

BOARD MEETING LA BOARD OF EXAMINERS

1 LOUISIANA BOARD OF EXAMINERS
 2 OF CERTIFIED SHORTHAND REPORTERS
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 9 BOARD MEETING FOR THE LOUISIANA BOARD OF
 10 EXAMINERS OF CERTIFIED SHORTHAND REPORTERS, HELD AT THE
 11 BENSON TOWER, SUITE 739, NEW ORLEANS, LOUISIANA ON THE
 12 15TH DAY OF SEPTEMBER, 2017, COMMENCING AT 10:10 A.M.,
 13 BEFORE ELICIA H. WOODWORTH, CERTIFIED COURT REPORTER IN
 14 AND FOR THE STATE OF LOUISIANA.
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1 * * * *
 2 MR. BORRELLO:
 3 All right. Good morning, everyone.
 4 Judge Bonin is not going to be able to attend this
 5 morning. He's stuck in a murder trial, so he asked me
 6 if I could take over the meeting and chair the meeting.
 7 So we're going to go ahead and get started.
 8 If everyone will please stand, we'll
 9 start with the Pledge of Allegiance. Laura, if you
 10 could please lead us with that.
 11 (Whereupon the Pledge of Allegiance was
 12 conducted.)
 13 MR. BORRELLO:
 14 Okay. Ms. Nguyen, we'll go ahead and
 15 start with the rollcall.
 16 MS. NGUYEN:
 17 Vincent Borrello.
 18 MR. BORRELLO:
 19 Present.
 20 MR. NGUYEN:
 21 Laura Putnam.
 22 MS. PUTNAM:
 23 Here.
 24 MS. NGUYEN:
 25 Elizabeth Methvin.

1 APPEARANCES:
 2
 3 Vincent P. Borrello, Jr., CCR, RPR, Secretary
 4 Milton Donegan, Jr., CCR
 5 Suzette M. Magee, CCR
 6 John H. Andressen, CCR
 7 May F. Dunn, CCR
 8 Elizabeth Methvin, CCR
 9 Laura Putnam, Attorney
 10 Nhung C. Nguyen, Administrator
 11 David Marcello, CSR Board Attorney
 12 Christian Helmke, CSR Board Investigative Counsel
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1 MS. METHVIN:
 2 Here.
 3 MS. NGUYEN:
 4 Milton Donegan.
 5 MR. DONEGAN:
 6 Present.
 7 MS. NGUYEN:
 8 Suzette Magee.
 9 MS. MAGEE:
 10 Here.
 11 MS. NGUYEN:
 12 May Dunn.
 13 MS. DUNN:
 14 Here.
 15 MS. NGUYEN:
 16 John Andressen.
 17 MR. ANDRESSEN:
 18 Here.
 19 MS. NGUYEN:
 20 David Marcello.
 21 MR. MARCELLO:
 22 Here.
 23 MS. NGUYEN:
 24 And Christian Helmke.
 25 MR. HELMKE:



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1 Here.

2 MS. NGUYEN:

3 Kimya Holmes should be appearing in Judge's

4 absence today.

5 MR. BORRELLO:

6 With that, is there a motion to approve

7 the minutes of the June 23rd meeting?

8 MS. MAGEE:

9 I didn't get them.

10 MS. NGUYEN:

11 It's right here.

12 MR. BORRELLO:

13 I say the minutes. The transcript,

14 actually.

15 MR. DONEGAN:

16 I so move.

17 MS. PUTNAM:

18 Second.

19 MR. BORRELLO:

20 All in favor?

21 (Several members respond "aye.")

22 MR. BORRELLO:

23 Motion passes without opposition.

24 Okay. Moving on to Committee Reports.

25 Mr. Andressen, Finance and Operations.

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1 MR. ANDRESSEN:

2 Vinny, I ask that I issue my report

3 after we go into the executive session. There's some

4 things I would like to talk to the Board about.

5 MR. BORRELLO:

6 Okay. We'll go ahead and -- first of

7 all, is there a second to defer the committee report?

8 MS. MAGEE:

9 Second.

10 MR. BORRELLO:

11 Okay. All in favor?

12 (Several members respond "aye.")

13 MR. BORRELLO:

14 Motion passes without opposition.

15 MR. MARCELLO:

16 Let me just observe, if there's portions

17 of the report that are public in nature, you should

18 render them now and observe your objections as to any of

19 those pertaining to the purpose of the executive session

20 with the litigation. If there are no other things to

21 discuss other than the litigation...

22 MR. ANDRESSEN:

23 That's fine. I can give portions of it.

24 That's fine. I understand what you're saying.

25 Okay. First three sheets are the

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1 balance sheets for June, July and August. As you can

2 see, our fund balance is going down. The litigation

3 cost us quite a bit. Of course, David and Josh put a

4 lot of work into it, too. Luckily we've got renewals

5 coming up, and that will help and everything.

6 The next three pages are the operating

7 statements for June, July and August. Nothing out of

8 the ordinary. You know, we've got some extensive legal

9 fees.

10 I move that we approve the balance

11 sheets and operating statements for June, July and

12 August.

13 MR. BORRELLO:

14 Is there a second?

15 MR. DONEGAN:

16 Second.

17 MS. DUNN:

18 I'll --

19 MR. BORRELLO:

20 I'm sorry?

21 MS. DUNN:

22 Milton seconded.

23 MR. BORRELLO:

24 Milton seconded. Okay.

25 All in favor?

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1 (Several members respond "aye.")

2 MR. BORRELLO:

3 Motion passes without opposition.

4 MR. ANDRESSEN:

5 The next thing on the agenda is

6 amendment of the lease contract. The lease with our

7 office went up about 40 or \$50 a month. So I move that

8 we accept the new lease.

9 MR. BORRELLO:

10 Is there a second?

11 MS. MAGEE:

12 Second.

13 MR. BORRELLO:

14 All in favor?

15 (Several members respond "aye.")

16 MR. BORRELLO:

17 Motion passes without opposition.

18 MR. ANDRESSEN:

19 Next one, we don't have any paperwork

20 for this. We need to ratify 2016-2017's contract with

21 Sher Garner. We had amended it to 75,000 last fiscal

22 year, and at the end of the day, we were about 4,000 and

23 some change above that. We went through 79,000 and some

24 change. Vicky's already paid it, and the state informed

25 her that they can't approve this year's contract until



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1 we ratify last year's. So I move that we ratify last
 2 year's contract to the 79 and some change that we went
 3 to.
 4 MS. PUTNAM:
 5 I second the motion.
 6 MR. BORRELLO:
 7 All in favor?
 8 (Several members respond "aye.")
 9 MR. BORRELLO:
 10 Motion passes.
 11 MR. ANDRESSEN:
 12 With that being said, we've already
 13 approved a \$25,000 contract for this fiscal year,
 14 '17-'18. Now, that's going to have to be amended. We
 15 know that with the litigation everything, but Vicky will
 16 now get with the State to ratify 2016-'17's contract,
 17 and then they won't approve this year's contract until
 18 we ratify that one, so they will approve it and then go
 19 forward from there.
 20 The next one is the contract for
 21 accounting services. Vicky, I don't think it's going to
 22 have to be --
 23 MS. NGUYEN:
 24 Before we move, I do want to add, at
 25 that last meeting, the Judge, I think the Board approved

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1 amending the contract to 100,000, and when I sent the
 2 amendment in, the AD's office returned it because we was
 3 supposed to turn it in by June 30th. I didn't get the
 4 signatures until after the date, so it was not done in
 5 time, so it was denied. So I had to go with the
 6 ratification to '16-'17.
 7 MR. BORRELLO:
 8 Okay.
 9 MR. ANDRESSEN:
 10 And the next one is contract for
 11 accounting services. I don't think it went up, did it,
 12 or it stayed the same?
 13 MS. NGUYEN:
 14 Stayed the same.
 15 MR. ANDRESSEN:
 16 Stayed the same.
 17 I move that we approve.
 18 MS. MAGEE:
 19 Second.
 20 MR. BORRELLO:
 21 So all in favor?
 22 (Several members respond "aye.")
 23 MR. BORRELLO:
 24 Motion passes without opposition.
 25 MR. ANDRESSEN:

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1 The next one is the 2017 -- I mean
 2 2018-'19 projected budget. Vicky and I worked on this.
 3 There's really nothing extraordinary or out the ordinary
 4 or anything like that, so I move that we approve
 5 2018-'19 projected budget.
 6 MR. BORRELLO:
 7 Is there a second?
 8 MR. DONEGAN:
 9 Second.
 10 MR. BORRELLO:
 11 All in favor?
 12 (Several members respond "aye.")
 13 MR. BORRELLO:
 14 Motion passes without opposition.
 15 Does that conclude the committee's
 16 report?
 17 MR. ANDRESSEN:
 18 Yes.
 19 MR. BORRELLO:
 20 Thank you.
 21 Okay. Moving on to Licensing and
 22 Continuing Education. Ms. Magee.
 23 MS. MAGEE:
 24 Unfortunately the committee was not able
 25 to meet yesterday because I was stuck in front of the

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1 building. I could have had the meeting in my car, but I
 2 actually couldn't get in, so I have to go over a few
 3 things this morning.
 4 The first is the CE request of Carol
 5 Mixon. That was approved via e-mail. She attended a
 6 TCRA convention. She just did not get her Louisiana
 7 ethics, so I move that we approve that.
 8 MR. BORRELLO:
 9 Ms. Magee, do you want to do this at the
 10 end as an in globo offer?
 11 MS. MAGEE:
 12 Well, she's the only one.
 13 MR. BORRELLO:
 14 Okay. Is there a second?
 15 MS. DUNN:
 16 I'll second.
 17 MR. BORRELLO:
 18 All in favor?
 19 (Several members respond "aye.")
 20 MR. BORRELLO:
 21 Motion passes without opposition.
 22 MS. MAGEE:
 23 Okay. Kelly Horsley requested
 24 reciprocal, and everything looks to be in order, so I
 25 move that we approve that. She's the only one, David.



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1 MR. ANDRESSEN:
2 Second.
3 MR. BORRELLO:
4 All in favor?
5 (Several members respond "aye.")
6 MR. BORRELLO:
7 Motion passes without opposition.
8 Reinstatements.
9 MS. MAGEE:
10 No. Two, Sheila Burton is here.
11 MR. BORRELLO:
12 Okay. Ms. Burton is here?
13 MS. BURTON:
14 Yes.
15 MR. BORRELLO:
16 Okay.
17 MS. MAGEE:
18 She retired in 2013, is it?
19 MS. BURTON:
20 Yes, ma'am.
21 MS. MAGEE:
22 Okay. But in looking at the retirement
23 letter that you sent in, it said that you hadn't
24 practiced since 2001.
25 MS. BURTON:

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1 Correct.
2 MR. BORRELLO:
3 I'm sorry. Excuse me one moment. Just
4 for the record, if you could state what method of
5 recording.
6 MS. BURTON:
7 Machine.
8 MR. BORRELLO:
9 Machine. Okay.
10 MS. BURTON:
11 I was doing videography for a while,
12 legal videography, after 2001 to 2013.
13 MR. BORRELLO:
14 I'm sorry. I didn't mean to interrupt
15 you before.
16 MS. MAGEE:
17 No, no, no. You didn't interrupt me.
18 So you haven't been using your machine?
19 MS. BURTON:
20 I have two board meetings that I take
21 their minutes each month, and I do bring my machine just
22 to be able to, you know, practice on and everything, but
23 other than that, I'm not -- I mean, I don't official --
24 I haven't officially reported since I retired.
25 MS. MAGEE:

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1 But your retirement letter said that you
2 hadn't practiced reporting since 2001.
3 MS. BURTON:
4 Correct.
5 MS. MAGEE:
6 I mean, that's almost...
7 MS. BURTON:
8 Oh, no. 2001?
9 MS. MAGEE:
10 This is a letter that you sent in in
11 December 2013, and you state in the letter that you had
12 not been a practicing court reporter working in the
13 State of Louisiana since the year 2001.
14 MS. BURTON:
15 Oh, yeah. I had gone to -- I was doing
16 legal videography at that time.
17 MS. MAGEE:
18 Okay. I'm going to make a
19 recommendation that if you want to be reinstated, you be
20 retested.
21 MS. BURTON:
22 Okay.
23 MR. BORRELLO:
24 Is there a second?
25 MS. DUNN:

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1 I'll make a second.
2 MR. BORRELLO:
3 All in favor?
4 (Several members respond "aye.")
5 MR. BORRELLO:
6 Motion passes without opposition.
7 MS. MAGEE:
8 I think we have a test coming up, Vicky.
9 MS. NGUYEN:
10 Next Friday.
11 MS. MAGEE:
12 Next Friday.
13 MS. NGUYEN:
14 Does she take all three or two legs?
15 MS. BURTON:
16 When is the next test? There's no way I
17 would be able to take that.
18 MS. MAGEE:
19 You wouldn't have to take the written.
20 You'll just need to take the skills part.
21 MS. BURTON:
22 Okay. When is the next test after that?
23 MS. MAGEE:
24 It will be in the Spring.
25 MR. ANDRESSEN:



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1 Usually like March.
 2 MS. NGUYEN:
 3 March or April.
 4 MS. BURTON:
 5 Okay. That would work.
 6 MR. BORRELLO:
 7 Thank you, ma'am.
 8 Anything further you need to address the
 9 Board on?
 10 MS. BURTON:
 11 Thank you.
 12 MR. BORRELLO:
 13 Thank you.
 14 MS. MAGEE:
 15 Okay. Ann Bonnette needed ethics, so
 16 she -- from last year.
 17 MR. BORRELLO:
 18 Is Ms. Bonnette present?
 19 MS. MAGEE:
 20 No.
 21 MR. BORRELLO:
 22 No. Okay.
 23 MS. MAGEE:
 24 She did attend the VRLA seminar that we
 25 had given just a couple weeks ago, so she did earn the

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1 necessary credits, and we are going to apply them
 2 retroactively, so she will need to get her credits --
 3 MR. BORRELLO:
 4 Her credits for this cycle.
 5 Is there a motion to reinstate Ms.
 6 Bonnette?
 7 MS. MAGEE:
 8 I make the motion.
 9 MS. DUNN:
 10 I second.
 11 MR. BORRELLO:
 12 All in favor?
 13 (Several members respond "aye.")
 14 MR. BORRELLO:
 15 Motion passes.
 16 MS. MAGEE:
 17 And Michelle Kilpatrick was a very
 18 similar situation. I think there was a problem with her
 19 address change, but she also attended the VRLA seminar,
 20 so we're going to apply her credits retroactively as
 21 well.
 22 MR. BORRELLO:
 23 Is there a second?
 24 MS. DUNN:
 25 I'll second.

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1 MR. BORRELLO:
 2 All in favor?
 3 (Several members respond "aye.")
 4 MR. BORRELLO:
 5 Motion passes without opposition.
 6 MS. MAGEE:
 7 And Susan Zielie, I can't exactly
 8 remember what her situation was.
 9 MS. NGUYEN:
 10 Bylaws.
 11 MS. MAGEE:
 12 Oh, she has -- she let her license lapse
 13 in 2016 for hardship reasons, and now she's asking that
 14 that be reinstated.
 15 MR. ANDRESSEN:
 16 What method did she use?
 17 MS. MAGEE:
 18 I don't know. Let's see.
 19 MS. NGUYEN:
 20 Stenotype.
 21 MS. MAGEE:
 22 Stenotype.
 23 MR. ANDRESSEN:
 24 Has she been practicing the entire time
 25 until she let it lapse?

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1 MS. MAGEE:
 2 Until she let it lapse, which is only a
 3 year ago, so I think if we require her to get her CE
 4 credits current and pay --
 5 How much would she have to pay, Vicky?
 6 MS. NGUYEN:
 7 One fifty.
 8 MS. MAGEE:
 9 One fifty.
 10 MS. NGUYEN:
 11 That's...
 12 MR. ANDRESSEN:
 13 I move.
 14 MR. BORRELLO:
 15 Ms. Zielie is not present; correct?
 16 MS. MAGEE:
 17 No.
 18 MR. DONEGAN:
 19 So we really don't know when's the last
 20 time she practiced.
 21 MS. NGUYEN:
 22 She is practicing between Seattle and
 23 she let her license lapse here, but she's been
 24 practicing.
 25 MR. BORRELLO:



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1 Oh, so she is a current court reporter
2 in another state.
3 MS. NGUYEN:
4 She's RPR and so many others.
5 MR. BORRELLO:
6 Oh, okay. All right. So she's lacking
7 all of the 12 credits for last cycle; is that what it
8 is?
9 MS. MAGEE:
10 Yes.
11 MR. BORRELLO:
12 Okay. Ms. Nguyen, if you could send Ms.
13 Zielie or Zielie a letter, or Suzette, whoever, under
14 signature, advising that she will be reinstated upon
15 completion of all 12 credits for the 2015-'16 calendar
16 year.
17 MS. NGUYEN:
18 I think she has her credits.
19 MR. DONEGAN:
20 She has all of the credits.
21 MS. NGUYEN:
22 It's only the dues.
23 MR. BORRELLO:
24 Oh, it's just the dues. Okay. So we're
25 talking about just for 2016 she owes that she didn't

Page 22

1 pay.
2 MS. NGUYEN:
3 \$150.
4 MR. BORRELLO:
5 Okay. Assuming whatever applicable late
6 fees.
7 MS. DUNN:
8 I'll second.
9 MR. BORRELLO:
10 So there's a motion by Ms. Magee, second
11 by Ms. Dunn.
12 All in favor?
13 (Several members respond "aye.")
14 MR. BORRELLO:
15 Motion passes without opposition.
16 MS. MAGEE:
17 And then the last one is Donna Ursin.
18 She took retirement status in 2016 and regrets retiring,
19 so she would ask that she be reinstated.
20 MS. DUNN:
21 But has she been practicing?
22 MS. MAGEE:
23 No. She was in retirement about a year.
24 MR. ANDRESSEN:
25 What method?

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1 MS. MAGEE:
2 By examination, stenotype. Just a year.
3 MR. ANDRESSEN:
4 I move that we reinstate her.
5 MR. BORRELLO:
6 Is there a second?
7 MS. METHVIN:
8 Second.
9 MR. BORRELLO:
10 All in favor?
11 (Several members respond "aye.")
12 MR. BORRELLO:
13 Motion passes without opposition.
14 Discontinued CDR.
15 MS. MAGEE:
16 Rachel Young is requesting that she -- I
17 guess she's no longer in the job.
18 MS. NGUYEN:
19 The Court informed me.
20 MS. MAGEE:
21 So we will accept that.
22 MR. DONEGAN:
23 Did she return her license?
24 MS. NGUYEN:
25 Yes.

Page 24

1 MS. MAGEE:
2 Yes.
3 MS. NGUYEN:
4 The seals and everything. She was
5 grandfathered.
6 MR. BORRELLO:
7 Is there a second to Ms. Magee's motion?
8 MS. DUNN:
9 I'll second.
10 MR. BORRELLO:
11 All in favor?
12 (Several members respond "aye.")
13 MR. BORRELLO:
14 Motion passes without opposition.
15 We move on to seminar approval
16 credits -- excuse me. Seminar approval, LCCA and LCRA.
17 That's under "B, Licensing and Continuing Education."
18 Also, CDR examination and location.
19 MS. MAGEE:
20 The CDR examination date is October 27th
21 in Lafayette at the 15th JDC Courthouse.
22 MR. BORRELLO:
23 Okay. And I don't think we need a
24 motion.
25 MS. MAGEE:



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1 No.

2 I think that's it. We approved the

3 seminar. The only one that we had was LCRA, and it was

4 approved.

5 MR. BORRELLO:

6 Who is speaking? I know they asked me

7 and I wasn't able to. Who's speaking at LCCA's seminar

8 in October?

9 MS. NGUYEN:

10 No one. There's only eight credits.

11 MR. BORRELLO:

12 Oh, okay. So it's not ethics and rules

13 and regulations?

14 MS. NGUYEN:

15 No.

16 MR. BORRELLO:

17 Okay. So moving on -- does that

18 complete your report?

19 MS. MAGEE:

20 That completes my report.

21 MR. BORRELLO:

22 Okay. Thank you.

23 Moving on to Research and

24 Planning/Subcommittees/Task Force, Transcript Sampling

25 Evaluations.

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1 MS. METHVIN:

2 Okay. We met briefly yesterday on the

3 transcripts. They're still being looked over, gone

4 over. We're trying to get to the end of the year to get

5 the letters out and get them all looked at. So that's

6 all on that.

7 And then on -- it had come up, I guess,

8 in a seminar about some court reporters were actually

9 doubling up as videographers up in North Louisiana area,

10 and it came up in a seminar about, you know, is it

11 allowed in the situation there. And I think we just

12 kind of determined through David, you know, that's not

13 under our jurisdiction, and, you know, unless something

14 comes up and somebody brings it to us specifically, it's

15 really not for us to tend to.

16 MR. BORRELLO:

17 So, in other words, it's a court

18 reporter who's acting as a court reporter and a

19 videographer at the same time?

20 MS. METHVIN:

21 Bringing a video camera and videoing at

22 the same time. But, I mean, it's just reports of it.

23 There hasn't been an incident brought directly to the

24 board specifically.

25 MR. BORRELLO:

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1 No complaint as to --

2 MS. METHVIN:

3 Complaint.

4 MR. BORRELLO:

5 -- the court reporter doing it them

6 self, just --

7 MS. METHVIN:

8 Just someone knew it was happening, kind

9 of, "What's the deal?" "Is that allowed?" "Do we let

10 them do that?" I wasn't at the seminar. This is just

11 what was brought up, so...

12 But I think David said we just need to

13 let that lie, and if we get an official compliant, then,

14 you know, we can deal with the court reporter end of it,

15 but not the videographer end out of it.

16 And they had a little meet yesterday, I

17 think at 2:30, the task force, for the e-signatures and

18 what's happening there, and David is going to address

19 that.

20 MR. BORRELLO:

21 We'll defer that to David.

22 MS. METHVIN:

23 And that's it.

24 MR. BORRELLO:

25 Mr. Marcello, if you want to --

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1 MR. MARCELLO:

2 Sure.

3 MR. BORRELLO:

4 Or, Laura, if --

5 MS. PUTNAM:

6 I was just going to add that seven out

7 of nine committee members, or the task force committee

8 members, met yesterday to discuss implementation of Act

9 268. What we discussed was the research that's been

10 done since the last Board meeting that was primarily

11 done by Phil Kaufman, who addressed the group for about

12 two hours. I'm going to defer to David to sort of

13 summarize what we ended up with at the end of that

14 lengthy meeting.

15 MR. MARCELLO:

16 Okay. Thanks. I'll take people through

17 what we discussed yesterday, some of whom were there.

18 This first meeting was an effort to gather information

19 and make some very tentative decisions. I think there

20 was an understanding within the room that everything is

21 still up for definitive work as we have additional

22 meetings.

23 The meeting started with some discussion

24 of the distinction between electronic and digital

25 signatures since the meeting seemed to be that



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1 "electronic" should be reserved for a broad category of
 2 description. There are a lot of ways to send a
 3 signature electronically. Not all of them are secure.
 4 So "electronic" is a broad descriptive, and "digital" is
 5 the term that we will use to describe signatures that
 6 are encrypted, protected, secure. We'll ultimately get
 7 around to drafting definitions to that affect, but right
 8 now we're just dealing with concepts.

9 Phil Kaufman, who, as Laura said, has
 10 done a lot of work in the technology area, reported that
 11 Adobe has approved multiple criteria that are summed up
 12 in their Adobe Approved Trusted List, AATL. That is one
 13 set of criteria that the Board might decide to embrace
 14 in the rulemaking as a key to acceptable technologies
 15 that would be used in affixing a digital signature, but
 16 not the only one.

17 There is a Canadian company that has
 18 developed its own set of criteria in response to the
 19 needs of notaries, and that is a different package of
 20 criteria summed up as NASS or NASS. That's another
 21 possible source of criteria that could be incorporated
 22 into the CSR Board rule in determining what types of
 23 technology are acceptable for secure affixing of a
 24 digital signature.

25 The task force talked about longevity

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1 concerns. If a business leaves the marketplace and
 2 takes with it the technology that enabled verification
 3 of the transcript, that's a problem. So we need to
 4 address the issue of longevity so we don't have secure
 5 digital signatures that are no longer susceptible of
 6 being unlocked because the business and technology that
 7 supported that, you know, now left the marketplace.

8 Phil Kaufman had more to contribute in
 9 this area with regard to two programs that deliver
 10 longevity, PDF/A and PADS (sic). He also talked about
 11 RealLegal's capability in this area, and a fourth
 12 company, Notarius, I believe, as the next best
 13 alternative.

14 So those will be mechanisms that we look
 15 at in terms of addressing the longevity problem. We
 16 haven't gotten anywhere close to a solution yet, but I
 17 think it's healthy that we identified that as a problem.

18 There's a question about whether it
 19 would be necessary to revise Code of Civil Procedure
 20 Article 1446 in order to accommodate this new regime of
 21 digital signatures. Here again, there were no decisions
 22 made, but we've identified the challenge at the level of
 23 language in order to annex and return exhibits with a
 24 certified copy of the deposition, how do you do that if
 25 you're doing an electronic rather than hard copy format.

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1 Milton Donegan raises the question of
 2 how should the court reporter handle read and sign
 3 responsibilities in this new electronic era. It was
 4 suggested in response that it might be appropriate
 5 simply to print out, for purposes of the witness, a hard
 6 copy to handle that. There may be other approaches
 7 suggested, but, again, we've made a good step forward in
 8 identifying that as a problem to be dabbled with.

9 Draft of rules that we ultimately come
 10 up with will require, as they make their way through the
 11 rulemaking process, that they be accompanied by a fiscal
 12 and economic impact statement. We will want to assess
 13 on the fiscal side the impact on state revenues, the
 14 public impact of the proposed rulemaking. And then the
 15 economic impact would be measured in terms, among other
 16 things, costs to court reporters, what would it cost to
 17 retain the necessary technology in order to comply with
 18 additional signature procedures.

19 Scott Kaiser, who attended the meeting,
 20 noted there is lot of enthusiasm among courts and the
 21 bar generally for this capability, so there is reason to
 22 expect there will be increased movement toward
 23 electronic means of reporting and digital signatures.

24 We talked a very little bit about the
 25 timing here on out. The optimistic schedule would be

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1 between now and the next Board meeting, somewhere in the
 2 middle or latter half of November, we might come up with
 3 a draft that is serviceable. And if it proved
 4 definitive and got approved at that November Board
 5 meeting, then we might be able to get publication in the
 6 Louisiana Register by December, but a more realistic
 7 schedule is about January. If a proposed rule were
 8 published in January, we might be able to get through a
 9 final rule being adopted and put into effect by May or
 10 June. So we're looking at about the second quarter of
 11 2018 for the necessary rule promulgation to be
 12 completed.

13 Of course, there are any number of
 14 obstacles along the way that could delay that. It has
 15 to go to a legislative oversight committee hearing. If
 16 we encountered any opposition at that point, that would
 17 perhaps necessitate redrafting the rule in certain
 18 respects. But I'm venturing to guess that by about the
 19 second quarter of next year, we might be at the point to
 20 say that we've got a final rule adopted. Then, of
 21 course, there will need to be by the Board a run-up
 22 period to instruct members of the court reporting
 23 profession about how they can comply with this new
 24 technological opportunity.

25 So a good first meeting, but only a



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1 first meeting, with an opportunity to identify hooks and
 2 problems, and I'm sure we will find answers along the
 3 way. And hopefully by the time the Board next convenes
 4 we'll have a draft, at least, of a rule for everyone to
 5 review. If that requires revisions, we'll do that, and
 6 we'll identify the form in a subsequent meeting later.

7 MR. BORRELLO:
 8 Any questions from the audience?
 9 Yes, sir.

10 MR. GILBERTI:
 11 Mr. Chairman, Peter Gilberti from
 12 Louisiana Court Reporters Associations, along with Rose
 13 Marie DiVincenti.

14 One question I have, I'm not familiar
 15 with the process and procedures of electronic and/or
 16 digital signatures. Does it permit someone to share
 17 their authority to use that? For instance, if I had it,
 18 could Rosie use mine and I use hers, and me, you --

19 MR. DONEGAN:
 20 No. Each reporter will have to
 21 digitally sign their own transcripts.

22 MR. GILBERTI:
 23 By what means?

24 MR. DONEGAN:
 25 By RealLegal or whatever software.

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1 MR. GILBERTI:
 2 What's the actual process? Is it a
 3 code? Do I punch in 1234? If I give you my code and
 4 sign-in credentials, can I sign for you?

5 MS. METHVIN:
 6 Is it password protected?

7 MR. BORRELLO:
 8 I guess in that sense, somebody could.

9 MR. GILBERTI:
 10 I mean, if you gave me your login to get
 11 into your computer, I could get on.

12 MR. DONEGAN:
 13 I think -- and I'm speaking out of turn
 14 properly, I think we're going to prohibit that, Peter.
 15 Just like you can't give your seal to somebody else to
 16 use, you know.

17 MR. GILBERTI:
 18 I understand. I was just wondering if
 19 it was possible.

20 MR. DONEGAN:
 21 It's possible. Sure. Anything's
 22 possible. But, I mean, I think what the Board is
 23 looking at, no, you're not going to be able, as they
 24 call the term, "proxy." I think that was term we used.
 25 I can't give you my proxy to sign my transcripts.

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1 MS. MAGEE:
 2 How are we going to police that?

3 MR. GILBERTI:
 4 That's my question.

5 MR. DONEGAN:
 6 Same way we do the seals. How do you do
 7 the seals now? It's the same way.

8 MR. GILBERTI:
 9 Thank you.

10 MR. BORRELLO:
 11 Anything further?

12 (No response.)

13 MR. BORRELLO:
 14 Okay. Thank you, Mr. Marcello, Ms.
 15 Putnam, and also all of those who were involved in this
 16 process.

17 Now, just so we know, is this task force
 18 going to meet again? What's the next step in this
 19 series of events now?

20 MR. MARCELLO:
 21 Definitely there will need to be at
 22 least one more, I would guess multiple more, meetings of
 23 the task force, and we haven't talked timing yet, so
 24 I'll get with the chair and we'll figure out a schedule.

25 MR. DONEGAN:

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1 I suggest we may be able to coordinate
 2 it with the next Board meeting just as we did this time,
 3 the night before, day before the next Board meeting.

4 MS. PUTNAM:
 5 Or even next month.

6 MR. MARCELLO:
 7 I think we'll need a meeting of the task
 8 force sooner than that, and I think the day of or day
 9 before of the Board meeting to confirm whatever
 10 developing draft that has emerged by then.

11 MR. BORRELLO:
 12 All right. Thank you-all.

13 Moving on to -- I think maybe this may
 14 have fallen under your category, Suzette, Online CE
 15 Credits for Ethics and Rules and Regulations. Have
 16 you-all discussed, the committee, any further on
 17 something like that?

18 MS. MAGEE:
 19 No. We didn't have a meeting.

20 MR. BORRELLO:
 21 Okay. So we'll go ahead and defer that
 22 to our next meeting.

23 Inactive and Retirement Status. We've
 24 addressed that.

25 Act 268, that was just addressed.



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1 Moving on now, I believe this may be, I
 2 think, John, you were working on this in the past, Rules
 3 and Rulemaking to Authorize CE Credits for Pro Bono
 4 Transcripts.
 5 MR. ANDRESSEN:
 6 Right. Yeah. We need to get with David
 7 and make that a rule. I know that that's something the
 8 Judge is very enthusiastic about. I'll get with David,
 9 and we can just defer that.
 10 MR. BORRELLO:
 11 Okay. Sure. We'll go ahead and defer
 12 that.
 13 I think the next item now is to -- and I
 14 think we'll need a motion. The next item on the agenda
 15 is to move into executive session to discuss pending
 16 litigation, Veritext versus Bonin, Et Al.
 17 Is there a motion to go into executive
 18 session?
 19 MS. MAGEE:
 20 I'll make that motion.
 21 MR. BORRELLO:
 22 Is there a second?
 23 MS. DUNN:
 24 I'll second.
 25 MR. BORRELLO:

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1 All in favor?
 2 (Several members respond "aye.")
 3 MR. BORRELLO:
 4 Folks, we are going to move to executive
 5 session. I don't anticipate we are going to be very
 6 long.
 7 (Whereupon the meeting enters executive
 8 session.)
 9 MR. BORRELLO:
 10 All right. We'll go ahead and
 11 reconvene. Is everybody present? Yeah. We've got
 12 everybody.
 13 All right. We'll move on now to new
 14 business. I'm going to make a motion to place the bank
 15 account information -- not bank account information, but
 16 moving bank accounts onto the agenda right now because
 17 the bank that we originally did business with went under
 18 or is no longer around, so I'm going to make that
 19 motion.
 20 Is there a second?
 21 MS. MAGEE:
 22 But our money didn't go.
 23 MR. BORRELLO:
 24 No. What little money we have is still
 25 there.

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1 MS. METHVIN:
 2 Second.
 3 MR. BORRELLO:
 4 All in favor?
 5 (Several members respond "aye.")
 6 MR. BORRELLO:
 7 Motion passes without opposition.
 8 I'm going to move that we switch the
 9 bank account from First NBC to First Bank -- which is
 10 now Whitney Bank, to First Bank and Trust.
 11 Is there a second?
 12 MR. ANDRESSEN:
 13 Second.
 14 MR. BORRELLO:
 15 All in favor?
 16 (Several members respond "aye.")
 17 MR. BORRELLO:
 18 Motion passes without opposition.
 19 Okay. Is there any other new business
 20 that anybody wishes to make a motion to put on the
 21 agenda?
 22 MR. DONEGAN:
 23 I make a motion to put on the agenda an
 24 item dealing with fees.
 25 MR. BORRELLO:

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1 Okay. Is there a second?
 2 MS. MAGEE:
 3 Second.
 4 MR. BORRELLO:
 5 All in favor?
 6 (Several members respond "aye.")
 7 MR. BORRELLO:
 8 Motion passes without opposition.
 9 MR. DONEGAN:
 10 I'll turn it over to David because David
 11 took the information that I gave him.
 12 MR. MARCELLO:
 13 So the Board's fees have not been
 14 increased for some period of years. There is some sense
 15 that they're at a relatively low amount, and in order to
 16 increase fees, the Board would need to get legislative
 17 authorization. The constitution requires a two-thirds
 18 vote by each chamber, so we'd need two-thirds for House
 19 and Senate.
 20 The statute creates a maximum. The
 21 Board has, over time, by its actions, raised the amount
 22 of let's take the licensing fee to the maximum that's
 23 statutorily permitted. What would be done in the 2018
 24 legislative session, if the Board decides to go forward
 25 with it, is to create a new statutory maximum. That



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1 would not by itself increase the fees. The Board would
 2 then need to take action to raise fees either part of
 3 the way or all of the way to that statutory maximum.
 4 So the reasons that one might consider
 5 for doing this are: It's been a while since the fees
 6 were increased. There are a reduced number of license
 7 holders for whatever reasons, which means that the
 8 revenue produced by annual licensing fees is reduced.
 9 Presumably, if the license is less widely available, it
 10 creates, I'm imagining, an increased demand for court
 11 reporting services, so it's arguably worth more today
 12 than it may have been five years ago, and, therefore,
 13 perhaps it's justification for the fees being increased.
 14 The CSR Board is self-supporting, so there is no concern
 15 here that an increase in fees would somehow or another
 16 diminish the amount of state budget resources available
 17 in the State of Louisiana.
 18 We would need, I think, to look at a
 19 comparison with national licensing fees and with
 20 adjacent states and see how current levels comport, and
 21 we would need to decide which fees to increase and how
 22 much. But the suggestion is, I think, that the Board
 23 decide whether it is interested in exploring this
 24 further, and presumably, if so, then a committee could
 25 come back with a recommended strategy for 2018, and

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1 we're still well ahead of the legislative process.
 2 That's good. The 2018 legislative session will be a
 3 fiscal -- actually, it may be back to --
 4 MR. BORRELLO:
 5 Yeah. I think it is.
 6 MR. MARCELLO:
 7 Well, there are going to be fiscal
 8 concerns addressed in 2018 because of the fiscal cliff
 9 coming in January -- June or July. So in any event,
 10 that was the crux of this item now added to the agenda
 11 unanimously.
 12 MR. BORRELLO:
 13 Based on David's explanation, I'm going
 14 to go ahead and refer this matter, since it falls under
 15 licensing, to Ms. Magee's committee.
 16 So if you could explore that at your
 17 next committee, and whatever y'all's findings are,
 18 report that back to the Board at our next Board meeting.
 19 MS. MAGEE:
 20 Okay.
 21 MR. DONEGAN:
 22 The second item I had was years ago we
 23 did an advisory sheet that David put together, 1101,
 24 1103, 1105. I don't know if the Board is interested in
 25 doing another advisory sheet as to the expiration of

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1 your license on December 31st to awaken some of these
 2 people that their license is automatically suspended and
 3 that they will have to appear to before the Board and
 4 hopefully put them under oath and see if they have taken
 5 any depositions between December 1st and the time they
 6 appear before the Board. That's one thing.
 7 The second thing is, I know I have
 8 talked about this numerous times about confidentiality,
 9 but in light of digital signatures coming on board, I
 10 think it would serve as well to remind people that
 11 depositions are confidential and not to be sent to
 12 third-parties. And it's covered under our ethics code;
 13 it's covered under a statute; it's covered under NCRA's
 14 advisory opinions. And I have said this at a seminar
 15 that anyone who holds a certificate from NCRA, according
 16 to their Advisory Opinion, if you send a deposition to
 17 anyone other than the party litigants or the court where
 18 it's filed, you are in violation of NCRA Advisory
 19 Opinions.
 20 I don't know if y'all are interested in
 21 sending out a little sheet like that, but it's up to the
 22 Board.
 23 MR. BORRELLO:
 24 The only thing with that, Milton, is I
 25 think we need to stay away from whatever NCRA may say

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1 since they're not a governing authority in --
 2 MR. DONEGAN:
 3 No. I just mean as a backup authority,
 4 you know.
 5 MR. BORRELLO:
 6 Right. What's your opinion on that,
 7 David?
 8 MR. MARCELLO:
 9 I'm happy to do either or both of those
 10 advisory notices.
 11 MR. BORRELLO:
 12 Okay. And...
 13 MR. DONEGAN:
 14 I mean, if you want to wait on the
 15 confidentiality thing till digital signatures, that's
 16 fine.
 17 MR. BORRELLO:
 18 Yes.
 19 MR. DONEGAN:
 20 But...
 21 MS. PUTNAM:
 22 It's costly. I think we should wait
 23 until we have a more affirmed rule, a draft ruling in
 24 place or something when we get closer to digital
 25 signatures. It would be more meaningful when it comes



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1 out.

2 MR. DONEGAN:

3 It's up to y'all. I just don't want to

4 have people come in in January that didn't pay their

5 dues and say "I don't know this and that."

6 MR. BORRELLO:

7 I think regardless, that's in our rules

8 if they don't, you know. I mean, we're talking about

9 warning them ahead of time or something like that. If

10 they just don't know what the rules are, I think they're

11 at their own risk.

12 MS. PUTNAM:

13 And they become dependent on us to send

14 out reminders? No.

15 MR. DONEGAN:

16 I just feel the Board has been lax on

17 the penalties that have been issued to people. Every

18 meeting we have, somebody is asking for reinstatement

19 because they didn't pay their fees, and this is now --

20 we're in, what, September, October? I mean, are we

21 still...

22 MR. BORRELLO:

23 Well, while we're on that subject, I'm

24 going to ask Ms. Magee, also, to explore also just the

25 whole -- that whole section under our rules with, you

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1 know, penalty fees, everything, not just reinstatement.

2 MR. DONEGAN:

3 Right.

4 MR. BORRELLO:

5 If all of that falls under -- some of

6 the penalties --

7 Do all fees fall under statutory

8 requirement or...

9 MR. MARCELLO:

10 The fees are governed by that two-thirds

11 rule. I don't know that a fine would be. It may be. I

12 don't have a copy of the Constitution with me.

13 MR. BORRELLO:

14 Okay.

15 Suzette, if you could look at that,

16 also, that whole section.

17 MS. MAGEE:

18 Okay.

19 MR. BORRELLO:

20 Anything further as to new business?

21 Also, let me say this, what Milton said

22 about confidentiality, the next time I think the -- your

23 committee meets, Laura, if we could discuss that, too.

24 MS. PUTNAM:

25 Okay.

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1 MR. BORRELLO:

2 You know, putting together something

3 like that, that way everything's on it at one time.

4 Anything further on new business?

5 (No response.)

6 MR. BORRELLO:

7 Scheduling the next Board meeting, I'm

8 going to defer to Judge Bonin and let the Judge speak

9 with you, Vicky, and poll the rest of the Board on dates

10 because I certainly don't want to give a date without

11 Judge Bonin's approval.

12 Any comments from the public? Anything?

13 (No response.)

14 MR. BORRELLO:

15 Again, I want to thank you--all for

16 attending. Thank y'all for y'all's participation

17 yesterday. It's much appreciated.

18 Is there anything further, Board

19 members? Anything?

20 (No response.)

21 MR. BORRELLO:

22 All right. Is there a motion to

23 adjourn?

24 MS. MAGEE:

25 Motion to adjourn.

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1 MS. PUTNAM:

2 Second.

3 MR. BORRELLO:

4 All in favor?

5 (Several members respond "aye.")

6 MR. BORRELLO:

7 Motion passes without opposition.

8 Thank you--all. Have a good day.

9 (Meeting concludes at 11:46 a.m.)

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