

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law. Thanks for joining today's podcast on AB 2084 - new rules for licensed shorthand reporters.

Governor Jerry Brown signed Assembly Bill 2084 by Assemblymember Ash Kalra on September 21st as Chapter 648. The bill is effective January 1, 2019 and it adds Section 8050 to the California Business and Professions Code to limit the business practices of licensed shorthand reporters in the state.

AB 2084 prohibits an individual or entity that engages in any act that constitutes shorthand reporting, or that employs or contracts with another party to perform shorthand reporting, from engaging in specified business practices.

The bill also authorizes the attorney general, district attorney, city attorney or the CRBC to bring a civil action for a violation of these provisions of law. The new law subjects an individual or entity that violates these provisions to a civil fine not exceeding \$10,000 per violation.

AB 2084 adds several subdivisions to new Section 8050. It also includes an initial statement of legislative intent as follows.

"It is the intent of the Legislature to enhance the regulation of licensed shorthand reporters and shorthand reporting corporations pursuant to this section, by imposing specific penalties in addition to other remedies permitted by this chapter that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based upon the quality and price of shorthand reporting services."

Thereafter, the bill specifies that this new code section applies to an individual or entity that engages in any licensed shorthand reporting activities.

Note however, that AB 2084 does not apply to an individual, whether acting as an individual or as an officer, director or shareholder of a shorthand reporting corporation, who possesses a valid license that may be revoked or suspended, or to a shorthand reporting corporation that is in compliance with Section 8044.

The new section of law also does not apply to a court, a party to litigation, an attorney of a party, or a full-time employee of the party or the attorney of the party who provides or contracts for certified shorthand reporting for purposes related to this litigation.

Specifically the new code section prohibits an individual or entity from doing any of the following four items:

1. Seek compensation for a transcript that is in violation of the minimum transcript format standards set forth in applicable regulations.
2. Seek compensation for a certified court transcript applying to these other than those set out in statute.
3. Make a transcript available to one party in advance of other parties, or provide a service to only one party.

4. Fail to promptly notify a party of a request for preparation of all or any part of a transcript, excerpts or expedite for one party without the other party's knowledge.

AB 2084 does not, however, prohibit a licensed shorthand reporter, shorthand reporting corporation, an individual entity from offering or providing long-term or multi-case volume discounts or services that are ancillary to reporting and transcribing a deposition, arbitration or judicial proceeding in contracts that are subject to law related to shorthand reporting.

Thanks for joining this brief overview of AB 2084.