

The Deposition Reporter

DEPOSITION
REPORTERS ASSOCIATION
OF CALIFORNIA

JANUARY 2020

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PRESIDENT'S MESSAGE

DIANE FREEMAN, CSR, RPR, *CalDRA* PRESIDENT

As we head to our 24th annual convention and I write my final newsletter message, I am truly filled with gratitude to all of you for affording me this opportunity to serve as your leader. I am honored and actually *thrilled* to join the ranks of past presidents. When I joined the board in February of 2014 as District 1 representative -- which, by the way, was my favorite position -- I had no idea what I was signing up for. I never in a million years thought I would be president, but it happened; I did it; it's just about over; and I am still alive. Not only alive, but a stronger, better person because of it.

This has been a year to remember, full of challenge, loss, health struggles, so many emotional ups-and-downs. Our CalDRA is a soft place to fall. We are there for each other every step of the way. The emotional support and kindness I have experienced this year has been overwhelming. I am humbled and grateful to my friends and to all the past and present board members who propped me up when I was ready to fall.

We are sorry to say farewell to COCRA, the California Official Court Reporters Association, founded in the late 1990s to focus on issues impacting official court reporters. COCRA's board recently made a difficult choice to dissolve the association, leaving a legacy of many important legislative accomplishments. CalDRA will continue to lend its support to official reporters, as we have always done. Currently, official reporters in San Francisco Superior Court are in negotiations for a new contract. The first opportunity to extend our support is to not cross their picket lines.



THE NATION'S LARGEST TRADE
ASSOCIATION DEDICATED TO
THE FREELANCE
DEPOSITION REPORTER

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BOARD OF DIRECTORS

PRESIDENT



DIANE FREEMAN,
CSR No. 5884, RPR
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PRESIDENT-ELECT



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Counties Represented: Alameda, Contra Costa, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma counties

DISTRICT 2



VERONICA GUERRERO,
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Counties Represented: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Tulare, Yolo and Yuba counties

DISTRICT 3



ALTHEA MILLER,
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Counties Represented: Los Angeles, Santa Barbara, and Ventura counties

DISTRICT 4



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County Represented: Orange County, plus all Professional Members residing in counties or states other than California or the USA.

DISTRICT 5



JAMIE ASBURY,
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County Represented: Imperial, Riverside, San Bernadino, and San Diego counties.

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CALDRA



CAL_DRA

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PRESIDENT'S MESSAGE

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I want to thank the founding members of CalDRA, twenty-two very dedicated CSRs with a vision. Though our profession has evolved and we have had to adapt to the changes, this association has never wavered in its dedication to the promotion of stenographic reporting and its focus on advocating for freelance reporters. No matter the obstacles, your CalDRA will always be there, stronger every year.

I am excited to announce that the focus of our advocacy agenda for the coming year will be on AB 5 (Dynamex) and AB 1469 (firm registration), both of which will have a significant impact on freelance reporters. Our AB 5 task force, headed by Todd Olivas, firm owner and prior CalDRA board member, is working feverishly to ensure that freelance reporters obtain an exemption from being classified as employees. AB 1469, firm registration with a reporter-in-charge model, authored by Assemblymember Evan Low, esteemed chair of the Business & Professions Committee, is supported by CalDRA, CCRA, and the Court Reporters Board. We are persistent and will not give up the fight to level the playing field between licensees and nonlicensee-owned agencies.

You asked. CalDRA listened. We are kicking off our 24th annual convention in Sacramento next month with a town hall to discuss these very important issues, as well as the rest of our legislative agenda for the upcoming year. This comes on the heels of our successful, positive legislative discussion at our fall seminar in Riverside. We are looking forward to a productive, collaborative session with you. Be sure to visit Caldra.org for more information and to save a spot, as space is limited.

I want to extend a huge thank-you to our lobbyist, who has worked tirelessly for the past 14 years on behalf of CalDRA. To quote John Squires from our January 2010 newsletter, "We happen to have the best lobbyist in the country, and we are not interested in letting him go." He is still with us and still the best. Thank you, Ed Howard!

Our January 11, 2020 board meeting in Los Angeles was a huge success. We had a roomful of involved members as our guests. Several of them commented on how impressed they were by the camaraderie and professionalism of this board. We don't always agree, but we discuss, debate, take a vote, and move on, respecting the majority's decision. Thank you to all the members who attended and contributed to the discussion and for joining us in toasting our dear legislative guru, Antonia Pulone, for her birthday celebration, with champagne and yummy homemade tarts, courtesy of Mary Pierce and Vicki Saber. Amazing, the hidden talents behind the faces of CalDRA.

This is a working board, and there is a lot of work ahead. CalDRA is in good hands with Erika Sjoquist, our Jedi Warrior, at the helm.

Your faithful servant, signing off for the last time.

We are fam-i-ly. Get up everybody, dance!

We are D-R-A. Get up everybody, sing!

DIANE FREEMAN, CSR, RPR,
CalDRA PRESIDENT

CALDRA INTERVIEWS ED HOWARD, CALDRA LEGISLATIVE COUNSEL AND LOBBYIST, RE AB 5

MARY PIERCE: This is Mary Pierce, CalDRA Vice President, speaking with our lobbyist, Ed Howard.

Ed, thank you for agreeing to an interview to clarify AB 5 for our CalDRA members. We all have a lot of questions.

Q. Will you give us an overview of AB 5?

A. Yes. But let me say five things right off the bat: One, while freelancers should, of course, comply with the law, and freelancers should be exempt from it, compliance for freelancers and firm owners is far from impossible. There are some very straightforward things both can do. Freelancers know how to comply with laws. They do it for a living. This is no different. And, as will be seen, compliance mostly requires reporters and firms to adhere to basic business formalities that they should be adhering to already.

Two, what has people most worried is the prospect of being sued in a class action. If you are a firm owner or a freelancer who is worried about your independent contractor (IC) scopists or proofreaders, there is a very simple thing you can do to prevent that entirely; again, it is something you both should be doing already.

Three, CalDRA has done a lot of this work for you already, for free. CalDRA has drafted a comprehensive document explaining it all and even includes contract language you can cut and paste.

Four, if you are a freelancer and want to remain an IC, then just remain an IC and don't sue anyone saying you should be classified as an employee. Just work with the firms with which you do business to ensure they are not afraid to continue to hire you as an IC. They will love you for it.

Five, "AB 5" has become kind of a pejorative in court reporter land, but that isn't either fair or accurate. It isn't the whole of the law that is the issue. It is the lack of an exemption for us. And it is, respectfully, really important to remember why the California Supreme Court held unanimously – a rare thing in cases so controversial – that its prior interpretation of IC laws needed revamping, giving rise to AB 5.

Bluntly put, independent contractor laws were being, in many industries, terribly abused and they were also a mess, offering little clear guidance about how to comply. Thus, while the IC rules were not and never have been abused in court reporting, and reporters warrant an exemption, lots and lots of workers were being unfairly denied their benefits and pay for years and years, robbing them of money to support their families. Nobody should support that. It isn't fair and, worse, it is terrible politics for us in social media or elsewhere to demonize AB 5 without explaining why or to demonize legislators who were trying to protect workers in the wake of the Supreme Court unanimously tossing out the old way of doing business. Disagree, sure, but not by being disagreeable.

Q. You have made it clear in the past that you favor incorporation for all reporters, but is simply obtaining a business license enough? Or is filing a Fictitious Business Name (DBA) and getting a business license from the city I consider to be my principal place of business enough to establish myself as a business entity under AB 5?

A. This question is about what is required from a reporter to qualify for a business-to-business exemption under AB 5. Here's why that's really important: AB 5, for all intents and purposes, creates a baseline presumption of an employer-employee relationship whenever you've got an individual who's doing work for a company.

So in order to not be considered an employee, you have to fall into one of the exemptions in AB 5. Ideally, reporters would just be exempt per se, and we are working on that. But, in the meantime, firms and freelancers can be exempt under the so-called business-to-business exemption, or "B2B," which exists to permit small businesses, like freelance reporters, to continue to operate independently, but without the risk that an individual is being abused by the company when they should really be an employee because they really aren't operating independently.

There are certain conditions that are required in the law to qualify as a business-to-business exemption to make sure that both are, in fact, real businesses.

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CALDRA INTERVIEWS ED HOWARD, CALDRA LEGISLATIVE COUNSEL AND LOBBYIST, RE AB 5

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The requirements are all set out in the CalDRA handout that you should have available and is available [HERE](#).

But let's discuss the most important requirement under the B2B exemption in Labor Code 2750.3 (e) for a moment. You can't qualify for a B2B exemption if you aren't a "B." So the most important requirement is that the firm or, if you are a freelancer using IC scopists or proofreaders, the freelancer must be doing business with a company, not a natural individual.

If you are a firm owner and you are only doing business with reporters who have formed as a sole proprietorship, partnership, LLC, LLP or a regular corporation, you are 75% of the way to ensuring you will not be sued ever.

Becoming a sole proprietor is not hard. [Here is an article about how to do it](#). Basically, you search the Secretary of State website to make sure your name is available. Next, you fill out a form in the County you live or do most of your work and pay a modest fee. Third, open a bank account in the name of the business. Most banks don't require a separate EIN. Most will allow you to use an SSN.

If you get paid by the firm under the name of the business – that's how businesses operate – or you pay your scopist under the name of their business, you are most of the way there to never getting sued. You also might need a business license but, if one under current law is required and you don't have one, you should because it's already a requirement.

Q. So what are the other B2B tests?

A. Is the worker free from the control and direction of the contracting business? We don't know exactly what that means, but we didn't know under the old law either. What we know it means is a freelancer is free to basically work when you want and how you want without punishment like an employee would suffer if she said "no" to a scheduling request from her boss. Also, it means that (in the words of the exemption) the "business provider," meaning the court reporter, is providing services directly to the agency, not the clients of the agency (i.e., law firms).

Since freelancers are usually free to turn down work and are getting paid by the firm instead of the lawyers, that would probably be enough to satisfy these parts of the law.

Further, you will fall under the B2B exemption if the contract between the court reporter and the court reporting agency is in writing. If you are a firm that isn't doing that already, you should do it going forward. It is basic business. It means you were likely out of compliance or could easily have been found to be out of compliance with the old law. IC has the word "contractor" in it. You, as a business, should have contracts. Plus, if you have an overall written contract with your ICs, you can insert the class action prevention language CalDRA has given you.

So a quick review. What we have just discussed is stuff you should already be doing - best practices. You should already be operating through some sort of formal business, for tax reasons alone. You should already be operating under overall contracts, with each job being subject to the overall contract. If a business license is required, you should have one.

The next requirements are all ones freelancers mostly meet: Is the freelancer's business location separate from the location of the company with which you're doing business (the agency) -- and the law expressly says it can be your home? Likely, yes.

Do you take assignments for more than one entity without being restricted in that regard by any agency for which you're doing business? Likely, yes.

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Want to know more?

Click [HERE](#) to read the interview in its entirety.

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CalDRA would like to thank Ed Howard for his participation in this important interview.

AN EXERCISE IN PERSISTENCE: DOROTHY “DOTTIE” SIMPSON PASSES THE CSR EXAM ON HER 16TH ATTEMPT

BY DOTTIE SIMPSON

1. Are you still in school?
2. How long is this supposed to take?
3. What the **** is the matter with you?
4. Since you keep failing, don't you think that maybe you're not cut out for this?
5. How many times will they let you take the CSR before they won't let you take it anymore?

Yes, I heard all that and more. And it stung. But what's a bit of sting to your pride to prevent you from reaching your goal? I passed the CSR on my 16th try (I think). But you know what? It doesn't matter. Not one person in the working world has asked me how many times I took the test. The only test that matters was the July 12, 2019, test. MY test. I passed! And getting that letter from the CRB is amazing! I can't begin to tell you how great it felt to see that word. "Congratulations!" Such a beautiful word to open up my world. Sometimes I feel as if I need to pinch myself. I AM A CSR!!

How did I manage to stick with it? First off, I knew what I really wanted, and there was only one way to accomplish that. To say it did not come easy or natural for me is an understatement.

My father used to tell my brother, sister, and I, "You never fail until you stop trying." I refused to allow myself to think that I had failed, but rather that I just hadn't passed yet. So I took the test over and over and over and over and – well, you get the idea. It was humiliating. I stopped even telling people I was taking the test. My three sons knew I was going, but the only reason they knew was because somebody had to feed the cats and the dog. One time I only told one of my sons I was going. Really, how many people does it take to feed the animals?

One thing I would strongly recommend is getting a mentor, someone who believes in you. In my particular case, I was fortunate enough to have as a mentor my sister, who has

been a reporter for longer than I should tell you without asking her permission. I sat out with her, I cried to her, I celebrated any little milestone with her. Anyone who knows my sister will understand what I am about to say: A strong reason I did not quit is she would have kicked my "sit-upon." Sometimes another person believing in you even when you don't believe in yourself can be enough. There were many times I questioned myself. If Linda ever questioned my ability, she was tactful enough not to express that to me. Tact doesn't run strong in our family, so I'm pretty sure she never lost faith in me.

My sons were another impetus for my continuing school. With the world changing so rapidly, it's not beyond the realm of reason that perhaps at some point in their lives they will want or need to change careers. I knew I was an example for them to know that it's possible to start over later in life and be successful at it. At least now if one of them chooses to be stuck in an unfulfilling position, it's all on them.

I did go back to school later in life. That was daunting. There was a letter written in a Dear Abby column once that went something like this: "If I go back to school now, I'll be 55 in four years when I graduate. Should I start school?" Her reply was "How old will you be in four years if you don't go back to school?" For the mature students out there, you can do it! There are advantages the younger students have over us, but maturity is an advantage that can't be underestimated. I am positive when I enter a deposition room. They just assume I'm an old pro and they don't feel the need to test my ability. I was a legal secretary in one of my previous careers, so I am perfectly capable of dealing with attorneys having an "off mood."

Try not to be negative. Don't blame your teachers for not passing a test. Granted, sometimes they do fumble, and it actually may be their fault occasionally, but your teachers want you to pass. They are in your corner. If you're having a bad day, that's on you. I don't know what they're paid,

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AN EXERCISE IN PERSISTENCE: DOROTHY "DOTTIE" SIMPSON PASSES THE CSR EXAM ON HER 16TH ATTEMPT

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but having seen some of the abuse these poor teachers have inflicted upon them by frustrated students, it can't possibly be enough.

End of lecture. I know you're just dying to know the answers to the questions I started this little epistle out with, numbers 1 through 6 above:

1. I was asked this little gem so many times friends and family were afraid to ask it anymore. My official answer now is: No. (Now leave me alone!!)
2. I compare becoming a CSR to any form of athleticism. The example I used was bench pressing. I would say something along the line of, imagine you were walking into a gym for the first time (like theory) and your ultimate goal is to bench press 500 pounds. How long is that going to take you? The answer is, obviously, it depends. That's the correct answer. Gold star for

whomever asked that cringe-inducing query. Everyone is different. Life can get in the way, but if you can manage to overcome those obstacles, that "Congratulations" will be coming your way, as well.

3. I am not sure. I am sure it's difficult to pronounce.
4. No. I am passing this test. This is what I want to be when/if I ever grow up.
5. As many times as you need to with the caveat you must pass all three legs of the CSR within three years. In my particular case, I passed the English and Professional Practice portions of the CSR the first time I tried, and it took me so long to pass the machine portion that I had to re-take them (I passed them the first time and the second time around, too).

This is a great profession. Do not give up! It will be well worth the struggle, I promise!

Expression

by:



Brief Exchange

BY DEBORAH MEYERS

I asked several thousand reporters what their one favorite brief was and, as you can imagine, I got lots of great responses. Here are some of the ones I really liked:

FINGER TWISTERS

| | |
|--------------------------|---------------|
| conjecture | K-J |
| conspicuity | SPIKT |
| incomplete hypothetical | NIPT or KLOIL |
| inextricably intertwined | IX |
| methamphetamine | MEFT |
| nomenclature | NOEM |

THE ONES THAT MAKE YOU GIGGLE WHEN YOU WRITE THEM

| | |
|------------------------------------|---------------|
| attempted murder | TURD |
| custom and practice | KRA*P |
| green leafy substance | GLUB |
| habitual offender | HOE |
| notwithstanding | NONG |
| OB/GYN | BOING |
| policies and procedures | PAO*P |
| primary care doctor | PR*IK |
| supercalifragilisticexpialidocious | SAO*UP/SAO*UP |
| you can answer | Y*AK |

THOSE LONG PHRASES THEY SPIT OUT AT 350 wpm

| | |
|--|----------|
| all of a sudden | AUFLD |
| did I read that correctly | DHAOEULD |
| do you have any questions | DOUFGS |
| freely, voluntarily, knowingly, and intelligently | FROING |
| go ahead and answer the question | GAEK |
| have you seen | HAOEN |
| have you ever seen | HAEN |
| have you seen this document | HIX |
| have you ever seen this document | HAEX |

I do not believe so
I have no idea
I just want to make sure
it is what it is
let me ask you this
not to answer
note my objection
off the top of my head
piece of paper
policy (ies) and procedure(s)
you know what I mean
you know what I'm saying

YOEBLS
VO*ID or NOIFD
JOURB
TWA*S
SKLIS or SLIS or LAOUX
NAONS
NO*X
FOPD or FOP
POIP
POIL(Z)
YAUM
YAUS

WE KEEP TRYING

THE REPORTER:

One at a time, please.
-- A. Uh-huh. Q. --
-- Q. Uh-huh. A. --

WAUMT
UFRPBLGTS
STKPWHRU

A FEW WCAB HELPERS

activities of daily living
causally related
circumference
IME
manipulate
maximum medical improvement
radiculopathy
range of motion
scheduled loss of use
within a reasonable degree
of medical certainty
work related

A*LDZ
K-RLD
SFRENS
NEEM
MAUP or MIP
MIM
RAOP
ROERB or ROM
SL*U

WR-MS
W-RLD

Meet Your Proposed 2020-2021 CalDRA Board of Directors

Each year, CalDRA's nominating team is tasked with the responsibility of selecting a slate of qualified individuals to serve on CalDRA's Board of Directors. The utmost care is gone into identifying professionals within the court reporting community who will help further not only CalDRA's mission but the industry as a whole. This year, we have been exceptionally lucky to cull a phenomenal group of court reporters for the Board who are committed to protecting the profession in the face of the looming challenges ahead.

So, without any further ado, CalDRA's Nominating Committee is proud to present to you the nominees for your Board of Directors for 2020-2021.

* A professional member of CalDRA is defined as: Any person whose primary reporting income is derived from the practice of deposition reporting or general reporting and who holds a current CSR license issued by the Court Reporters Board of California

POSITION NOMINEE

CSR No. 12350, RPR, CRR

Erika's statement: I am a veteran court reporter, in the business since 1992. I was first licensed in the state of Washington in April of 1992, reporting depositions in almost every area of law, as well as the occasional pro tem in the courtroom. In 1999, I acquired my RPR certification, and in 2000, received my license in California. In 2001, I moved to Ventura County, CA, where I spent 10 years at Ventura Superior Court, and now am a freelance reporter, reporting depositions, hearings, arbitrations, trials, and special events in areas of California as well as internationally, most recently Hong Kong, Korea, Taiwan, and Ukraine. Wanting to always improve my skills, in 2009, I passed NCRA's CRR exam and attained my goal of being a realtime certified reporter.



PRESIDENT
Erika Sjoquist

When I'm not wearing my "reporter" hat, I am a proud mother of two kids, Blakeley (25) and Greysen (18). They're both in college. (Yay) I am also mom to Scarlett and George, my two fur baby Boxers. We take our daily walks on the beach. They both love to run in the waves and chase the nearby birds. And when they're back at home, I've learned to lock my office door when I'm out, so George does not consume any more exhibits. LOL! I also am a huge fan of traveling to places I've never been before.

In 2016, I became a board member of Deposition Reporters Association, assigned as District 8, then District 3 Representative, and currently President-Elect, advocating for court reporters in California. CalDRA is a great association. We are all passionate about what we do and want our profession to be the absolute best it can be, and I am proud to be a part of it. I love being a court reporter and can't imagine doing anything else.

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MEET YOUR PROPOSED 2020-2021 CALDRA BOARD OF DIRECTORS

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POSITION NOMINEE

CSR No. 6143

Mary's statement: I am honored to be considered for President-Elect of CalDRA. I became licensed as a reporter in 1983. I was a staff reporter for two different agencies in LA County for a total of 18 years, and for the past 18 years, I have been the sole owner/operator of Pantera Court Reporters in Huntington Beach. With an equal balance in the years of each experience, I understand very well what it is to be an agency owner, as well as a freelancing deposition reporter, and I hope it informs my decisions both as I operate my business and as I represent your interests in our shared profession. I was the District 4 Rep for nearly about 16 months, the Vice President for eight months and have been a mentor, and I also am currently the Newsletter Editor.



PRESIDENT-ELECT

Mary Pierce

CalDRA is a fantastic organization, and I cherish the many contacts I have made through the group. In truth, this longtime professional loner has found a home with this nation-leading association. It has been a privilege to serve on the Board to this point alongside some dedicated, smart and passionate members. I promise to continue to bring my own passion and dedication to representing your concerns and suggestions, and, hopefully, encourage you to become more involved, as well. We are at a critical tipping point in this profession, and every hand on deck can make a difference.

CSR No. 13308, CCRR, CLR

Jamie's statement: This year, I am celebrating my eleventh year as a Southern California freelance court reporter. I have served on the CalDRA board as District 5 director for the last two years. I have been the Student Picnic chair during that time, and I continue to promote stenography through school career fairs, college class visits, and various speaking engagements. I enjoy participating in and watching all outdoor sports activities, creating unique charcuterie plates, and taking care of my two puppies.



VICE PRESIDENT AND TREASURER

Jamie Asbury

CSR No. 14175, RPR

Sarah's statement: I am extremely honored to be nominated to serve as the Secretary for a second term. I am a freelance reporter living in Contra Costa County. I am going into my fourth year as a reporter. In addition to being Secretary this year, I hope to become more involved in other areas of CalDRA, including legislation. There are so many talented, knowledgeable reporters involved in this organization, and I plan to learn everything I can from them. I am looking forward to a productive year for us all!



SECRETARY

Sarah Seitz

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MEET YOUR PROPOSED 2020-2021 CALDRA BOARD OF DIRECTORS

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POSITION NOMINEE

COUNTIES OF

CSR No. 12732, RPR, CRI

Lori's statement: I have been a reporter since 2002, and I truly enjoy it. I have been doing depositions, arbitrations and hearings since the beginning, and during the last few years, I have been reporting trials, as well. I love having the flexibility of doing both.

I have been married for 25 years this March, and we have two sons – Tyler, 20; and Justin, 23. Justin is in grad school, and Tyler is in his junior year of college. My husband and I have lived in Walnut Creek since 1993, and we are very lucky to have a great friend and support group since we have both been in the Bay Area our whole lives.

I look forward to continuing to be a part of DRA. I know that we have a lot of uncertainty in our field right now, but I truly believe all the hard work that so many reporters have been doing this past year to educate attorneys and secretaries on the importance of having a live certified shorthand reporter to ensure the integrity of the record is going to pay off!

Alameda, Contra Costa, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma counties



DISTRICT 1 DIRECTOR

Lori Stokes

CSR No. 14129

Veronica's statement: I work as a freelance reporter in the greater Sacramento Area. I believe in promoting the value of reporters knowing their worth. My enthusiasm for working independently in an environment that allows for personal and professional growth has led me to return to freelancing after working as an official. My appreciation for CalDRA developed while I was still a student. Struggling with a school closure and the difficulties of passing the CSR exam, I found motivation and support in the members of the CalDRA board and their generosity. The freelance community is where I rediscovered my passion for court reporting. I plan to continue spreading the value of CalDRA with students, new reporters, and seasoned reporters to strengthen the future of our profession.

Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Tulare, Yolo and Yuba counties



DISTRICT 2 DIRECTOR

Veronica Guerrero

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MEET YOUR PROPOSED 2020-2021 CALDRA BOARD OF DIRECTORS

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POSITION NOMINEE

COUNTIES OF

CSR No. 3716, BA, CRR, CCRR

Lindsay's statement: I am pleased and honored to be a part of DRA. I joined this organization in 1995, the year it was founded. I have been reporting depositions full time in Los Angeles since 1977. My experience with the court reporting industry goes back to eighth grade, when my mother, a transcriber, taught me how to transcribe, proofread my work, and turned it in as her own. I graduated from UC Berkeley with a degree in German, then got a teaching credential, then decided to attend court reporting school. In the 1980s I was on the board of the Los Angeles General Shorthand Reporting Association, which regrettably is no more. I passed the NCRA's CRR and DRA's CCRR exams. I love to do realtime and try to keep up with the latest in my software and also changes in our industry and rules and regs. I'm also a punctuation nerd.

Los Angeles, Santa Barbara, and Ventura counties



DISTRICT 3 DIRECTOR
Lindsay Pinkham

I have two grown children - my daughter is a film editor and my son, who has Asperger's, works in a veterinary clinic. My husband is a regional sales manager for a German company that manufactures precision machine components. He travels a lot, and when he's home, we spend our time fighting over the TV trying to find a show we both like besides The Man in the High Castle and The Handmaid's Tale.

CSR No. 12893, CCRR

Stephanie's statement: I have been reporting for 15 years and now own Regal Court Reporting and Kelli Norden & Associates, a Regal Corporation, with my husband, Isaiah. I have been providing realtime to clients for about 12 years and love big cases and arbitrations. I've worked internationally in some adventurous locations, such as Colombia and Nigeria, and hope to someday get asked to go somewhere more luxurious, like Italy or Australia! I have always had a strong passion for encouraging and mentoring court reporting students and new licensees and hope to continue that effort through CalDRA, as well as make positive progress legislatively for our industry.

Orange County, plus all Professional Members residing in counties or states other than California or the USA



DISTRICT 4 DIRECTOR
Stephanie Leslie

CSR No. 12337

Todd's statement: I've been a reporter since 1999 and the owner of Todd Olivas & Associates since 2003. I previously served as a district rep on the board of the Deposition Reporters Association from 2009 to 2011. I am an entrepreneur, educator, published author, and in my spare time, I like to go scuba diving.

Imperial, Riverside, San Bernadino, and San Diego counties



DISTRICT 5 DIRECTOR
Todd Olivas

Ask DRA

BY ANTONIA PULONE, DEPO DIPLOMAT

AB 5, A FICTITIOUS BUSINESS NAME AND EIN

DEAR DEPO DIPLOMAT:

I took steps to form a sole proprietorship recently. I filed for a fictitious business name, got the name published and let all of the agencies I work for know the new name I use. I thought that took care of that. Now one of the agencies has asked me for a W-9, and I don't know whether I should give them my SSN or my EIN. I think I give them my EIN, because why else would I have gotten one? That means I have to give all the agencies I work for my EIN; right? Also, I am now kicking myself that I made the effective date for my new business name 12/10/19, the date that I filed for the FBN. I think I should have made it 1/1/20 for tax purposes. Oh, well. Too late for that. Maybe I'll have to file two tax returns for 2019, one for 344 days with my SSN and one for 21 days with my EIN.

So that's my first question. Do I give all agencies I work for my new business name AND my EIN? My other question is, will agencies send my 2019 1099 to me as my name and my 2020 1099 to my new business name? That makes sense to me. That's why I wish now that I had made 1/1/20 the effective date. I'm thinking my declaration of 12/10/19 is going to be a possible pain to deal with. Can you provide me with any answers? If not, I guess my next step is to contact my CPA. I do also wonder how this change is going to affect how I file my tax return, and I will have to address that with her anyway.

THANK YOU for being there and listening.

DEAR DRA MEMBER:

I am no expert on how your filing date may affect your tax filing for 2019, so I'd recommend that those questions be answered by your CPA. I do feel confident, though, in saying that from this point on, you always give any firm you work for your EIN versus your SSN, and make sure that they understand to pay your business under that FBN. So if you've registered as ABC Court Reporting, then all checks should be made out to that entity rather than to you as an individual reporter, and when they prepare their 1099 form to report your earnings for 2020, it should be as ABC Court Reporting.

Whether you'll have to file two returns for this year, one as an individual and one as your business, that I don't know, though I'd suspect that may be necessary. In any event, once you get that answer from your CPA, notify each firm you worked for this year both before and after 12/10 that they will need to file two 1099s for you. It may be, however, that you won't have earned enough with some firms as ABC Court Reporting since 12/10 this year to require filing a 1099 for that business, which may simplify things for some firms.

In any event, you've done the right thing by establishing yourself as a business, and now you can maintain business-to-business relationships with all reporting firms and protect yourself from being defined as an employee of any firm, per the language of AB 5. So while using January 1 as the date of your business establishment, at least now you've taken care of these steps that verify your business status, so good for you, and you're starting the new year well.

Happy Holidays to you and best wishes for a successful 2020 for your new business.

TONI

New Members

Susan Lee

Patricia Arriaza

Edith Navas-Mouneimne

Laura Alvarado

Sheila Atkinson-Baker

Donnelyn Sarian

Yolanda Kong

Kelvin Do

Cathy Wood

Rhonda Norberg

Kendall Geiger

Stephanie Guice

Jennifer Winters

Brenda Marshall

Donna Williams

Hector Contreras

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Kimberly Walstad

Mary Gallagher

Marcie Conn



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Mary Pierce

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Giselle Girard

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EXPOSE BOGUS E.R. CLAIMS
PROTECT OUR SCHOOLS

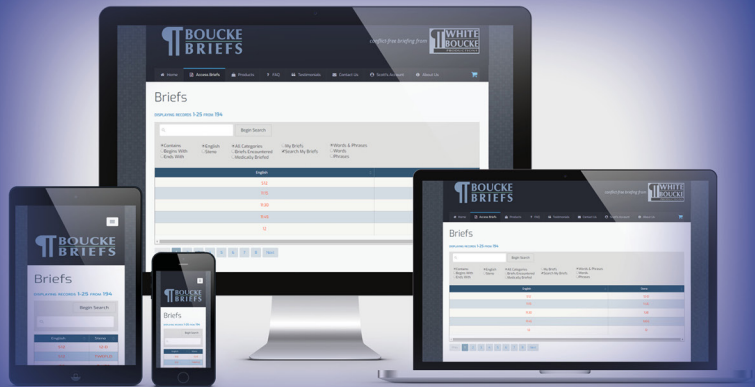


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DRA BILL WATCH

ANTONIA PULONE, CHAIR, LEGISLATIVE COMMITTEE

We are now in the second year of a two-year session in the State legislature, and all bills introduced in 2019 that were not passed and signed last year needed to be passed by policy committees by January 24, 2020, and submitted to the floor of the house where they were introduced. That deadline was not met by a number of the bills we've been following, so they will not be moving forward this year, and that will be so noted in this report where that applies.

Some new bills have been introduced recently that we've added to the watch list, and since the legislature has until February 21 to introduce any new bills, I'm sure we'll have a few more included to report on in our next newsletter. Some will be of particular interest to our members -- re potential exemption from the language of last year's AB 5 and other critical issues -- so be sure to stay tuned, and also watch for important enote announcements coming from your DRA Board and legislative committee.

Please note that the status of each of the following bills was current as of February 2, 2020.



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.

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 and will not be moving forward.

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: 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. It did not progress and will not be moving forward.

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 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 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

CONTINUED ON PAGE 17

DRA BILL WATCH

CONTINUED FROM PAGE 16

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: Author sponsored. Supported by CalDRA, CCGRA, and the Court Reporters Board. No opposition on file.

Status: Heard by the Assembly Business & Professions Committee 1/14/20; passed unanimously. Passed by the Committee on Appropriations 1/23/20. Ordered to the consent calendar.

AB 1850 (GONZALEZ)

Summary: This bill would declare the intent of the legislature to enact legislation to further clarify the application of the Dynamex case requirements that have been added to Labor Code 2750.3 by AB 5. This is expected to serve as a vehicle for further exemptions from these requirements.

Support/Opposition: No support or opposition on file.

Status: Introduced 1/6/20. May be heard in committee on 2/6/20.

AB 1925 (OBERNOLTE)

Summary: This bill would expand on existing exemptions from the application of Dynamex and the ABC test to also include small businesses. To be defined as a "small business," it must be independently owned and operated; not dominant in its field

of operation; have fewer than 100 employees; and average gross receipts of \$15 million or less over the previous three years.

Support/Opposition: No support or opposition on file.

Status: Introduced 1/14/20. May be heard in committee 2/14/20

AB 1928 (KILEY AND MENENDEZ; CO-AUTHORED BY FONG, GALLAGHER, JONES & MOORLACH)

Summary: The bill would repeal provisions in Labor Code 2750.3 and instead require determination of independent contractor versus employee status to be based on the multifactor test in Borello. It would take effect immediately as an urgency statute.

Support/Opposition: No support or opposition on file.

Status: Introduced 1/15/20. May be heard in committee 2/15/20.

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

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. Will not be moving forward.

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.

Support/Opposition: None on file.

Status: Referred to the Senate Committee on Budget and Fiscal Review; not heard in committee. Did not progress and will not be moving forward.

CONTINUED ON PAGE 18

DRA BILL WATCH

CONTINUED FROM PAGE 17

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 875 (GROVE AND JONES; CO-AUTHORED BY BATES, BORGEAS, CHANG, DAHLE, MOORLACH, MORRELL, NIELSEN AND WILK; ASSEMBLYMEMBERS GALLAGHER AND LACKEY)

Summary: This bill would amend Labor Code 2750.3 to exempt from the ABC test interpreters and translators.

Support/Opposition: No support or opposition on file.

Status: Introduced 1/21/20. May be heard in committee 2/21/20.

SCR 81 (JACKSON)

Summary: This Senate Concurrent Resolution would proclaim February 8 through February 15, 2020, as California Court Reporting and Captioning Week and requests that the Governor call on the people of California to observe the week with appropriate programs, ceremonies and educational activities.

Support/Opposition: No support or opposition on file.

Status: Introduced 1/30/20. Referred to the Committee on Rules; no hearing date set.

NOTE IT!

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