

CCRA *online*

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Missouri CRA President-elect

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CCRA MISSION STATEMENT

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

President's Message — Legacy

*By Sheri Turner Gray, CSR 7350
CCRA President*



I am driving home from Idaho where my dad attended his 50th high school reunion in the small town where he was born and raised. We also attended the Rawlings Family Reunion for my mother's side of the family. I have a family that would probably overwhelm most people. My Grandpa Rawlings turned 89 in July, which makes him the oldest man in his farming community, with my Grandma right up there with him, still crocheting and quilting despite her arthritis. My grandpa is a college-educated dairy farmer and was progressive in his day, building the first or second walk-through milk parlor in the entire state of Idaho. He designed and built a gravity-flow irrigation system that was later a marvel to the engineers developing similar systems. My mother is the oldest of their eleven children, and I am the oldest of their 57 grandchildren. Only half of the 180 or so progeny were in attendance at the reunion, but that was enough to have a great time and renew relationships with relatives I don't see very often.

Part of our reunion consisted of a "Legacy" drive where we toured the sites of homes and farms of our ancestors who helped settle and farm their community. I learned a lot of interesting facts about what life was like there over the last 150 years. Family members had farms near each other. Each person — man, woman, and child — would not only work on their own farm but make the rounds of all the other farms, sharing labor and equipment, each one contributing to get all the work done for everyone. Family and community were intertwined. They depended on each other for not only their livelihood but their very survival. They all struggled together or prospered together. I gained a renewed appreciation for the legacy that has been passed on to me: the values of honesty, integrity, hard work, and other family and community values.

Although I would be hard pressed to tell you the names of my neighbors surrounding my comfortable suburban home, I am a part of a reporting community in California, and so are you. I am grateful for the legacy that is passed on to me from CCRA's 100 years as an association, its past members and leaders. We, just like my ancestors, are dependent on each other for education, knowledge, wisdom, experience, assistance, opinions, encouragement, and sympathy. Those community benefits are available to each of us. We work together, learn together, and survive together. Like those before us, we struggle together and we prosper together. I have a renewed appreciation for CCRA and the community that it is to me. I hope each of you desires to take advantage of the benefits of CCRA membership, each one contributing to the betterment of all. I will see you in October at the beautiful Miramonte Spa and Resort as we educate and rejuvenate!



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The Truth About Florida

By Sheri Turner Gray, CSR 7350
CCRA President

Through my personal involvement in battles against implementation of electronic/digital recording in California's courts, I have learned a lot about the status of stenographic reporting in other states.

Apparently, California's Legislative Analyst Office (LAO) has a special affinity for the state of Florida. Throughout his testimony in legislative hearings, Mr. Soderberg repeatedly used Florida as an example of effective implementation of ER. He cited claims that Florida is saving 86% of their transcript costs with ER, an attractive percentage when applied to the huge numbers involved in the California court system. I could see the dollar signs ticking away in the eye sockets of the legislators as they listened to his promises.

So I wanted to know: What is really going on in Florida?

Some years ago, Florida implemented ER in many courts as a result of budget cuts and promised savings, similar to California's proposal. It is my understanding that this idea originated from the governor's advisor at the time, Elizabeth Hill, who later came to work in California and retired from the LAO last year. Perhaps her importing this plan to California is the impetus for the LAO tenaciously holding on to the idea of implementing ER here as well. The problem is that Ms. Hill wasn't around in Florida long enough to see the aftermath of her plan.

The projected savings generated by using ER is an enticing justification to replace reporters, but only on the surface. The transcript savings Florida touts come from the courts not providing transcripts but CD recordings of the proceedings instead. Extremely cumbersome to use compared to a transcript, recordings must be listened to in real time (not realtime); meaning a four-hour recording takes at least four hours to review. Can you imagine listening to a three-month trial? Attorneys want transcripts.

In criminal cases, transcript costs have simply shifted to the DA's office, which now must finance



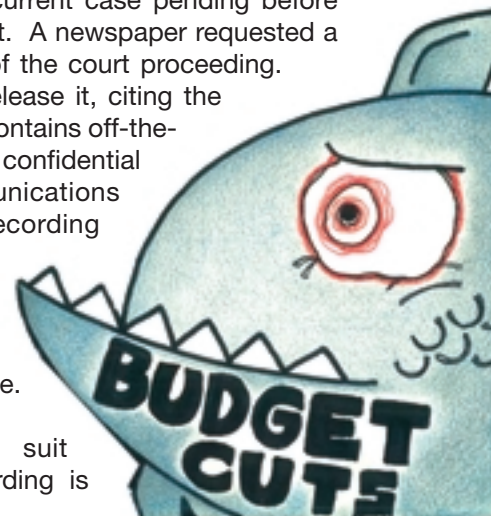
producing a usable transcript. Frequently, in civil cases, each side prepares a transcript. What if the transcripts don't exactly match? Who is to say which transcript is more correct? There is basically no "official" or certified transcript. If there are discrepancies, the judge must compare the transcripts and decide which one will be used. Is this a cost-effective use of litigants', attorneys' and the court's time?

With all these recordings happening, many of Florida's steno reporters spend their days using their steno skills to transcribe recorded proceedings. At least reporters are able to produce better transcripts than a skilled or unskilled transcriber, but we all know it is not as accurate a record as a reporter being present and writing the record to begin with. The reporters know how bad the recordings can be and they are frequently unusable.

Costs for a steno reporter during the proceeding, for purposes of readback, realtime hookup, or just an accurate and reliable transcript have shifted to the litigants, greatly increasing the costs of litigation. Is that an effective and prudent way to run a judicial system? But, hey, it doesn't show on the bottom line of the state's balance sheet!

There are also hidden costs associated with legal challenges arising from this system of electronic recording, including a current case pending before Florida's Supreme Court. A newspaper requested a copy of the recording of the court proceeding. The judge refused to release it, citing the fact that the recording contains off-the-record discussions and confidential attorney-client communications picked up by the recording system. Of course, no one edits the recordings to delete such matters. That would be cost prohibitive.

The newspaper filed suit claiming that the recording is



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The Truth About Florida

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the only record of a public proceeding, that the public paid for the recording system and the courts rely on it for the record, therefore, the public is entitled to the recording. The judge denied releasing the recording in the interest of protecting the record. The appellate court upheld the decision that the recording cannot, for those reasons, be the official record but can only be used to produce the transcript, the official record.

The Supreme Court of Florida is reviewing the case now and trying to determine a way to resolve this issue, not wanting to “throw the baby out with the bathwater” by scrapping the whole ER system, considering all the money spent on equipment and the claimed transcript savings. If the court upholds the appellate decision that the transcript must be the official record, then the 86% savings in transcript costs will go right down the drain.

Another interesting note is that Florida reporters hired privately to transcribe these recordings are frequently requested by the hiring attorney to make sure to include any discussions that get recorded either before or after going on the record, during breaks, or anything else they hear on the recording. As the court does not prohibit this practice, the reporters do transcribe everything they are requested to, as their transcript ends up being work product for the attorney paying for the transcription.

Does all of this smell of rotten fish? Are the public’s rights being violated by a court system that hasn’t been able to resolve these critical issues? Considering rights of due process, is it fair to shift so much of the associated costs to the litigants? Can you imagine the magnitude of similar lawsuits that would result if California were to implement such a system? Can California afford to fund lawsuits such as this? California’s judicial system is by far the largest of any state in the country. Is this Florida example only the tip of the iceberg that would result from similar situations in California?

What has been happening with depositions in Florida? They also are frequently electronically recorded. In fact, a company advertises to remotely audio-record the deposition over the speakerphone

at the attorney’s office. Great. Add another machine-induced degradation of the quality of the recording and resultant record.

As Florida’s Supreme Court decides what to make of this mess, I hope that the Governor and the legislators in California realize they would be welcoming a similar, expensive fiasco to this state’s court system were they to mandate implementation of electronic recording. I am thankful that I work in a state where my steno skills are paramount and I function as the preserver and guardian of the record in the fine tradition of our profession and not just a transcriber of recordings.



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Meeting the Legislature One Member at a Time

By *Connie Parchman*

Early Langley and I had the pleasure of meeting Assembly Member Ira Ruskin (D-Redwood City). It was so pleasant to hear of the happenings in Sacramento in a cozy, home environment.

The budgetary picture in our state is dim, indeed. There are problems in Sacramento for which no one seems to have answers. However, knowing there are lawmakers like Ira Ruskin working on these issues is comforting. Hearing a calm, intelligent assembly member speak about the process gives me hope that ultimately common sense will prevail and our communities, our children and our economy will be all right.

We also met Paul Fong (D-Cupertino). He had some very encouraging words for court reporters. At the time, we were still facing the Governor's ER/DR language in the budget talks. Assembly Member Fong told us that as court reporters, we are an important part of the process and a small part of the budget. Those are words I would love to hear EVERY legislator utter!

When our legislators form opinions and cast votes, they are far more likely to take an interest and learn the surrounding issues affecting constituents they know. How do they become aware of us? We have to make them aware! That's you and me and that other court reporter over there attending functions, being visible and giving input into our state government. Let them know we exist, we vote and we care!

Do you know your local legislator?

Do you even know who it is?

You should! Here's a link to find out who your legislators are. <http://leginfo.ca.gov/yourleg.html>. If you have the chance to hear your assembly member or senator speak, go! Find out when and where your representatives are going to be appearing. CCRA can help you! If you are interested in attending events, please contact me, Connie Parchman, Parchman1@aol.com, subject line Legislators. Let's work something out.



Early Langley & Paul Fong (D-Cupertino)



Early Langley, Ira Ruskin (D-Redwood City), and Connie Parchman

Back Up to Basics

*By Michael E. Miller, CSR, CCR, RDR, CRR, CLR
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Make no mistake, we court reporters are no longer selling “pages” or “copies.” In 2009, we are in the data business. We peddle data. And as a reporter, if all that data is crammed onto a laptop that you bought during the Clinton administration, you are playing with fire...and sooner or later you will get burned.

With that cliché-riddled prologue out there as common knowledge to most of us, I still get frequent questions on Depoman.com about how to recover lost or corrupt data. The easy answer, “Just pull it off your backup,” is customarily met with “I don’t have one” or “I haven’t backed up this month yet.” Then there’s the folks who are comfy with the thought that the four-foot stack of 3-1/2" disks on their desk or the shoebox of unlabeled CDs is going to protect them in the event of a loss...equally insane and equally laughable.

When developing a backup plan for your data, there are three simple elements to consider:

What do I back up?

At a bare minimum, court reporters should archive all their data in ASCII and PDF form. These two formats are universally known and accepted throughout the computing world (not just the reporting world) and, therefore, should not materially change nor ever disappear. It is likely that a computer 100 years from now will still be able to open and understand ASCII and PDF files. This is known as “future-proofing” your backups.

Reporters should also back up their notes and CAT files as a second level of protection, but keep in mind that if you change from Eclipse to Catalyst in the next five years, all your CAT backups will be essentially worthless on your new system. Lastly, you can archive the digital audio recordings, but this will greatly increase the size of your backups. Personally, I only back up audio on hold jobs that have not yet been transcribed.

When do I back it up?

The ideal answer to this question is: “Every minute of every day.” Now, that’s not realistic, but I say it to highlight the stark contrast between that and “Meh, I do it every couple months...if I remember.” My routine is

to mirror (make an identical copy elsewhere) my data every two hours, and then I’ll put today’s depo on a thumb drive or send it to my Gmail before I shut down my computer at the job. Most cases of hard drive failures are discovered on boot-up, so when that happens, it’s nice to know the last thing you did is in your inbox rather than mired in the depths of a deceased laptop.

Sound a wee bit anal? Maybe, but in 15 years I’ve never had to call an attorney and explain why their depo doesn’t exist anymore. Now, where’s that wood I was gonna knock on?

How do I do it?

In a word: Automatically! You don’t change your oil every 3,000 miles, and you’re not going to remember to back up either. SyncToy Version 2.0 from Microsoft (Google it for the link) is a free download that allows you to schedule automatic backups at whatever interval you like. Never put your backups on the same hard drive as your data, so purchase a USB hard drive and use that solely for your archives. A 500-gigabyte drive won’t set you back more than \$150 and is literally an endless pit of storage for text files. If one-fifty sounds like too much, ask yourself “Would I pay 150 bucks to not rewrite this 300-page Pakistani neurologist from my notes if my computer crashes?” I rest my case.

Just as you future-proofed your data, you should also do so with your backup media. Keep backed-up files on external drives rather than disks. A CD/DVD backup is fine as a secondary safety net, but there’s some question about their longevity, so don’t trust it as your primary. And as anyone who has 3-1/2" backup disks from the ‘90s can attest, there’s no guarantee you’ll be able to buy the hardware down the road to read today’s media.

Please bear in mind this is the absolute bare minimum a modern reporter should have in place. I intentionally kept it short and sweet, devoid of techno-babble (to the best of my ability). Ideally you’ll have redundant backups in offsite or online repositories too, but that’s a whole ‘nother article. Follow these guidelines, though, and you’ll be far less likely to be rewriting from your notes or begging counsel’s forgiveness.



To All Our Committee Representatives and My Colleagues

By Debbie Brown, CSR 5371

CONGRATULATIONS! What an awesome and professional representation you have made on behalf of all CSRs and our profession.

I have been a CSR (#5371) for 29 years and have worked both as a pro-temp in Superior Court and most often as a deposition reporter. I applaud your tenacity and forthrightness to deliver the message to our Governor, that the verbatim record produced by “live beings” (mostly, as you state, 98% working women) whose display and immediate transcription of proceedings cannot be replicated efficiently by mechanical devices (NOT TO MENTION THE QUALITY AND COST IN TRYING TO DO SO!!!)

I know what and how I have performed my job in the last 29 years, and the costs incurred for keeping updated and on top of technological advances to provide the best and most accurate transcription, and in the most innocuous manner to both the courtroom and deposition proceedings. To that end, I think our TASKS have been well-accomplished.

Thank you for providing me, at least, a few more years performing my duties in a field of well-educated and valuable professionals. The State of CA should really take a financial interest in \$\$\$\$ saved, which otherwise would be used digitalizing courtrooms, overseeing malfunctions of equipment, staffing of transcribers vs. CSRs, who simply always have provided the equipment, licensing, education, realtime transcription and professionalism to litigants, lawyers, judges and even the media — (and yet, our page rate for the last 22 yrs., as stated, has not been increased!)

I'd say that's a bargain, Gov. Schwarzenegger!

Semper Fidelis to CCRA and CSRs in CA.

Debbie Brown, CSR 5371





Vini, Vidi, Tweeti
("I came, I saw, I Tweeted," from the original Latin)



I would like to share a few thoughts with you this month about an activity that clearly marks the end of civilization as we know it: Twittering. The New York Times heralded Twitter as "one of the fastest-growing phenomena on the Internet." My doctor tells me to be leery of fast-growing anythings, so perhaps that's part of my concern. That being said, let's start with the basics:

Twitter is a free service predicated on the question, "What are you doing?" By composing short, 140-character messages, you can share with the world that you are standing in line at the Department of Motor Vehicles, eating a tuna sandwich, or watching your dog chase its tail. If compulsively posting such digital drivel is not enough of an incentive to get out of bed in the morning — which is, of course, another event you'll want to share with others — you can also follow the mundane activities of other peoples' uneventful lives — including neuron-numbing celebritwits. At no time in the history of interpersonal communication has the phrase "Get a life" been more appropriate.

To get started with Twitter, go to twitter.com and click — well, "Get Started." Provide the information requested and in seconds you will be twittified. Congratulations! You passed Twitter's rigorous admissions screening. During the sign-up process, you will be asked to provide your email address and password, which are used to import your contacts. If you're less than enthusiastic about that prospect — as well you should be — obtain a free Gmail (www.gmail.com) or other disposable address and use that instead.

Next, create your personal profile in which you can reveal as much or as little about yourself, as you wish. Hint: Less is more. The final dreadful step is to build your network by importing email lists, contacts from Instant Messaging services, or you can locate unsuspecting friends and family members with the search engine at search.twitter.com. Search by entering your interests, quirks, fetishes and peccadilloes, which will produce a list of individuals who share similar disturbing characteristics that you can then elect to follow.

"Following" someone is akin to adding a person to a contacts list or as a Facebook friend, except the twirp (Twitter relationship) is a one-way street. Nobody sees your updates unless he or she chooses to follow you. I quickly discovered that lemming-like individuals will start following you shortly after you start following them. Creepy? Absolutely.

Once you begin stalking — excuse me, following others, their updates (called "tweets") will appear on the Web or in a Twitter feed to one or more designated devices. In the likely event someone gets on your nerves by posting too many senseless tweets (an oxymoron if ever there was one), you can remove or block the serial tweeter. There are many ways to post your own tweets, including logging into twitter.com and entering your life-altering updates into the field provided. Third-party applications are available to streamline this process and eliminate the need to visit the site on a recurring basis.

To thoroughly research this sociological phenomenon, I immersed myself in the twit culture (and I use the term loosely) for a period of two months. As a professional journalist for more than 25 years, I cannot adequately articulate the pride I felt as I typed ("twyped," in terminally cutesy TwitterSpeak), "Lilly coughed up a fur ball." I'm sure

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I'm not alone in thinking, "Pulitzer for Mr. Modem, at last!"

On the plus side, I found Twittering to be harmless — if you don't count the liquefaction of my frontal lobe into cerebral gruel. (A condition, some might argue, that predates my foray into the Twittosphere.)


As Twitter itself enthusiastically chirps, "With Twitter, you can stay hyper-connected to your friends and always know what they're doing," which begs the question, "Who cares?" During my Twitterfest, I learned that GomeZorb had the flu and stayed home from work — apparently to Twitter (a phenomenon known as social networking), NeoPunk misplaced his iPod, and DrizYChick made oatmeal. Could it be any more exciting?

Why anybody would feel compelled to share the excruciatingly tedious minutia of their life is

bewildering; why anybody would want to read it is even more puzzling. I am willing to concede, however, that perhaps I'm failing to grasp the bigger picture, so this is your opportunity to set me straight: Are you a-twitter over Twitter? If so, what positive impact has it had on your life, and if you have any heartwarming, inspirational, or socially redeeming tales of the tweet, email me at MrModem.Feedback@gmail.com. Deteriorating minds want to know.

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Proofreading For Word Pair Issues

DIRECTIONS: Assume this is the sentence you have in your transcript. Find any errors connected with word pair issues. There may be more than one error in a sentence; there may be sentences that are correct.

1. The temperate clime and lack of humidity in that locale favorably affected the erasable old man's temperament.
2. The ordnance was guarded around the clock by the martial forces.
3. The staff infection was racking her body and was affecting a change in her attitude regarding her recovery.
4. The climactic conditions will have an effect on the choice of the sight for the landing.
5. The counselor corp will be well represented at this evening's diplomatic session.
6. Moaning and groaning was heard on the tape, but it was predominately the words of the deceased that we heard.
7. He readily gave his ascent to the project after an accelerating day on the isle.
8. Baring any unforeseen difficulties, the ship will reach port by daybrake.
9. She is going to have to bridle that brood to have any chance to catch the overdue train.
10. According to the judge, the decision on the disbursement of the money of the estate of the diseased maybe imminent.

ANSWERS

(A great resource for these words is *8,000 Sound-Alike, Look Alike Words* from NCRA.)

1. ...irascible old man...
2. Correct
3. ...staph infection...was effecting a change...
4. ...climatic conditions...the site of the landing.
5. ...consular corps will...
6. ...was predominantly...
7. ...assent to the...an exhilarating day...
8. Barring any...by daybreak.
9. Correct
10. ...the deceased may be...



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Briefs Online

By Doreen Perkins

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

It's time to shorten up your writing style and combine the prefix "dis" with a root word to make them a one-stroke brief. Using your initial "SD" for the prefix "dis"

Use of the prefix "dis"

Disable	SDAIBL
Disadvantage	SDAJ
Disallow	SDLOU
Disappear	SDPAER
Disappoint	SDPOINT
Disapprove	SDPRAOUV
Disbelief	SDBLAOEF
Disbelieve	SDBLAOEV
Disburse	SDBURS
Discharge	SKARJ
Disclaim	SDLAIM
Disclose	SDLOES
Disclosure	SDLOER
Discomfort	SD-FRT
Disconnect	SDEK
Discontinue	SDONT
Discount	SDOUNT
Discourage	SDURJ
Discredit	SDRED
Dislike	SDLAOEUK
Dislocation	SDLOEX
Disobey	SDBAI
Disorganized	SDORGD
Dispatch	SDPAFP
Displace	SDPLAES
Dispose	SDPOES
Disprove	SDPROV
Disqualify	SDW-F
Disrespect	SD-RP
Disassociate	SDORB



Could You Do It?

By Lesia J. Mervin, CSR, RMR, CRR

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Cal-e-licious

By Gerie Bunch,
SOS Committee Chair

CHILI CHEESE PUFF

From The Feather Bed Classic Cookbook, "Our Guests' Favorites"

Ingredients:

8 eggs	1 7oz. can green chilies diced
3/4 lb. Monterey Jack cheese, grated	1 4oz. jar diced pimentos
2 c. cottage cheese, low fat or non fat	1 c. milk
	4 tbsp. butter, melted
	3/4 c. Bisquick baking mix



Preheat oven to 350 degrees. Spray 9 x 13 pan with non-stick spray.

Mix together eggs, cheeses, chilies, milk, butter and Bisquick. Pour into prepared pan and bake for 40 minutes. Let stand for 5 minutes before serving. Serve with mild salsa and a dollop of sour cream, sprig of cilantro for garnish. Serves 8

Note: Can be put together the night before and refrigerated or frozen. Thaw before baking. If refrigerated, set out for 30 minutes before cooking.



Save the Date!

Join us for CCRA's 99th Annual Conference at the

Miramonte Resort and Spa
Indian Wells, CA
October 9-12, 2009

- Take a "Mini-vacation"
- Bring the Family
- Earn CEUs
- Network
- Great Vendors
- Relax
- Beautiful Resort
- LOW PRICES!



Conference Highlights

- | | |
|----------------------|--|
| Friday, October 9 | CCRA Golf Tournament (scramble format) at the Indian Wells Golf Resort, home of the "The LG Skins Game." |
| Friday, October 9 | Evening Welcome Reception on the Piazza Terrace overlooking the resort. |
| Saturday, October 10 | Cocktail Party and Barbeque by the pool with live entertainment followed by a reception in the Presidential Suite. |
| All weekend | Spa, Relax and Rejuvenate! |



Please contact the CCRA office for more information.
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Legislation Update

By Sandy Bunch VanderPol, CSR #3032

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

Status: 06/29/2009 — Chaptered by Secretary of State — Chapter No. 5, Statutes of 2009

Current Location: 06/29/2009-A
CHAPTERED

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

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

Status: 07/23/2009 — From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (July 15). Read second time, amended, and re-referred to Com. on APPR.

Current Location: 07/23/2009-S APPR.

Calendar Events: 08/17/09 11 a.m. — John L. Burton Hearing Room (4203)
SEN APPROPRIATIONS

Summary: This bill would express the intent of the Legislature to enact legislation to establish a Bureau for Private Postsecondary Education and to encourage the Department of Consumer Affairs to receive and respond to student complaints and provide information to students and prospective students of private postsecondary educational institutions, until a Bureau for Private Postsecondary Education is established. The bill would continue the existence of the Private Postsecondary and Vocational Education Administration Fund under the administration of the Department of Consumer Affairs and would appropriate \$1,000,000 from that fund to the department for the above purposes.

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

Status: 07/30/2009-Enrolled and to the Governor at 2:30 p.m.

Current Location: 07/30/2009-A
ENROLLED

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

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transcribed as the official certified transcript of the proceedings. The bill also would prohibit the citation or use of the instant visual display of the testimony or proceedings, or both, to rebut or contradict the official certified transcript of the proceedings.

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

Status: 07/30/2009 — Enrolled and to the Governor at 2:30 p.m.

Current Location: 07/30/2009-A
ENROLLED

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

AB 250 (Miller [R]) Criminal Procedure:

Trials: Timing

Status: 06/17/2009 — Read second time. To third reading.

Current Location: 06/17/2009-S
THIRD READING

Summary: Existing law requires that a defendant be brought to trial within 60 days of arraignment on an indictment or information in a felony case, or within 30 or 45 days of arraignment or entry of plea in a misdemeanor case, as specified. Under existing law, the case must be dismissed if the defendant did not waive that time limit or consent to an extension of time, as specified, and the case is not brought to trial within the time limit. Under existing law, if the defendant does waive time, he or she may withdraw his or her waiver of time and then the case is required to be brought to trial within 60 days for a felony, or 30 or 45 days for a misdemeanor, of the withdrawal of the waiver. Existing law provides that when there is no general time waiver and a case has been set for trial beyond the time limits specified above by request or consent, express or implied, the defendant must be

brought to trial on the date set or within 10 days thereafter. This bill would require the withdrawal of a time waiver to be done in open court, as specified. The bill would specify that in the absence of an express general time waiver from the defendant, or upon the withdrawal of a general time waiver, the court shall set the trial date, as specified, and shall notify all parties of that date.

AB 663 (Jones [D]) Legal Aid: Court Interpreters: Appearances by Telephone.

Status: 06/24/2009-From committee:

Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 3. Noes 1.) (June 23).

Current Location: 06/24/2009-S APPR.

Summary: Existing law provides that, in all general civil cases, as defined, a party who has provided notice may appear by telephone at certain conferences, hearings, and proceedings, except as specified. This bill would require the Judicial Council, on or before July 1, 2010, and periodically as appropriate, to enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases under the provisions described above, or as otherwise permitted by law. The bill would impose requirements regarding those master agreements, including that the vendor charge a party for an appearance by telephone in an amount set by the Judicial Council, and that the vendor pay to the state \$15 for each appearance by telephone and a proportionate share of an amount equal to the total revenue received from vendors by all courts for providing telephone appearances for the 2008-09 fiscal year. The bill would require those funds to be deposited in the Trial Court Trust Fund and used for specified purposes. (3) Existing law requires that, when a witness is incapable of understanding the English language or is incapable of expressing himself or herself in the English language so as to be understood directly by counsel,

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court, and jury, an interpreter be sworn to interpret for him or her. This bill would require the Judicial Council, by September 1, 2010, to establish a working group to review, identify, and develop best practices to provide interpreters in civil actions and proceedings, as specified. The bill would require the Judicial Council to select up to 5 courts to participate in a pilot project, to commence on July 1, 2011, to provide interpreters in civil proceedings. The bill would provide that the initial pilot courts shall participate until June 30, 2014, and would require the Judicial Council to consider whether a pilot court shall continue participating in the project and whether to select another court or additional courts. The pilot project would be funded from the revenue derived from the telephonic appearance fee described above. (4) Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and to report its findings and recommendations to the Governor and to the Legislature every 5 years. Existing law requires that this study serve as the basis for determining the need to establish interpreter programs and certification and establishing these programs and examinations through the normal budgetary process. This bill would require, in addition, as of January 1, 2011, that the study described above serve as the basis of determining the need for and use of interpreters in civil and criminal court proceedings. The bill would require trial courts to collect and report the use of interpreters in all criminal and civil proceedings in the manner specified by the Judicial Council.

AB 942 (Committee on Judiciary) Judgeships.
Status: 07/14/2009-Read second time, amended, and re-referred to Com. on APPR.
Current Location: 07/14/2009-S APPR.
Calendar Events: 08/17/09 11 a.m. — John L. Burton Hearing Room (4203) SEN APPROPRIATIONS

Summary: Existing law requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using specified uniform criteria for the allocation of judgeships. This bill would require the Judicial Council, on or before June 30, 2011, to provide to the Legislature a special assessment of the need for new judgeships in the family law and juvenile law assignments for each superior court. This bill contains other related provisions and other existing laws.

ABX4 13 (Evans [D]) Courts Omnibus Bill: Public Safety.

Status: 07/23/2009 — In Assembly. Concurrence in Senate amendments pending.

Current Location: 07/23/2009-A CONCURRENCE

Summary: Existing law sets the fees at \$15 or \$20 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment, issuing an abstract of judgment, recording or registering any license or certificate, issuing an order of sale, and filing and entering an award under the Workers' Compensation Law. This bill would increase those fees by \$10, and would provide that the \$10 fee increase shall be transmitted quarterly for deposit in the Trial Court Trust Fund and, commencing July 1, 2011, used by the Judicial Council for implementing and administering the civil representation pilot program described in (5) below. (2) Under existing law, \$25 of each specified filing fee in connection with certain civil proceedings is required to be used for services of an official court reporter in civil proceedings. This bill would increase the amount of those filing fees required to be used for services of an official court reporter in civil

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proceedings to \$30. (3) Under existing law, to the extent that a memorandum of understanding for trial court employees designates certain days as unpaid furlough days for employees assigned to regular positions in the superior court, the court may not be in session on those days except as ordered by the presiding judge. This bill, until July 1, 2010, would authorize the Judicial Council to provide that the courts be closed for the transaction of judicial business for one day per month, which would be treated as a holiday, and to adopt court rules to implement these provisions, subject to specified conditions. The bill would authorize a judge or justice to sign a form, to be prepared by the Administrative Office of the Courts, stating that the judge or justice voluntarily agrees to irrevocably waive an amount equal to 4.62% of his or her monthly salary, as specified. The bill also would require a 4.62% reduction in the compensation due to the sheriff for court security services because of the closure of the courts under these provisions, and would, where a memorandum of understanding has been executed, require the court and the sheriff, county, or sheriff and county to negotiate that reduction in good faith and amend the memorandum of understanding accordingly. By imposing additional duties on county officials, the bill would create a state-mandated local program. (4) Existing law authorizes the Judicial Council to regulate the budget and fiscal management of the trial courts. The Judicial Council is required to adopt rules to provide for reasonable public access to budget allocation and expenditure information at the state and local level, and to adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees. This bill would provide that any person shall have the

right to obtain specified budget, expenditure, and personnel records of the courts, except as specified. The bill would require the Judicial Council to adopt rules of court that provide public access to nondeliberative or nonadjudicative court records, budget, and management information on or before January 1, 2010. (5) Existing law requires the Judicial Council to provide an annual status report to the chairpersons of the budget committee in each house of the Legislature and the Joint Legislative Budget Committee regarding the California Case Management System and Court Accounting and Reporting System, as specified. Under existing law, the office of the State Chief Information Officer is responsible for the approval and oversight of information technology projects. This bill would provide that the California Case Management System, and all other administrative and infrastructure information technology projects of the Judicial Council or the courts with total costs estimated at more than \$5,000,000, shall be subject to the review and recommendations of the office of the State Chief Information Officer, as specified. The bill would require the State Chief Information Officer to submit a copy of those reviews and recommendations to the Joint Legislative Budget Committee. (6) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the courts. Existing law requires the sheriff or marshal and presiding judge of any county to develop a court security plan to be utilized by the court, as specified, and requires the Judicial Council to establish a process for its review of court security plans in the California Rules of Court. Existing law requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services and their cost and terms of payment, and

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requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council. Existing law requires the Administrative Office of the Courts to use the actual salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance. This bill would provide that the cost of services specified in the memorandum of understanding shall be based on the estimated average cost of salary and benefits for equivalent personnel classifications in that county, not including overtime pay. In calculating the average cost of benefits, the bill would provide that only specified benefits may be included. The bill would require the Administrative Office of the Courts to use the average salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance. (7) Existing law permits limited use of electronic recording devices in court proceedings under certain circumstances, but prohibits a court from expending funds for electronic recording technology or equipment to make an unofficial record of an action or proceeding or to use that technology or equipment to make the official record of an action or proceeding in any circumstance that is not authorized. Existing law also requires each superior court to report semiannually to the Judicial Council, and the Judicial Council to report semiannually to the Legislature, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings. This bill would prohibit a court from expending funds for or using electronic recording technology or equipment to make an unofficial record of an action or proceeding...

SB 312 (Romero [D]) Public Meetings and Hearings.

Status: 07/09/2009 — Read second time. Amended. Re-referred to Com. on APPR.
Current Location: 07/09/2009-A APPR.

Summary: This bill would require the State Board of Education and the State Allocation Board to provide for live video and audio transmission of all meetings and hearings that are open to the public through a technology that is accessible to as large a segment of the public as possible. The technologies to be used would include, but not be limited to, cable, satellite, over-the-air, or any other type of transmission that can be accessed through a television, and Webcast. The State Board of Education and the State Allocation Board would be required to ensure that any Web cast transmission implemented pursuant to these provisions be transmitted over and accessed through the K-12 High-Speed Network. The State Board of Education and the State Allocation Board also would be required to consult with the State Chief Information Officer for the purposes of implementing the provisions of the bill.

SBX413 (Ducheny [D]) Courts Omnibus Bill: Public Safety.

Status: 07/28/2009 — Chaptered by Secretary of State. Chapter 22, Statutes of 2009-10 Fourth Extraordinary Session.
Current Location: 07/28/2009-S CHAPTERED

Summary: Section 68086.1 of the Government Code is amended to read: 68086.1. (a) For each three-hundred-fifty-five-dollar (\$355) fee collected under Section 70611, 70612, or 70670, thirty dollars (\$30) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings. (b) For each three-hundred-thirty-dollar (\$330) fee

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collected under subdivision (a) of Section 70613 or subdivision (a) of Section 70614, thirty dollars (\$30) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings. (c) It is the intent of the Legislature, in approving the thirty-dollar (\$30) distribution out of each filing fee listed in subdivisions (a) and (b), to continue an incentive to courts to use the services of an official court reporter in civil proceedings. However, nothing in this section shall affect the Judicial Council's authority to allocate these revenues to replace reductions in the General Fund appropriation to the Trial Court Trust Fund. Section 69957 of the Government Code is amended to read: 69957. (a) Whenever an official reporter or an official reporter pro tempore is unavailable to report an action or proceeding in a court, subject to the availability of approved equipment and equipment monitors, the court may order that, in a limited civil case, or a misdemeanor or infraction case, the action or proceeding be electronically recorded, including all the testimony, the objections made, the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments of the attorneys to the jury, and all statements and remarks made and oral instructions given by the judge. A transcript derived from an electronic recording may be utilized whenever

a transcript of court proceedings is required. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use and shall only be purchased for use as provided by this section. A court shall not expend funds for or use electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in circumstances not authorized by this section. (b) Notwithstanding subdivision (a), a court may use electronic recording equipment for the internal personnel purpose of monitoring judicial officer performance if notice is provided to litigants that the proceeding may be recorded for that purpose. An electronic recording made for the purpose of monitoring judicial officer performance shall not be used for any other purpose and shall not be made publicly available. Any recording made pursuant to this subdivision shall be destroyed two years after the date of the proceeding unless a personnel matter is pending relating to performance of the judicial officer. (c) Prior to purchasing or leasing any electronic recording technology or equipment, a court shall obtain advance approval from the Judicial Council, which may grant that approval only if the use of the technology or equipment will be consistent with this section.

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.



LACCRA Executive Director Arnella Sims Speech at the Judicial Council Meeting in San Francisco

On July 29, LACCRA Executive Director Arnella Sims gave the following presentation at the Judicial Council meeting in San Francisco:

These are sad times for the court system. Even during the Great Depression, the courts did not close. Closing courts should have been the last resort, not the first. At a time when the public has an even greater need for our services, and when we are seeing more drug abuse, theft, domestic violence, child abuse and neglect cases, the services we provide the public are being greatly strained.

In Los Angeles County, with its large and diverse population, there is talk of closing courthouses. I would invite any of you to spend the day going through what a citizen must navigate just to pay a traffic ticket — standing outside with no shelter or restroom in a line that stretches down the block and around the corner, standing for hours before reaching the courthouse door, let alone the counter. How much worse will it be with one less work day?

The employees believe there are misplaced priorities. Adequate funding needs to be given to the trial courts to do what we are mandated to do. LA County has been shortchanged for years, and it has only been this crisis that has finally brought that to light. How do you explain a 77% increase in the Administrative Office of the Court's (AOC) budget just since 2004? How do you explain numerous new positions being advertised for employment with the AOC at a time when trial court employees are being laid off? When we are required to tighten our belts and do more work with less revenue, how does the AOC justify increasing what could be perceived as a bloated bureaucracy?

We read about a conference to discuss the budget. Obviously, this was an important meeting. However, while employees are having to ration paper, and some courts are behind six months to a year in processing paperwork, and some courts are shutting off their phones to the public because they have insufficient staff to answer them, wouldn't it have been more cost effective to hold the conference in this large building and bring in sandwiches?

This is not a nonprofit organization but a taxpayer-funded body with a specific constitutional mandate. The employees believe belt-tightening should be across the board. That means slow down the California Case Management System (CCMS) program and get it right before trying to expand something that does not work. That means looking at the AOC staffing levels and cutting where necessary. That means looking forward beyond this year. It is critical that funding be provided to address the deficit that our court will be facing for at least another three years.

