meeting. I was impressed with her generosity and warmth. Stephanie is not only taking care of a husband and two children, she is also running her own court reporting firm.

Althea Miller. I have so much admiration, respect, and love for Althea Miller. I have known her for almost 30 years. A successful businesswoman, great friend, role model, and incredible reporter. Althea sold her successful reporting firm to Chase Litigation, formerly owned by Lisa Michaels, now owned by Linda Nelson.

We still have a lot to accomplish this year. NCRA's A to Z program, headed by Brooke Ryan, needs our support. We need to invest in our students, the future of stenographic reporting. We need to build our relationships with state and local trial attorneys.

Send your concerns, encouragement and ideas to your district representative, who will bring them to our board meeting. Better yet, bring them yourself. All members are welcome to attend. We love to see members at our board meetings, showing an interest in this awesome profession. Please RSVP to your district rep if you plan to attend.

Thank you to all who have sent me your concerns, along with encouraging, supportive messages. I love this profession, and I am honored to be able to serve.

DIANE FREEMAN, CSR, RPR,
CalDRA PRESIDENT

MONYEEN BLACK HITS THE ROAD

BY MONYEEN BLACK



About 10 years ago I purchased my first motorcycle after completing the Motorcycle Safety Class in Paso Robles. I was hooked. I had always ridden double up with my husband, but he thought I should take the class just so I had my license. Fast forward some years and we started doing long-distance riding, mostly completing Iron Butt Saddle Sore 1000s, which is riding over 1000 miles in under 24 hours.

Court reporting is very similar to long-distance motorcycle riding.

- I am a long-distance motorcycle rider. I ride 1,000-mile+ rides in under 24 hours - just like pulling an all-nighter to produce an expedite.
- Riding takes focus - just like listening to a mumbling attorney and/or witness.
- Having the correct riding gear makes the ride that much more enjoyable - just like having a great steno machine or a DYMO or a back rest.
- Riders always practice their skills - just like many reporters practice or attend seminars to learn new tips.

My husband Keith and I got to do an amazing motorcycling adventure this summer. He had to be in Milwaukee to attend a conference and so we decided to make a trip of it on our motorcycles. This would be the biggest trip we have taken.

We knew the trip to Milwaukee we would complete an Iron Butt Saddle Sore 1000 (although we had wanted to do a Bun Burner

Gold originally which is 1500 miles in 24 hours). We had a few different routes picked out over the months we were planning this trip and last minute decided to head north to avoid the heatwave that was hitting through Las Vegas when we were scheduled to leave on our trip since we were concerned about dehydration. The plan was to just knock out miles going there and on the way back we would play more tourists.

The one thing I really wanted to see was Mt. Rushmore for the illumination viewing at night. I had wanted to check out Crazy Horse monument, ride through Sturgis just to see the town, maybe get to Chief Joseph's Highway. Nothing was set in stone, only making hotel reservations a few hours before we had planned to arrive into a city. We basically followed wherever the front wheel took us, and it was pretty amazing!

We left our house in Paso Robles about 4:15 a.m. When you are completing an Iron Butt ride, you must document each stop and obtain receipts at each location; this is how you prove the route you took. Our goal was to end up in Rexburg, Idaho, that night. It was a great ride. Ended up at 1032 miles.

The next day was going to be another long one. We left Rexburg and the goal was to go to Bismark, North Dakota. It was slow going as we traveled through West Yellowstone since there were still a lot of tourists in the area. We rode 728 miles and really enjoyed the countryside. Heading north was the smart thing to do. We had weather that was just perfect.

611 miles on our third day ended us in Eau Claire, Wisconsin. Now, we could have made it all the way to Milwaukee, since it was only another 248 miles, but we stayed in Eau Claire for the night so we had a short ride the next day and wouldn't be tired for Keith's conference.

In 3.5 days we rode 2533 miles. It was just awesome.

After the conference it was time to enjoy the ride as we were not on a schedule to return home. We knew we were Mt. Rushmore bound but wasn't sure when we would arrive there. Well, we both felt good riding and decided to ride straight through and would arrive 918 miles later to the illumination viewing at Mt. Rushmore. It was very cool.

CONTINUED ON PAGE 5

"MONYEEEN BLACK HITS THE ROAD"

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The next morning we got to ride through Sturgis, check out the Spearfish Scenic Bypass, and make our way south to Colorado. We hit crazy weather in Wyoming which consisted of lots of lightning, quarter-sized hail, and 60 mph gusting winds. After many miles of that, we finally found an underpass to park under until the hail stopped.

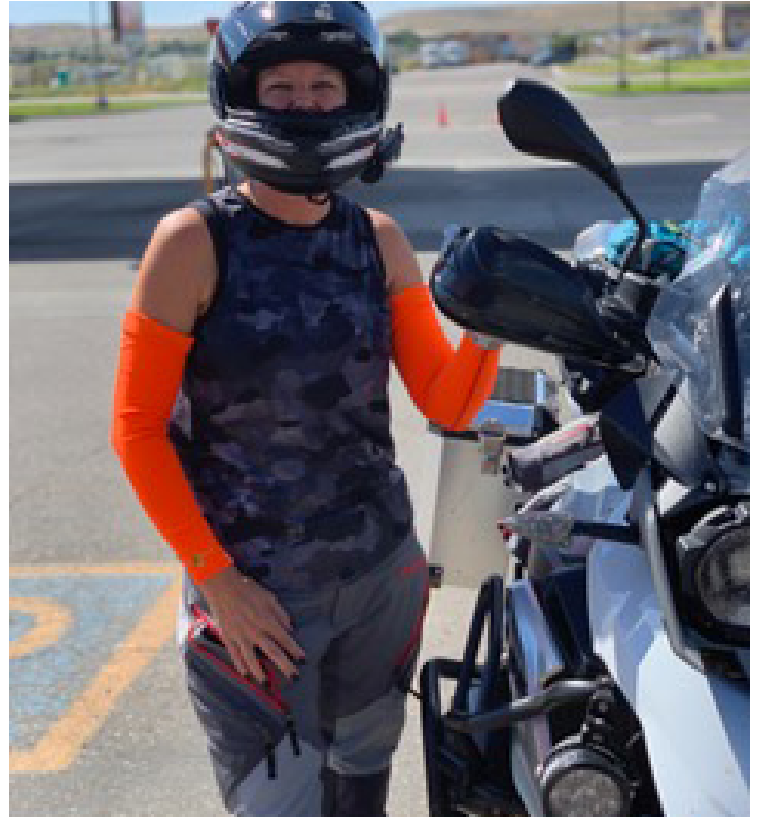
From Ft. Collins, Colorado, we were able to ride a dirt road up to the Rocky Mountain National Park to an elevation of over 12,000 feet. Just beautiful views to take in from a motorcycle. I also saw a mountain goat up high in the canyon that made me squeal with excitement.

Next stop was Grand Junction and traveled 404 miles to where the weather got h-o-t. When we left Ft. Collins, it was only 56, but temperatures rose almost 50 degrees to 104. This is where being prepared is helpful. We have these sleeves that you wet and wear under your riding jacket and the air coming up your cuffs makes you feel like you have air conditioning on. It helps to keep you cool and make the ride a little more bearable when conditions are on the hotter side.

We were excited for the ride from Grand Junction over to St. George, Utah. Utah just has some beautiful scenery and we couldn't wait to take it in. It was an easy 408 miles as we stopped at each scenic view spot to take in the amazing landscapes. We got to ride some canyons and eat at some great spots along the way. But ending in St. George with 107 degrees meant it was time to jump in the pool and relax with a cold drink.

Strategically, we left really early to ride during the cooler temperatures for the last leg to get home. We also knew we'd gain an hour near Las Vegas. We jumped on our bikes at 4:00 a.m. It was crazy to ride through Vegas that early and it was still 92 degrees outside. This whole day we knew would be a "hot" ride and we had to stop every 60-90 minutes to wet our sleeves to keep the ride bearable. But we were so excited to travel the 526 miles home to see our black lab Enzo.

We utilize a Spot satellite tracker that was fun to share with our family and friends. We had a friend who is a pilot checking weather radar for us on our routes, parents Googling our locations and reading about where we were. Mostly, the Spot gave our parents peace of mind and excitement as they "traveled" alongside us.



Our trip consisted of 10 days of riding, 5285 miles, 31 fuel stops, 12 states, 8 hotels, 2 tires (changed in Colorado), 1 hailstorm, 1 Saddle Sore 1000 Iron Butt

Would we do it again? Absolutely. The next trip we'd like to do is go up to Canada and hit Jasper, Banff, and Glacier parks. Can't wait to start planning it.



IN IT FOR THE LONG RUN

BY KYUNG LEE-GREEN, CSR

Good morning,

How is everyone doing? Do you guys see those per diems? Awesome, isn't it?

But let's not lose sight of the long-term goal. Building relationships with agencies and raising rates. They need you now. Will they need you tomorrow? Will they want you tomorrow?

Well, that depends on how you conduct yourself today. Professionalism, grace, responsiveness, timeliness, communication, exemplary product is what's going to raise you above the rest. Yeah, right now they'll take a body, but you want to be the first body they think of.

That does not mean drop your rates. That does not mean roll over and take one for the team. That does not mean be rude to agencies or calendar if you don't get what you want. Just like you have every right to ask for what you want, they have every right to say no. But so do you. But both of you sitting there saying no isn't going to get either of you anywhere.

Realize it is no this time and move forward. Keep asking for what you want. But see if you can accommodate somewhere else. Make them realize you're the best person for a job.

If you accept a job, take the job. Better offers may come along, but you made the commitment, stick to it. Don't take the emergency if your job to another agency is going to be late. You made the commitment, get it done.

If an emergency comes up or you're being requested, don't leave the agency in the lurch. Help them find replacements. I bring a network of reporters with me that I can ask to help me out, and they know I won't be dumping a less-than-stellar job on them.

Prove your worth to them. While you're accepting those rates, make sure you're getting them to look at and accept your rates. You don't want one-offs. You want a regular stream. Burning through agencies is going to leave you burned out.

Network, network, network. Obviously, there's room to raise our rates. Where are these per diems coming from? Maybe the agency is eating it. Well, I doubt the smart ones will keep doing that. They'll have to raise their rates sooner or later.

And if the market changes and rates drop, hopefully your rates are dropping from the higher rate you've negotiated rather than the old less-than-stellar rate.

Food for thought.

*Copied by permission from Facebook posting
by Kyung Lee-Green on 4/25/18*

Kyung Lee-Green's blogposts are on
<https://socialcourtreporters.wordpress.com/>

CSR EXAM WORKSHOP - WHO KNEW GIVING BACK COULD BE SUCH FUN

BY HOLLY MOOSE

Have you ever participated in a Court Reporters Board workshop to help create the CSR exams? Whenever I'd get the email requests, I'd think "Nah, too busy," "Nah, too boring," "Nah, too scary; I don't know how to do it!" Then I tried one and had a ball. Headed to Sacramento on a Thursday in order to be there bright and early Friday morning to start work. Checked into the hotel and discovered three or four friends in the lobby who had also signed up for the workshop. What a nice surprise! Went to dinner together, had a great time. Unexpected opportunity to catch up before reporting for duty.

Friday morning, we buckled down. This particular workshop was Exam Construction. Its purpose is to choose a certain number of written questions created by volunteers in the Item Writing workshop. There were six of us participating this time. We were each given a workbook containing several questions designed to test for grammar, punctuation, vocabulary and word usage. Individually we went through our books, choosing a predetermined number that we felt were fair questions, making sure not to include any that would tip the candidates off to the answer to a different question on the same test. As a group, we discussed everyone's chosen questions and debated whether they were keepers or should be tossed out. In the end, the questions with the most number of votes were set aside to use on a future CSR exam. Knocked off mid-afternoon after a lunch break and headed back to the hotel for happy hour and dinner together again. Finished up midday Saturday and headed home. All in all, a GREAT weekend.

For the Passing Score workshop, volunteers take both legs of the actual CSR test that is scheduled to be given next, Professional Practice and English. It's a real eye opener! I found myself thinking, "Wow, I don't remember being expected to know this; wow, that's hard; wow, that's a no-brainer." Afterwards, the group goes over each question and everyone calls out a number that represents the percentage of people they feel will answer that question correctly. Not how many should, but how many will. All the percentages are averaged, and that becomes the passing score for the next exam.

The Skills workshop is where you learn how to write the tests: how to choose your material, how to mark it in 25-word segments, how to count the syllables in each segment, how to delete or add different words to come up with the right number of syllables. It is not easy, but it's so rewarding when you complete a test that you know is fair and gettable. It's like a puzzle, and I love puzzles.

No matter which workshop I participate in, I come away feeling SO fulfilled and so proud to be a part of this profession. It's wonderful to be able to give back. There is nothing better than spending a weekend with colleagues. Reporters love to be with other reporters. So many stories to tell! What's not to like? Give it a shot! If you have a group of friends who want to do it, email Kim Kale at the CRB and she will reserve a spot for all of you, if they're available. Hotel and airfare are reimbursed if you live more than 50 miles away. Mileage and tolls are reimbursed regardless of how far away you live. And you get paid \$150!

Who knew giving back could actually be quite fun!

KNOWING WHEN IT'S OKAY TO GO OFF THE RECORD AND WHEN IT'S NOT

FACEBOOK POST BY JOHN TAXTER, CSR
(reprinted by permission of the author)

Sorry about the length of this post, but I just want to illustrate to newer reporters the importance of getting agreement of all counsel BEFORE going off the record with my experience Tuesday.

Worst nightmare with contentious pro per plaintiff in a federal case with seven-hour limit with videotape and agency's best client. Drove up to San Jose from LA last minute because of the shortage. 375-plus page expedite is the good news.

It's quickly apparent plaintiff would be a... vexatious litigant but for the fact she had actually won a case against Walmart, so I'm now on notice not to let anything go wrong procedurally. She has seven or eight cases under her belt. She's actually filed suit against a federal judge as a result of one of her other cases! I don't want to be the next defendant in her crosshairs.

Of course, plaintiff won't agree to go off record multiple times because she wants to get the seven hours on the record in one day and has to leave at 4 pm to go to work. Videographer was not helping by going off the video record BEFORE I could get agreement, so I KEEP WRITING. This happens multiple times during the day.

My client is obviously irritated I'm not going off the record at her instruction. I apologize on the record that I can't go off without agreement. When we finally go off record for lunch, she checks with her managing partner about how I'm handling things. He lets her know I'm correct, thank God, so the client was okay. I hear this from the agency after the depo because the managing partner had contacted them.

We also have trouble going on the record because noticing attorney doesn't know any attorney can decide to go on the record. When that happens, if the noticing party refuses to pay for that part of the transcript, it's up to us to instruct whoever wants to go on the record that it will be on their dime, then contact the agency so they can either get a deposit or credit approval.

We also have more trouble at the end with federal read and sign because nobody knows the federal rules.

All this to say many, many, many attorneys don't understand or know the California code or federal rules and they will want it done their way, so BE PREPARED to do the right thing and EXPLAIN WHY YOU ARE DOING SO. Find your voice and put on your poker face and calmly convey that information. At the end of the day, you will feel real empowerment and confidence in your professionalism. Keep calm and carry on (and always ask all parties to verbally agree to go off record and keep writing until they do).

P.S. I have some attorneys who actually thank me when I ask them to go off record, and they're impressed that I know and follow the code/rules. Unfortunately, they also say most reporters don't get their verbal agreement. This is something we should ALL be doing.



AskDRA

BY ANTONIA PULONE, DEPO DIPLOMAT

DEAR DEPO DIPLOMAT:

Hello, Toni. I've received an urgent request for a copy of Volume 3 of a depo our office reported and transcribed in March of 2013. There is a new case in which the litigants involved are the same entities, but the roles of plaintiff/defendant are now reversed, new case number, etc., and there are upcoming depositions in the new case this week. One of the parties has retained a new attorney, and he has requested a copy of Volume 3 of a deposition taken of their client on the previous matter. He was provided copies of Volumes 1 and 2 from prior counsel, but they cannot locate the third volume, and therefore they contacted my office.

Am I able to simply sell or provide a copy of Volume 3 under this scenario, or am I obligated to abide by CCP 2025.570? Also, if prior counsel has already paid for Volume 3, do I still charge for a copy or simply provide a replacement? I am new to the firm owner role and just don't want to get myself in any hot water. I need your expertise!

Thanks in advance.

DEAR DRA MEMBER:

From what you've described, it sounds as though the request for Volume 3 is coming from a party or attorney for a party involved in the previous case your office reported in March of 2013. If I'm correct about that, then it would not be necessary to go through the notification procedure set out in CCP 2025.570, because a party is making a request for another copy of that 2013 deposition.

What I'd suggest is that you ask the attorney to send you an email – in order to expedite this request and keep this simple for him – stating that this copy request is being made by his client, Mr. or Ms. XXXX, who was a party to this 2013 case in question, and to please send the copy to him on his client's behalf. If you explain that this will allow you to provide the transcript immediately and avoid at least a 30-day delay per CCP 2025.570, he should understand that your request is for his benefit.

Whether or not you choose to charge for this copy is up to you, but I believe that a charge would be justified. If you offer a lower page rate that applies to second copies ordered, you might wish to charge based on that.

If you have any follow-up questions on this issue, please don't hesitate to contact me again.

Best to you, and thank you for your continued support of CalDRA

ANTONIA PULONE

DRA STUDENT PICNIC

SEPTEMBER 7, 2019 - DON KNABE PARK – CERRITOS, CA

On September 7th, nearly 40 court reporting students and approximately 15 working court reporters gathered on a sunny afternoon in Cerritos to socialize with, educate and encourage the future generation of reporters in California. There was a riveting panel discussion, knowledge-testing games and the best water balloon fight I've ever seen!

As this came on the heels of the best CSR exam test result that we've had in years, the air was abuzz with opportunity and possibilities. Chaired and organized by

Jamie Asbury, with the dedicated support of Trina Utley Cox and Devon Willard, with helping hands from Cheryl Haab, Stephanie Leslie, Sally Poppe and Mary Pierce, as well as countless other money and raffle donors, the event was a hands-down success.

Keep it up, ladies and gentlemen! We are here to support you as you continue your pursuit of this wonderful career and look forward to you being on a future panel to tell your success story to the next generation of students!



DRA FALL SEMINAR OCTOBER 21ST, 2019 – RIVERSIDE, CA

The Fall Seminar in Riverside was a wonderfully successful event, with a full room of reporters who got a demonstration in remote reporting from the Zoom queen, Jamie Asbury, followed by Ron Cook educating us on his on unique tricks and writing techniques that make him the speed and realtime champion that he is. After lunch we were treated to relaxation and calming tips, which came just in time to get us in an open state of mind before Ed Howard, Diane Freeman, Cheryl Haab and Erika Sjoquist took to the dais to talk about the current

state of legislation in California – namely AB5 and AB1520 (and 1469). Although we were not able to gain exemption from AB5 the first go-round, we will be working on this again very soon, with the hope of fixing this legislative oversight next year.

It was great to see everyone there – and meet in person several reporters with whom I’ve corresponded in the past via phone and/or email – and look forward to seeing many of you in Sacramento next February.



DEPO SNIPPETS

Q. Okay. Well, explain that -- explain that to me.

A. Well, when I measure that --

Q. And I have to tell you right away, I was an English major.

A. Okay.

Q. So explain it like you would explain it to an English major.

A. There once was a horse...

MR. SMITH: Do you want me to stop?

MR. JONES: No, keep going. You're beating a dead horse that's bleeding on the ground at this point gasping for breath.

MR. BLOCK: It's not dead yet.

MR. JONES: It's almost dead.

SUBMITTED BY MONYEEN BLACK

MR. SMITH: Objection. That question is leading. It is compound. And sir, please don't stand up and point your finger at me ever again. That is rude, it is unprofessional, and I will not tolerate it. So move on. Ask your questions. I will continue to make my objections, but I will not be baited into an argument with you, Mr. Wesson. You continue to want to do it. I will not be baited, sir. So let's move forward.

MR. WESSON: You will not be baited? Mr. Smith, you are the master of baiters. And you are trying to bait me right now.

SUBMITTED BY ANNE TORREANO

Q. How often were you having sexual activities prior to the accident?

A. Every day. Maybe twice a day, maybe three. Something I liked.

SUBMITTED BY MARY PIERCE



DRA BILL WATCH

ANTONIA PULONE, CHAIR, LEGISLATIVE COMMITTEE

Our California legislature has recently completed the first year of the current two-year session. All bills introduced this session that were passed by both the Assembly and Senate and made it onto the Governor's desk have been or may still be signed -- by October 13th -- into law by the Governor, will be allowed to become law without his signature or will be vetoed and die. Bills that did not complete that course through both houses but are still alive, that were not killed in committee, may be pursued for passage in the second year of this session. All the bills that become law with or without the Governor's signature and are chaptered, unless they are deemed to be urgency measures, will go into effect January 1 of 2020.

As always, CalDRA's legislative committee has been following the bills listed below under the guidance of our skilled attorney and lobbyist, Ed Howard, for any developments that may impact our court reporting profession, and we will keep you updated by means of these reports with every newsletter and by enotes when we have breaking news to share with you.

Please note that the status of each bill below was current as of October 5, 2019.



ACR 24 (STONE)

Summary: This Assembly Concurrent Resolution proclaimed that February 9 to February 16 of 2019 was to be observed as California Court Reporting and Captioning Week, to honor all reporters and captioners as guardians of the record.

Support/Opposition: Supported by both DRA and CCRA; no opposition on file.

Status: Passed by both houses. Chaptered by Secretary of State, 3/19/19.

AB 5 (GONZALEZ)

Summary: This bill's intent was to codify the Dynamex decision by including provisions in the CA Labor Code that would clarify its application in State law. The "ABC" test, which resulted from the Dynamex case, expanded on the definition of employment versus independent-contractor status. The "B" factor caused us the most concern, as it requires "that the worker performs work that is outside the usual course of the hiring entity's business" in order to be classified as an independent contractor.

Given the possible implications to freelance reporters and agencies, DRA's legislative committee submitted a formal request to the bill's author for the exemption of freelance reporters from the bill, which included a thorough explanation

of both why freelance reporters fit the model of ICs and why IC status benefits us financially. Ed Howard, our determined lobbyist, met with the author's staff and followed up frequently to pursue our exemption; nevertheless, we were not included in the amendments that exempted other trades and professions from the bill.

It is anticipated that one or more clean-up bills will be introduced in this next session, as a number of other trades and professional associations requested exemptions from the application of the "ABC" test that they did not receive, so DRA's legislative committee will continue to watch for further developments that will follow regarding the passage of AB5.

Support/Opposition: Supported by SEIU, AFSCME and a lengthy list of CA labor organizations. Opposition by a lengthy list of professional associations and a number of Chambers of Commerce.

Status: Passed by both houses. Signed by the Governor, 9/18/19.

AB 71 (MELENDEZ & KILEY)

Summary: Rather than relying on the "ABC" test which resulted from the Dynamex case, this bill would determine employee versus independent-contractor status based on a multifactor test, including whether the hiring entity has control over the manner and means of performing the work involved. As this had important consequences for reporters and reporting agencies, we also closely followed the progress of this bill.

CONTINUED ON PAGE 14

DRA BILL WATCH

CONTINUED FROM PAGE 13

Support/Opposition: None on file.

Status: Amended on 2/25 and re-referred to the Committee on Labor and Employment. Never heard in committee, so did not progress.

AB 190 (TING)

Summary: Known as the Assembly's version of the Budget Act of 2019, the bill would make appropriations for the support of state government for the 2019-2020 fiscal year.

Support/Opposition: None on file.

Status: Amended on 5/29 and re-referred to the Committee on Budget, but never heard in committee, so did not progress.

AB 199 (CALDERON)

Summary: Known as the CA Online Notary Act of 2019, this bill would allow notaries and notary applicants to register to be online notaries and authorize them to perform online notarial acts and online notarizations by means of audio-video communication.

Support/Opposition: Supported by the National Notary Association, CA Credit Union League. Opposed by the Escrow Institute of CA, East Bay Community Law Center, Electronic Frontier Foundation, Beverly Enterprises.

Status: Passed by the Assembly Committee on Business & Professions on 4/9. Referred to the Assembly Judiciary Committee and set for hearing there on 4/22, but the hearing was cancelled at the request of the author. Did not progress.

AB 253 (STONE)

Summary: Originally related to social-security number safe-keeping by California colleges and universities, it was amended on 6/13 into a bill to conduct a pilot project in Santa Clara Superior Court to study the potential use of remote court reporting. The remote reporting is to be performed by experienced official reporters and only in certain types of cases and to be located in the court's facilities, with an additional off-site location to be added after 180 days, if agreed upon by the court and the representative of the Santa Clara officials. The pilot project will terminate no later than 12/31/20.

Support/Opposition: SEIU (bill sponsor); no opposition on file.

Status: Passed by both houses; signed by the Governor 10/02/19.

AB 424 (GABRIEL)

Summary: This DRA-sponsored bill would clarify existing law that a stenographic transcript of a deposition recorded by audio or video must be prepared by a CA CSR.

Support/Opposition: CalDRA (sponsor) and Esquire Deposition Solutions, Inc.; opposed by Planet Depos. Threatened opposition by an attorney group led to the request for cancellation of the hearing by the Senate Judiciary Committee.

Status: Passed unanimously by Assembly Judiciary Committee. Passed by the Assembly and referred to the Senate. Referred to the Senate Judiciary Committee; set for hearing June 11; hearing cancelled at request of the author.

AB 496 (LOW)

Summary: This bill is a vehicle for technical changes and corrections to be made to the Business and Professions Code by the Chair (Low) of the Assembly Business & Professions Committee. It replaces all references of "licentiate" to "licensee"; replaces all gendered terms with nongendered terms; allows all appointing authorities to remove board appointees for certain causes; deletes references to boards and bureaus no longer in existence.

Support/Opposition: Supported by the ACLU; no opposition on file.

Status: Passed by both houses. Signed by the Governor 9/27/19.

AB 1385 (SANTIAGO)

Summary: Originally a bill regarding victim compensation, this bill was amended March 25th to address the issue of long-overdue increases in Government Code transcript rates. As last amended, the bill now would increase fees for court transcripts as of July 1, 2020 to \$1.13 per folio for the original, .20 per folio for the first copy ordered after the original or when multiple copies are ordered, and .26 per folio for the first copy not purchased with the original. It would also allow for an

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DRA BILL WATCH

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additional 50% to be charged for daily-copy service provided in all court proceedings in addition to civil cases. It would as well require the Judicial Council to report recommendations to the Legislature for uniformity in transcription rate expenditures in CA by January of 2022.

Support/Opposition: CCRA (Sponsor), SEIU, numerous county official reporter associations. Opposition by the CA Academy of Appellate Lawyers.

Status: Passed by the Assembly. In the Senate, referred to the Senate Appropriations Committee; in suspense file, held under submission.

AB 1469 (LOW)

Summary: Originally relating to electronic and appliance trade standards, this bill was amended 9/13 to ensure consistent regulation of corporations owned by board-certified reporters and those not owned by board-certified reporters by requiring registration with the Court Reporters Board of all non-CSR-owned entities. The CRB would be required to approve or deny an entity's registration based on specified requirements and findings; would require payment of an annual registration fee and designation of a board-certified reporter-in-charge; would make registration valid for five years; would provide for suspension and revocation of registration under specified circumstances; and would require the CRB to make available online a directory of registered entities.

Support/Opposition: None on file.

Status: Re-referred to the Committee on Rules 9/13/19. Will be heard in committee in the next session.

AB 1520 (LOW)

Summary: Known as the Sunset Review bill, this would extend the authorization for the operation of the Court Reporters Board from Jan. 1, 2020, to Jan. 1, 2024. It would also make an appropriation for the Transcript Reimbursement Fund. As last amended 9/06/19, the bill prohibits the Court Reporters Board from licensing voice writing or voice recognition technology, and states that the legislature intends to address the appropriate regulation of shorthand reporting by means of voice writing and voice recognition technology.

Support/Opposition: Supported by the Court Reporters Board and DRA; no opposition on file.

Status: Passed by both houses; signed by the Governor 10/02/19.

SB 16 (ROTH) (PRINCIPAL CO-AUTHORS, ASSEMBLY MEMBERS CERVANTES AND OBERNOLTE) (SENATOR STONE AND ASSEMBLY MEMBER MEDINA ALSO CO-AUTHORS)

Summary: The bill would, now with amendments, appropriate \$36,500,000 from the General Fund for 25 Superior Court judge positions. The Judicial Council would determine which positions to be funded. We are hopeful that officials to support these judgeships would also be established and funded.

Support/Opposition: Supported by Consumer Attorneys of CA (sponsors), Civil Justice Association of CA, CA Chamber of Commerce; no opposition on file.

Status: Passed by the Senate Judiciary Committee. Referred to Senate Appropriations Committee; held in committee and under submission.

SB 17 (UMBERG)

Summary: Upon order of the court following the stipulation of all parties in a civil action, this bill would require a party to provide an initial disclosure, including information related to discoverable information, within 45 days of the court order. Would also require a court to impose sanctions against any party, person or attorney who engages in conduct that's a misuse of the discovery process.

Support/Opposition: Author sponsored. Supported by the Consumer Attorneys of CA; opposed by the CA Association of Certified Family Law Specialists.

Status: Passed by both houses. Not yet signed by the Governor as of 10/05/19.

SB 73 (MITCHELL)

Summary: Also known as the Budget Bill of 2019, it would make appropriations for the State government for the 2019-2020 fiscal year.

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Support/Opposition: None on file.

Status: Referred to the Senate Committee on Budget and Fiscal Review; not heard in committee.

SB 179 (NIELSEN)

Summary: This would establish the Excluded Employees Arbitration Act, to permit an excluded employee who files certain grievances with the Dept. of Human Resources to request arbitration, and it provides a party to the arbitration the right to have a CSR report the proceedings, which would become the official record.

Support/Opposition: Supported by the CA Correctional Supervisors Organization (Sponsor), Association of Deputy Attorneys, Civil Justice Association of CA, and four other organizations. Opposed by the Department of Finance.

Status: Passed by the Senate 5/23/19. Referred to the Assembly. Ordered to the inactive file on request of Assembly Member Calderon.

SB 645 (MONNING)

Summary: In any civil action where the injury results in mesothelioma or silicosis, the deposition testimony of the plaintiff shall be limited to a total of seven hours, if a physician attests to the plaintiff's condition, raising medical doubt that he may not survive beyond six months. But on request of the defense, the court may grant up to three additional hours of testimony, not to exceed ten hours total, if there are more than ten defendants appearing at the deposition, and only if the court determines that the health of the deponent does not appear to be endangered.

Support/Opposition: Supported by Consumer Attorneys of CA (co-sponsors), State Building and Construction Trades Council of CA (co-sponsors), District Council of Iron Workers of the State of CA (co-sponsors), and 24 other organizations. Opposed by the CA Defense Counsel, Association of Defense Counsel of Northern CA and Nevada, Civil Justice Association of CA, and various law firms.

Status: Passed by both houses. Signed by the Governor 8/30/19.



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