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Assembly
California Legislature
Committee on Rules

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Tuesday, February 17, 2015
11:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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Resolutions

2. ACR 13 (Williams) Relative to Day of Remembrance.
3. ACR 19 (Low) Relative to Lunar New Year Celebration.
4. ACR 20 (Mark Stone) Relative to California Court Reporting and Captioning Week.
5. SCR 9 (Fuller) Relative to Girls and Women in Sports Week.

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REFERRAL OF BILLS TO COMMITTEE

02/17/2015

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 22</u>	G.O.
<u>AB 80</u>	A. & A.R.
<u>AB 213</u>	U. & C.
<u>AB 213</u>	NAT. RES.
<u>AB 220</u>	ED.
<u>AB 221</u>	TRANS.
<u>AB 223</u>	TRANS.
<u>AB 224</u>	ED.
<u>AB 225</u>	PUB. S.
<u>AB 227</u>	TRANS.
<u>AB 227</u>	BUDGET
<u>AB 232</u>	W.,P. & W.
<u>AB 233</u>	HUM. S.
<u>AB 235</u>	TRANS.
<u>AB 236</u>	B. & P.
<u>AB 237</u>	L. GOV.
<u>AB 239</u>	NAT. RES.
<u>AB 240</u>	V.A.
<u>AB 240</u>	W.,P. & W.
<u>AB 241</u>	L. GOV.
<u>AB 241</u>	P. & C.P.
<u>AB 242</u>	PUB. S.
<u>AB 244</u>	B. & F.
<u>AB 244</u>	JUD.
<u>AB 246</u>	PUB. S.
<u>AB 248</u>	HEALTH
<u>AB 249</u>	PUB. S.
<u>AB 250</u>	B. & P.
<u>AB 250</u>	HEALTH
<u>AB 251</u>	L. & E.
<u>AB 252</u>	ED.
<u>AB 255</u>	V.A.
<u>AB 255</u>	A. & A.R.
<u>AB 256</u>	PUB. S.
<u>AB 258</u>	HEALTH
<u>AB 259</u>	P. & C.P.
<u>AB 260</u>	HUM. S.
<u>AB 260</u>	JUD.

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[AB 270](#)
[AB 271](#)
[ACR 21](#)
[ACR 22](#)
[AJR 5](#)
[SCR 5](#)
[SCR 6](#)
[SCR 13](#)

E.S. & T.M.
AGRI.
P. & C.P.
PUB. S.
TRANS.
HUM. S.
TRANS.
RLS.
ED.
RLS.
J., E.D. & E.
RLS.

California Legislature
Assembly Rules Committee

ROOM 3016 — STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CALIFORNIA 94249-0115
TELEPHONE: (916) 319-2800

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 2/13/15
Re: Consent Bill Referrals

Since you received the preliminary, the referral for AB 227 has changed.



Printed on Recycled Paper

Assembly Concurrent Resolution

No. 13

Introduced by Assembly Member Williams
(Coauthors: Assembly Members Bonta, Chang, Chau, Chiu, Chu,
Kim, Low, and Ting)
(Coauthors: Senators Liu, Nguyen, and Pan)

January 29, 2015

Assembly Concurrent Resolution No. 13—Relative to a Day of Remembrance.

LEGISLATIVE COUNSEL’S DIGEST

ACR 13, as introduced, Williams. Day of Remembrance.

This measure would declare February 19, 2015, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II.

Fiscal committee: no.

1 WHEREAS, On February 19, 1942, President Franklin D.
2 Roosevelt signed Executive Order 9066, under which more than
3 120,000 Americans and resident aliens of Japanese ancestry were
4 incarcerated in 10 internment camps scattered throughout western
5 states during World War II; and
6 WHEREAS, Executive Order 9066 deferred the American dream
7 for more than 120,000 Americans and resident aliens of Japanese
8 ancestry by inflicting a great human cost of abandoned homes,
9 businesses, careers, professional advancements, and disruption to
10 family life; and

1 WHEREAS, Despite their families being incarcerated behind
2 barbed wire in the United States, approximately 33,000 veterans
3 of Japanese ancestry fought bravely for our country during World
4 War II, serving in the 100th Battalion, the 442nd Regimental
5 Combat Team, and the 522nd Field Artillery Battalion; and

6 WHEREAS, On June 21, 2000, President William Jefferson
7 Clinton elevated 20 Japanese Americans who served in the 100th
8 Battalion and the 442nd Regimental Combat Team among
9 52 individuals who received the nation's second highest military
10 decoration, the Distinguished Service Cross, to receive the nation's
11 highest military decoration, the Medal of Honor, bringing the total
12 number of Japanese Americans who so received the Medal of
13 Honor to 21; and

14 WHEREAS, In 2010, President Barack Obama granted the
15 Congressional Gold Medal, collectively, to the 100th Infantry
16 Battalion and 442nd Regimental Combat Team in recognition of
17 their dedicated service during World War II; and

18 WHEREAS, Nearly 6,000 veterans of Japanese ancestry served
19 with the Military Intelligence Service and have been credited for
20 shortening the war by two years by translating enemy battle plans,
21 defense maps, tactical orders, intercepted messages and diaries,
22 and interrogating enemy prisoners; and

23 WHEREAS, Many Japanese American veterans continued a
24 life of public service after the war, including Medal of Honor
25 recipient and United States Senator Daniel Inouye, who passed
26 away in December 2012 while representing his home state of
27 Hawaii; and

28 WHEREAS, Nearly 40 years after the United States Supreme
29 Court decisions upholding the convictions of Fred Korematsu,
30 Min Yasui, and Gordon Hirabayashi for violations of curfew and
31 Executive Order 9066, it was discovered that officials from the
32 United States Department of War and the United States Department
33 of Justice had altered and destroyed evidence regarding the loyalty
34 of Americans and resident aliens of Japanese ancestry and withheld
35 information from the United States Supreme Court; and

36 WHEREAS, Dale Minami, Peggy Nagae, Dennis Hayashi, Rod
37 Kawakami, and many attorneys and interns contributed
38 innumerable hours to win a reversal of the original convictions of
39 Korematsu, Yasui, and Hirabayashi in 1983 by filing a petition

1 for writ of error coram nobis on the grounds that fundamental
2 errors and injustice occurred; and

3 WHEREAS, On August 10, 1988, President Ronald Wilson
4 Reagan signed into law the federal Civil Liberties Act of 1988,
5 finding that Executive Order 9066 was not justified by military
6 necessity and, hence, was caused by racial prejudice, war hysteria,
7 and a failure of political leadership; and

8 WHEREAS, The federal Civil Liberties Act of 1988 apologized
9 on behalf of the people of the United States for the evacuation,
10 internment, and relocation of Americans and permanent resident
11 aliens of Japanese ancestry during World War II. The act also
12 provided for restitution to those individuals of Japanese ancestry
13 who were interned; and

14 WHEREAS, February 19, 2015, marks 73 years since the signing
15 of Executive Order 9066 and a policy of grave injustice against
16 American citizens and resident aliens of Japanese ancestry; now,
17 therefore, be it

18 *Resolved by the Assembly of the State of California, the Senate*
19 *thereof concurring*, That the Legislature of the State of California
20 declares February 19, 2015, as a Day of Remembrance in this state
21 to increase public awareness of the events surrounding the
22 internment of Americans of Japanese ancestry during World War
23 II; and be it further

24 *Resolved*, That the Chief Clerk of the Assembly transmit copies
25 of this resolution to the Governor, the Superintendent of Public
26 Instruction, the State Library, and the California State Archives.

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Date of Hearing: February 17, 2015

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

ACR 13 (Williams) – As Introduced January 29, 2015

SUBJECT: Day of Remembrance.

SUMMARY: Declares February 19, 2013, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II. Specifically, **this resolution** makes the following legislative findings:

- 1) On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, pursuant to which 120,000 Americans and resident aliens of Japanese ancestry were incarcerated in internment camps scattered throughout western states during World War II and inflicted a great human cost of abandoned homes, businesses, careers, professional advancements and disruption of family life.
- 2) Although many of their family members were incarcerated, thousands of Americans of Japanese ancestry volunteered for military service and earned high honors and medals for their bravery; and, in 2010 President Obama granted the Congressional Gold Medal, collectively, to the 100th Infantry Battalion and 442nd Regimental Combat Team in recognition of their dedicated service during World War II.
- 3) On August 10, 1988, President Ronald Reagan signed the Civil Liberties Act of 1988, which found that Executive Order 9066 was not justified by military necessity but rather caused by prejudice and war hysteria; and, the Civil Liberties Act of 1988 apologized for and provided restitution to individuals of Japanese ancestry who were evacuated, interned, and relocated.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 19

Introduced by Assembly Member Low
(Coauthors: Assembly Members Bonta, Chang, Chau, Chiu, Chu,
Kim, Ting, and Williams)
(Coauthors: Senators Liu, Nguyen, and Pan)

February 5, 2015

Assembly Concurrent Resolution No. 19—Relative to Lunar New Year celebration.

LEGISLATIVE COUNSEL’S DIGEST

ACR 19, as introduced, Low. Lunar New Year Celebration.

This measure would recognize the Lunar New Year Celebration on February 19, 2015.

Fiscal committee: no.

- 1 WHEREAS, February 19, 2015, will mark the beginning of the
2 Lunar New Year, which is celebrated in many Asian communities
3 around the world, including in the United States and especially in
4 California; and
5 WHEREAS, California is home to over 5 million Asian and
6 Pacific Islander Americans of Bangladeshi, Cambodian, Chinese,
7 Filipino, Hmong, Indian, Indonesian, Iu-Mien, Japanese, Korean,
8 Laotian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and
9 Vietnamese descent; and
10 WHEREAS, The Asian and Pacific Islander American
11 community has contributed to the social, cultural, civic, economic,
12 and academic success of the state; and

1 WHEREAS, The lunar new year is predominantly celebrated
2 by the 1.7 million Chinese, Korean, and Vietnamese residents of
3 California; and

4 WHEREAS, The Lunar New Year is the Year of the Sheep and
5 is universally celebrated by these communities as a time to renew
6 family ties and to start the new year with a clean slate; and

7 WHEREAS, The celebration of the lunar new year in
8 communities throughout California illustrates the state's rich
9 cultural history and commitment to racial, religious, and cultural
10 diversity; now, therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate*
12 *thereof concurring*, That the Members join Asian and Pacific
13 Islander communities throughout the state in celebrating February
14 19, 2015, as the beginning of the Lunar New Year and extend best
15 wishes for a peaceful and prosperous lunar new year to all
16 Californians; and be it further

17 *Resolved*, That the Chief Clerk of the Assembly transmit copies
18 of this resolution to the authors for appropriate distribution.

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Date of Hearing: February 17, 2015

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

ACR 19 (Low) – As Introduced February 5, 2015

SUBJECT: Lunar New Year Celebration.

SUMMARY: Recognizes the Lunar New Year Celebration beginning on February 19, 2015. Specifically, **this resolution** makes the following legislative findings:

- 1) February 19, 2015, will mark the beginning of the Lunar New Year which is celebrated in many Asian communities around the world, including the United States, and especially California.
- 2) The lunar new year is predominately celebrated by 1.7 million Chinese, Korean, and Vietnamese residents of California.
- 3) The celebration of the lunar new year in communities throughout California reflects the rich cultural diversity and commitment to racial, religious, and cultural tolerance.
- 4) The 2015 Lunar New Year is the Year of the Sheep and is a time to renew family ties and start the new year with a clean slate.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 20

Introduced by Assembly Member Mark Stone

February 9, 2015

Assembly Concurrent Resolution No. 20—Relative to California Court Reporting and Captioning Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 20, as introduced, Mark Stone. California Court Reporting and Captioning Week.

This measure would proclaim the week of February 15, 2015, through February 21, 2015, as California Court Reporting and Captioning Week and request the governor to issue a proclamation calling on the people of the great State of California to observe the day with appropriate programs, ceremonies, and educational activities.

Fiscal committee: no.

- 1 WHEREAS, For millennia, individuals have wanted the spoken
- 2 word translated into text to record history and to accomplish this
- 3 task have relied on scribes; and
- 4 WHEREAS, The profession of scribe was born with the rise of
- 5 civilization; and
- 6 WHEREAS, In ancient Egypt, scribes were considered to be
- 7 the literate elite, recording laws and other important documents
- 8 and, since that time, have served as impartial witnesses to history;
- 9 and
- 10 WHEREAS, Scribes were present with our nation’s founding
- 11 fathers as the Declaration of Independence and the Bill of Rights
- 12 were drafted; and

1 WHEREAS, President Abraham Lincoln entrusted scribes to
2 record the Emancipation Proclamation; and

3 WHEREAS, Since the advent of shorthand machines, these
4 scribes have been known as court reporters and have played a
5 permanent and invaluable role across our country; and

6 WHEREAS, Court reporters are present in the California State
7 Legislature, preserving legislators' words and actions; and

8 WHEREAS, Court reporters and captioners are responsible for
9 keeping a complete, accurate, secure, and unbiased record of
10 courtroom proceedings and other legal matters, including civil
11 depositions; and

12 WHEREAS, Through the Transcript Reimbursement Fund,
13 court reporters fund and are responsible for providing courtroom
14 transcripts to indigent litigants; and

15 WHEREAS, Court reporters and captioners are responsible for
16 the closed captioning seen scrolling across television screens, at
17 sporting stadiums, and in other community and educational settings,
18 bringing information to millions of deaf and hard-of-hearing
19 Americans every day; and

20 WHEREAS, Court reporters regularly volunteer to document
21 educational events and to capture veterans' oral histories at
22 community events; and

23 WHEREAS, There are an estimated 8,500 Californians working
24 as court reporters and captioners; and

25 WHEREAS, Court reporters and captioners translate the spoken
26 word into text and preserve our history; and

27 WHEREAS, Whether called the scribes of yesterday or the court
28 reporters and captioners of today, the individuals who preserve
29 our nation's history are truly the guardians of the record; now,
30 therefore, be it

31 *Resolved by the Assembly of the State of California, the Senate*
32 *thereof concurring,* That the Legislature proclaims February 15,
33 2015, through February 21, 2015, as California Court Reporting
34 and Captioning Week, and requests that the Governor issue a
35 proclamation calling on the people of the great State of California
36 to observe the day with appropriate programs, ceremonies, and
37 educational activities; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of this resolution to the author for appropriate distribution.

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Date of Hearing: February 17, 2015

ASSEMBLY COMMITTEE ON RULES

Gordon, Chair

ACR 20 (Mark Stone) – As Introduced February 9, 2015

SUBJECT: California Court Reporting and Captioning Week.

SUMMARY: Proclaims the week of February 15, 2015, through February 21, 2015, as California Court Reporting and Captioning Week in California. Specifically, **this resolution:** makes the following legislative findings:

- 1) Court reporters and captioners are responsible for keeping a complete, accurate, secure, and unbiased record of courtroom proceedings and other legal matters, including civil depositions.
- 2) Court reporters and captioners are responsible for the closed captioning seen scrolling across television screens, at sporting stadiums, and in other community and educational settings, bringing information to millions of deaf and hard-of-hearing Americans every day.
- 3) There are approximately 8,500 Californians working as court reports and captioners translating spoken word into text and preserving our history.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Court Reporters Association (CCRA)

California Official Court Reporters Association (COCRA)

Deposition Reporters Association of California, Inc. (DRA)

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



February 9, 2015

Assemblymember Gordon
Chair, Assembly Rules Committee
California State Capitol
Sacramento, CA 95814

Re: ACR 20 (Stone): 2015 California Court Reporting & Captioning Week

Dear Assemblymember Gordon,

On behalf of the California Court Reporters Association, California's leading state organization representing court reporters, I am writing to express support for Assembly Concurrent Resolution 20, authored by Assemblymember Mark Stone. As co-sponsors of this resolution we are interested in bringing a handful of court reporters to the State Capitol during this week of designation to watch the floor presentation of the resolution from the Gallery of the Assembly Chambers.

This resolution, modeled after a national effort led by the National Court Reporters Association, honors the professions of court reporting and captioning by bringing statewide awareness to the impact court reporters and captioners have had on capturing California's history. Designating the week of February 16th as California Court Reporting & Captioning Week gives our profession the opportunity to celebrate the value that stenographic skills bring to today's marketplace.

CCRA, along with the Depositions Reporters Association and California Official Court Reporters Association, have joined Assemblymember Mark Stone in this effort to showcase the court reporting and captioning professions.

I urge your support of this recognition and ask for your approval to have the resolution heard on the Assembly Floor during the designated week of February 16th.

Thank you for your consideration,

Carlos A. Martinez
CSR, RPR, CMRS
President

BROAD & GUSMAN, LLP
ATTORNEYS AT LAW

February 10, 2015

Honorable Richard Gordon
Chairperson
Assembly Rules Committee
State Capitol – Room 3016
Sacramento, CA 95814

Re: ACR 20 (Stone)

Dear Assembly Member Gordon:

I am writing on behalf of the California Official Court Reporters Association (COCRA) to support ACR 20 by Assembly Member Mark Stone.

ACR 20 would proclaim the week of February 15, 2015 as California Court Reporting and Captioning Week.

Court reporters are an integral part of our judicial branch and what they do is fundamental to the preservation of democracy. This may seem like hyperbole or an overstatement, but it is nonetheless true. Court reporters preserve the record of judicial proceedings to ensure that the government and the parties to those proceedings have an accurate record of what went on. It's that accurate record that is often the only thing keeping injustices from occurring and sometimes the only tangible check on those who would abuse their discretion or power. Thus, the accurate record, like other key components of our judicial system, helps ensure fairness and, ultimately, the public's trust. Without such trust, people's willingness to settle disputes peacefully through our judicial system would break down.

Sincerely,



Shane Gusman
Broad & Gusman, LLP

cc: Members, Assembly Rules Committee

1127 11TH Street, Suite 512
Sacramento, CA 95814
(916) 442-5999
Fax (916) 442-3209





February 9, 2015

The Hon. Rich Gordon
Chair, Assembly Committee on Rules
State Capitol, Room 3016
Sacramento, CA 95814

RE: ACR (Stone) – Co-sponsorship and Support

Dear Assemblymember Gordon:

The Deposition Reporters Association of California (“DRA”) writes with our sister court reporting organizations to co-sponsor and support ACR 20 (Stone) proclaiming February 15 through 21st California Court Reporting and Captioning Week.

DEPOSITION REPORTERS ASSOCIATION OF CALIFORNIA

DRA represents more licensed freelance deposition court reporting professionals and firms than any organization in California and is the leading organization in the nation devoted solely to representing such professionals. DRA is a California affiliate of the National Court Reporters Association (NCRA).

DRA was founded in 1995 by freelance deposition reporters and firm owners seeking to preserve the impartiality and independence of their profession. In the early nineteen nineties, certain deposition companies and firms began the practice of offering certain services or prices to one party in litigation but not to others. DRA was founded to combat such practices.

DRA worked with the NCRA to establish and fund Citizens for Impartial Justice, a nationwide organization that coordinated successful efforts across the country to preserve the impartiality of the deposition reporting profession. As a result, court rules or laws preserving the impartiality of freelance deposition professionals were passed in fourteen states including Hawaii, Texas, Minnesota, Utah, West Virginia,

and New Mexico. DRA is a leading voice in Sacramento on legislative and regulatory matters affecting the profession and participates as *amicus curie* in litigation matters related to the profession.

BACKGROUND

Court reporters are highly trained professionals.

The term “court reporter” broadly refers to two kinds of licensed professional: those licensees who are full-time employees of county courts and work in courtrooms, reporting and transcribing official proceedings (called “officials”), and those licensees who are hired by attorneys to report and transcribe depositions and other out-of-court proceedings (called “freelancers”).

A court reporter’s license, like a license to practice law, is a general license. That is, it legally permits (not necessarily qualifies) a reporter immediately to work in any setting for which a licensed reporter is required, whether it be a complex medical malpractice deposition replete with scientific medical jargon and yelling lawyers, or a discovery motion in a simple breach of contract trial.

The importance of this licensed profession to the reasoned and credible administration of justice is hard to overstate. This was judicially confirmed in 2011 in *Serrano v. Stefan Merli Plastering Co.* (2011) 52 Cal.4th 1018, 1021 where the Supreme Court held that court reporters who take depositions are “ministerial officers of the court,” meaning officers charged with non-discretionary, *inherently judicial* duties. This is why freelancers who report and transcribe depositions are empowered to swear in witnesses, and this is why the Code of Civil Procedure strictly regulates what they do: court reporters are extensions of the judge, often working in a private setting.

Indeed, the California Legislature’s Joint Committee on Boards, Commissions, & Consumer Protection correctly underscored the importance of this frequently taken-for-granted profession in 2005 when it wrote:

An accurate written record of who said what in court is essential if the outcome of a judicial proceeding is to be accepted by the litigants and the public as non-arbitrary, fair, and credible.

In criminal cases, for example, courts of appeal rely exclusively upon [] written briefs and a written transcript to adjudicate the lawfulness of what occurred at trial. A conviction – and thus in some instances the life or death of an accused – can stand or fall based entirely upon what a

witness said, what a lawyer said, what a juror said, or what a judge said, as solely reflected in the written transcript.

In civil cases, millions of dollars, life-long careers, and the fate of whole business[] enterprises can hinge on what was said or what was not said in a deposition or at trial.

Moreover, the testimony in civil and criminal cases is often thick with technical jargon. A medical malpractice case where specialist experts from both sides contradict one another can involve complex technical medical terminology; criminal cases can involve scientific language related to DNA identification; anti-trust cases can involve diction from economic theory, and so on. No matter how obscure or technical, such jargon must to-the-word accurately be reflected in the written transcript.

Court reporters are highly trained professionals who transcribe the words spoken in a wide variety of official legal settings such as court hearings, trials, and other litigation-related proceedings such as depositions.

Court reporters are, like physicians, engineers, and accountants, licensed by and subject to discipline by a regulatory board in the Department of Consumer Affairs. The Court Reporters Board has the power not just to discipline individual licensees but also corporate entities that provide or arrange for court reporting services. Befitting the enormously difficult and exacting nature of the profession, passage rates for the court reporter's licensing exam are usually below those of the Bar Exam.

Just as is the case with CPAs, lawyers, engineers, and other licensed professions, court reporters are not fungible.

A common misperception is that court reporters simply and passively take dictation; that they are fungible. As any experienced litigator will tell you, and as a glance at the many and complex Code of Civil Procedure and Government Code sections dealing with court reporting confirms, that is very wrong. As officers of the court who administer oaths, as the custodians of the record during and after a deposition (when corrections are made by the witness) or hearing, court reporters are required to ensure that the transcript is accurate, and that often means intervening in the proceeding to ensure that the words witnesses speak can accurately be heard, understood, and reported. This must all be done under sometimes extraordinarily stressful circumstances, with emotional witnesses and sometimes furious attorneys jockeying for any advantage.

Moreover, court reporters don't just show up unprepared. Call, for example, a freelance deposition reporter on the weekend prior to a patent or trademark-related deposition and you will discover it is commonplace for them to be busy reading the underlying patents or pleadings to familiarize themselves with the jargon and what the jargon means, or creating a custom dictionary of key terms, all to better ensure the accuracy of transcribed testimony. This mastery of context is how the best reporters will know whether one technical chemical compound (for example) is uttered over its similar sounding cousin.

As well, as trained professionals whose duty it is to ensure an accurate record, court reporters will interrupt testimony if it is inaudible or incomprehensible, mediate between yelling attorneys to ensure what they are saying is accurately transcribed. In other words, these licensed professionals will often be called upon to use their training and judgment to manage the deposition, to ensure the integrity of the record.

It is a very hard, stressful, exacting, and important job.

And, this is also the reason why lawyers sometimes receive good, accurate transcripts that also flow and are easily readable and why they sometimes do not receive good transcripts. Just as no two lawyers will write a brief in the same way, no two licensed reporters will organize (for example) a passionate colloquy between counsel the same way. The preparation; the management of the proceeding to ensure an accurate record, the decisions as to how the transcript will be organized; these factors all require professional judgment, preparation, experience, and intelligence, and the product lawyers obtain will vary – sometimes significantly -- depending on the reporter hired.

Knowing this, deposition firm owners view it as their core function to match their reporters to jobs based upon which reporter will do the best job for their client. Firm owners thus assign reporters based upon the substantive complexity of the case; the proclivities of the attorneys; the demands of the case in terms of managing the proceeding; the overall strengths or weaknesses of the reporter (both personal and professional); workload and work habits and reliable personal availability.

Firm owners likewise supervise and mentor their reporters, answering questions and providing guidance about law and practice before, during, and after proceedings.

A profession overwhelmingly comprised of women

Of important note is that the profession of court reporting is overwhelmingly comprised of women. Because the career offers a pathway to a prestigious

professional license while also offering work flexibility, women make up the vast majority of licensees and the vast majority of licensee-owned firm owners. By passing this resolution, you honor a profession of working women and women-owned small businesses.

Deposition transcripts are routinely admissible because they are the work of these professionals

It is not intuitive that transcripts of what individuals say in depositions are admissible in court. Typically, writings reflecting out-of-court statements made by witnesses would be insufficiently reliable to be admitted as evidence and would rightly be deemed to be inadmissible hearsay.

But, depositions are not out-of-court statements because depositions are not out-of-court proceedings. What makes what is said in a deposition a statement in a judicial proceeding is that they are reported not by an interested party or even a lay neutral one but by what the California codes sometimes call “officers” – as in an officer of the court – and certified reporters performing a ministerial, inherently judicial function, accountable to a licensing board for the transcription of the proceeding nearly up to and until it is introduced into evidence.

This is why the many court rules and statutes governing the licensure of certified reporters in California exist -- to ensure the inherent reliability of what would otherwise be inadmissible hearsay.

And, this is why the state regulation of certified deposition reporting is critical to the functioning of California’s judiciary. Depositions are a way for the court to obtain reliable testimony to be used in a judicial proceeding without having to consume hearing time in an actual courtroom.

Thus, California law ensures that the officer who conducted and the certified reporter who personally reported the deposition is accountable for ensuring the testimony is not tampered with. To this end, California establishes a chain of custody for transcripts and copies where a certified and licensed professional is accountable for what happens to the transcript and fully admissible certified copies of it.

Without this chain, without a licensee and officer of the court ensuring that the transcript and copies have not been altered, ***these written words on a page may be too unreliable to be admitted in court*** without additional checks on the veracity of the documents and their foundation; expensive and time-consuming checks made unnecessary because the licensed reporter is as a licensee personally accountable to

laws that impose strict standards governing what happens to a reporter's work product before, during, and after the deposition.

There is almost never litigation about whether what is transcribed accurately reflects what was said in a deposition. The current system is so trustworthy, it is taken for granted.

ACR 20 (Stone) honors a profession that is essential to the efficacious administration of justice, does not garner the respect it deserves, and pays homage to working women and women-owned small businesses. DRA urges your support.

Sincerely:

A handwritten signature in black ink, appearing to read 'Ed Howard', with a stylized, flowing script.

Ed Howard, Howard Advocacy, Inc.
On behalf of DRA

cc: Hon. Members of the Assembly Rules Committee

Introduced by Senator Fuller

January 13, 2015

Senate Concurrent Resolution No. 9—Relative to Girls and Women in Sports Week.

LEGISLATIVE COUNSEL'S DIGEST

SCR 9, as introduced, Fuller. Girls and Women in Sports Week.

This measure would recognize female athletes, coaches, officials, and sports administrators for their important contribution in promoting the value of sports in the achievement of full human potential and would proclaim February 1 to 7, 2015, as California Girls and Women in Sports Week.

Fiscal committee: no.

1 WHEREAS, By an act of the United States Congress, February
2 4, 1987, was proclaimed as the first national Girls and Women in
3 Sports Day in honor of Flo Hyman, a volleyball legend whose
4 efforts to promote equality in sports were cut short by her untimely
5 and tragic death; and
6 WHEREAS, Since that time women have made considerable
7 advances in professional, collegiate, club, intramural, masters,
8 high school, junior high school, youth, and recreational sports; and
9 WHEREAS, Many female athletes have distinguished
10 themselves as representatives of California and the nation in
11 international competition and the Olympic games; and
12 WHEREAS, Participation in sports is acknowledged as a positive
13 force in developing and promoting physical, mental, moral, social,
14 and emotional well-being; and it is well established that
15 participation in athletics builds self-esteem, communication skills,

1 discipline, and perseverance, all qualities that make a positive and
2 significant difference in the quality of life and in the level of
3 accomplishment; and

4 WHEREAS, We need to encourage women of all ages to
5 compete and contribute to sports at all levels of competition and
6 recreation to help prepare the next generation of female athletes
7 and sports leaders; and

8 WHEREAS, The combined efforts of many organizations
9 including the Women's Sports Foundation, the California
10 Association of Health, Physical Education, Recreation and Dance,
11 and the California National Organization for Women, have served
12 to bring needed information and important recognition of this day,
13 as well as furthered the dreams and inspired today's female
14 athletes; now, therefore, be it

15 *Resolved by the Senate of the State of California, the Assembly*
16 *thereof concurring*, That the Legislature recognizes female athletes,
17 coaches, officials, and sports administrators for their important
18 contribution in promoting the value of sports in the achievement
19 of full human potential and hereby proclaims February 1 to 7,
20 inclusive, 2015, as California Girls and Women in Sports Week;
21 and be it further

22 *Resolved*, That the Secretary of the Senate transmit copies of
23 this resolution to the author for appropriate distribution.
24

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26 CORRECTIONS: _____

27 Text—Page 1.
28 _____

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Date of Hearing: February 17, 2015

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
SCR 9 (Fuller) – As Introduced January 13, 2015

SENATE VOTE: 36-0

SUBJECT: Girls and Women in Sports Week.

SUMMARY: Recognizes female athletes, coaches, officials, and sports administrators for their important contribution in promoting the value of sports in the achievement of full human potential and proclaims February 1 to 7, 2015, as California Girls and Women in Sports Week. Specifically, **this resolution:** makes the following legislative findings:

- 1) By an act of the United States Congress, February 4, 1987, was proclaimed as the first national Girls and Women in Sports Day in honor of Flo Hyman, a volleyball legend whose efforts to promote equality in sports were cut short by her untimely and tragic death.
- 2) Since that time women have made considerable advances in professional, collegiate, club, intramural, masters, high school, junior high school, youth, and recreational sports; and many of them have distinguished themselves as representatives of California and the nation in international competition and the Olympic games.
- 3) Participation in sports is acknowledged as a positive force in developing and promoting physical, mental, moral, social, and emotional well-being; and it is well established that participation in athletics builds self-esteem, communication skills, discipline, and perseverance, all qualities that make a positive and significant difference in the quality of life and the level of accomplishment.
- 4) The combined efforts of many organizations including Women's Sports Foundation, the California Association of Health, Physical Education, Recreation and Dance, and the California National Organization for Women, have served to bring needed information and important recognition of this day, as well as furthered the dreams and inspired today's female athletes.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

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