

**MINUTES**

**STATE BOARD OF EXAMINERS OF SHORTHAND REPORTERS**

**OCTOBER 25, 2006**

The State Board of Examiners of Shorthand Reporters convened October 25, 2006 at 8:30 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members Present: Susan K. Whitt, Chairperson, Shorthand Reporter  
John C. Brandon, Shorthand Reporter  
Joseph N. Defilippo, Attorney  
William Mangini, Public Member  
Cheryl Stern, Public Member

Board Counsel Present: Jose Rene Martinez, AAG

Board Vacancies: One Shorthand Reporter

DCP Staff Present: Nelson Leon, Board Secretary  
Vicky Bullock, DCP Attorney

Public Present: Christopher Van DeHoef, TCORS  
Jerry Gale  
Robert Miller  
Dolores Falzarano

**Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information call Richard M. Hurlburt, Director, at (860) 713-6135.**

The Board voted unanimously to approve minutes of the June 28, 2006 Shorthand Reporters meeting.

Ms. Bullock swore Ms. Stern in as a member of the Board.

Ms. Whitt suggested that the Board take up the issues that brought the visitors in before the matters on the agenda.

Mr. Brandon gave a history of how the freelance agencies traditionally hired, and trained, new reporters, pre-license.

Ms. Whitt spoke about our current test, and said she does not want to do anything to reduce the meaningfulness of our test. She had done all she can do to make it fair, such as giving the test twice each test day, allowing the test-takers to pass one leg at a time, etc. Ms. Whitt proposed that the Board issue a provisional license to new reporters meeting certain criteria, who would then work under the guidance of a freelance agency.

Ms. Whitt proposed that the criteria for a provisional license be as follows: The applicant must pass the written knowledge portion of our test or the national written knowledge portion; that the applicant also pass one skills leg of our test, with the national test that we recognize; that anyone granted a provisional license be required to keep taking our test each time it is given, and maintain continuing education points, as fully licensed reporters must do.

Ms. Whitt brought some sample tests that she has corrected, and offered to share them in executive session only.

Ms. Whitt corrected Mr. Brandon, who had said that only about 10 Connecticut residents had passed our test since its inception. Ms. Whitt said 34 Connecticut residents have passed the test. Ms. Whit said 2003 and 2004 were abysmal years for passing our test, but that it seems to be turning around now, with several passing grades this year.

Mr. Mangini said we've talked about provisional licensure in the past, but it always got dismissed by our Board. Ms. Whitt said that was not the case, but, instead, it had gotten discussed to death and dismissed, and that our state organization has never come out in favor of it.

Ms. Whitt said many test-takers are close to passing, but, there is a big disparity between 94 percent and 95 percent grades. She said the provisional license would keep testers in school.

Mr. Brandon said that lowering our standards is not on the table.

Ms. Whitt said she heard about our agency owners' meeting, where changes to our grading were discussed, and that curving the test results would let in reporters who had too many errors.

Mr. Martinez asked why is there a shortage of new reporters? Is it monetary? Have any other avenues been explored to find new reporters and new students? Have any studies been done as to why there is a shortage?

Ms. Whitt said our national association saw the shortage coming 10-20 years ago. Some reasons: Parents want their kids in 4-yr colleges; Baby boomers' kids are grown and gone, thus depleting the pool of potential reporting students; freelance reporters are self-employed, with no benefits; it's predominantly a female profession, many of whom work part-time; for many reporters it's a second income for the family; it does have its seasonal aspects, when business rises and falls.

Mr. Martinez asked if changing the requirements addresses the issues at hand? Should we take steps to identify the causes of the shortage? Will changing the exam create problems in the future? Is this a reaction, as opposed to an analysis?

Mr. DeFilippo said the consumer is not better off by lowering our standards on our test. Ms. Whitt said that, as it stands now, the license means something important has been achieved. Mr. DeFilippo said recruitment is better than changing the exam.

Ms. Whitt said she weighed this issue back and forth in her mind. She said provisional licensees would need agency owners to guide them and mentor them. She said that, as it stands today, agency owners are pushing their reporters too hard, making them work too many jobs, due to the shortage. She said she has worked for a decade to make the test fair and easy to pass.

Mr. Brandon spoke about agency owners mentoring and guiding the provisional reporters, similar to what they did for many decades before we had a state test. He said that most of our states' reporters did not pass the test, but were grandfathered in at the initiation of the license. He said that the system worked well for a long time, and all of the older reporters in our state came through that system.

Mr. Miller spoke as the owner of the largest freelance firm in our state. He's been a reporter for 40 years, spoke about his court career, said that the analogy to the bar exam is not a good one. Mr. Miller said passing the test does not assure one is a good court reporter. One has to be on time, have a good work ethic, English skills, etc. He said many test-takers have become discouraged and quit taking the test, depriving our state of new blood that we need. He produced a letter from the law firm of Shipman & Goodwin about one of his firms' unlicensed reporters, who reports zoning hearing, night hearing, etc., and does a great job. Shipman & Goodwin recommended him highly as a good court reporter.

Mr. Miller said lots of out-of-state reporters are coming into Connecticut to take jobs, particularly from Westchester County in New York. He said we need apprentice reporters to take smaller jobs that eat up the time of more experienced reporters, especially in Fairfield County, where the shortage is most extreme. He said he knows that provisional licensure was proposed to our Board about three years ago, and nothing was done.

Ms. Whitt said nothing was done because the Board decided to table the discussion. Mr. Miller asked if Ms. Whitt is on board with provisional licensure, or not? He asked her to be consistent. Ms. Whitt asked Mr. Miller not to misrepresent her position. Mr. Miller said Ms. Whitt was always against a provisional license, yet today is in favor of it. Ms. Whitt asked if he meant provisional or temporary? Mr. Miller said, either way, Ms. Whitt was against it. He said we essentially have the choice for the future: the live reporter, or stenomaskers.

Ms. Falzarano spoke, said she's been a reporter 35 years, spoke about pasting the Superior Court exam. She said the requirements for that exam have changed over time, as we propose to change ours now. When the Superior Court needed new reporters, they made the test a bit easier, and when the need was less, the test was harder.

Ms. Falzarano said many more reporters would be here today, but they have to be out working, due to the shortage. She said unlicensed reporters work every day in Federal Court, Federal Grand Jury, etc., very hard testimony. Many are good, but simply can't pass a test, for whatever reason.

Mr. Gale spoke, said he's been a reporter 54 years, owned his firm since 1960. He is still in favor of licensing, and in 1966 or 1967 went to the Legislature for a license bill and it lost by one vote. He said for 45-plus years we had no test, no license, and we all did fine. He's lost several reporters in the last few years and has not replaced one yet. He reiterated that most reporters working now did not pass the test, but were grandfathered in. He said less students start school because they know about the test at the other end. He said for 10 or more years he gave the national tests in Connecticut, and many volunteers stayed after to correct the papers immediately. He said that we have to remember that Mass, New York, and Rhode Island have no license.

Ms. Stern said she holds several licenses: Insurance, Series 7, teacher's license, and the last thing we want to do is reduce our standards. She said perhaps we are seeing the impact of incorrect data, and it scares her to talk about reducing standards. We're not the only occupation suffering from lack of new blood: nursing, law enforcement, every major company needs more help. She said we should look for the root causes of our shortage, define the issues, and define what actions we need to take. Provisional licensure is only one possible solution.

Ms. Falzarano said New York has a civil service exam, that gets easier and harder as the need for bodies changes.

Ms. Stern asked if there's a correlation between getting new people in and testing? Maybe we need to reach out to high schools, guidance counselors, etc.

Mr. Miller spoke about his experience mentoring, going to high schools, a group called Common Ground that he's involved in, which helps kids find careers. He said we're different, because there are always going to be police, firemen, etc., but we can be replaced. He said that the state courts have already replaced most of the live reporters with tape systems, and the transcripts from them are late, and of low quality.

Mr. Brandon said the tape system used in court is horrid, and the Board can attest to that.

Mr. DeFilippo said the taping system in state court has zero quality control, and he's an end user, and it's very bad.

Mr. Gale said the taping system has caused trials to be appealed due to a lack of the written record, when tapes malfunction, fail to record, etc. He said the words "inaudible" and "untranscribable" are accepted in tape transcripts, but never in a live reporter's work product. We have a much higher standard.

Mr. Martinez said it does not matter to him if the live reporter or maskers are the way things are recorded, he has to serve either.

Mr. Brandon thanked Mr. Martinez for those kind thoughts about our profession.

Mr. Martinez asked if the provisional license would have an expiration time?

Mr. Brandon spoke about the possible requirements of a provisional license, expiration time, mentoring by an agency.

Mr. Martinez asked if there were any measures in place to assure accuracy by provisional reporters?

Mr. Brandon spoke about audiosync, whereby the software all reporters use automatically records the audio of all the jobs, and stores it on the hard drive of the laptop computer, and syncs it with the written text as the reporter edits each job.

Ms. Whitt thanked everyone for coming and sharing ideas, and said we'd take this matter up at the next meeting in two months.

Mr. Brandon said he wanted to make a formal motion today to vote on provisional licensure, and if passed, we can fill in the details at future meetings.

Mr. Brandon made a motion to implement provisional licensure in Connecticut, with the provisions as follows: Pass the written knowledge portion of our test or its equivalent; pass on skills leg of our test or its equivalent; work under the guidance of a freelance firm; continue to test each time it's given; take continuing education as fully licensed reporters must.

Motion seconded by Mr. Mangini, vote taken, passed 3-1 in favor of provisional licensure. Ms. Stern abstained.

There being no further business, the meeting adjourned at 10:20 a.m.

Respectfully submitted,

Susan K. Whitt  
Chairperson

**The next meeting of this Board is scheduled for Wednesday, November 22, 2006 at 8:15 a.m.**