**TEMPLATE LETTER**

**SEND TO YOUR ASSEMBLYMEMBER OR SENATOR IN YOUR OWN DISTRICT ONLY. DO NOT AS YET SEND TO ANYONE ELSE**.

FIND YOUR MEMBER HERE: http://findyourrep.legislature.ca.gov/

The Honorable FIRST NAME LAST NAME

[Senator or Assemblymember], [Assembly District or Senate District] Number

ADDRESS IN SACRAMENTO

**Re: Request for an Express Exemption from the New Independent Contract Standards in AB 5.**

Dear Senator -- OR -- Assemblymember: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ :

My Name is \_\_\_\_\_\_\_ and I am a licensed Certified Shorthand Reporter #\_\_\_\_\_\_ who is also a constituent of yours. I respectfully request that freelance court reporters such as myself be added to the list of exempted professionals in AB 5 so I can continue to be classified as an independent contractor and not an employee. This is important to me and warranted for the following reasons:

* In the terms used in AB 5, freelance court reporters go through “a prolonged course of specialized intellectual instruction and study… from an accredited university, college, or professional school, as distinguished from a general academic education.”
* Our profession is overwhelmingly comprised of women and many of those women chose to be freelance court reporters exactly because the flexibility of being freelance -- as opposed to being employees -- permits us to determine when we work and for whom without compromising our work-time flexibility.
* We typically work for dozens of clients — court reporting agencies, law firms, government agencies/entities, and as per diem officials for courts — for very short periods of time for depositions and litigated subject matters that are complex and varied in nature involving many areas of the law, in different cities throughout the state.
* We are not the “gig economy” workers that AB 5 is designed to protect, but rather highly trained and skilled professionals with established professional and legal standards that govern our work.
* We have by our own preference and to our advantage been working as independent contractors in our industry for decades.
* Notwithstanding the rigor of our licensing exam, reporters are not usually four-year college graduates and many, perhaps most, do not incorporate or adopt other corporate formalities. However, the nature of our business is that we are not and have not been taken advantage of by not being made employees, something we do not want and would hurt us financially.
* We choose when we wish to work, what types of legal proceedings we want to work on, how we will produce our work, and how we will prepare for each genre of legal proceeding we work on, which customarily varies greatly each day we accept a work assignment. We set and control our own rates, terms and conditions for each deposition and risk a financial loss. Some reporters at their own discretion charge an hourly fee or a per diem in addition to the transcript page rates. That includes the time and resources at our sole discretion that do not correspond to hours “present” to deliver our end product. We charge for our knowledge and expertise. If not exempted, AB 5 will require us to be hourly employees, which we view as an untenable prospect and which will surely result in a significant reduction in our income, something AB 5 was not meant to do.

If I am not included in the list of exempted professionals my livelihood will be affected because if the firms that hire me move to mandatory employment solely to avoid getting sued, I will no longer have control of my own work schedule or the professional end-product (transcripts) I provide. I will face logistically impossible challenges. And I view this as a risk to my entire profession and its long-standing history of being a place where women can freely arrange their own work schedules all the while enjoying the income that comes from being a licensed professional.

While hairdressers, real estate agents, security brokers, accountants, doctors and lawyers, photographers, fishermen, among many, many others, have been exempted, freelance court reporters have not.

Please allow me the right to be an independent contractor by including us in the list of professionals exempted from the *Dynamex* ruling.

Respectfully,

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