



Craig T. Enoch
Direct: (512) 615-1202
cenoeh@enochkever.com

June 15, 2015

To: Judicial Branch Certification Commission (“JBCC”)

From: Craig Enoch

Re: Proposed amendment to Rule 17 of the Code of Professional Conduct for Certified Shorthand Reporters and Court Reporting Firms

The Texas Deposition Reporters Association (“TEXDRA”), an association of Certified Shorthand Reporters and Court Reporting Firms,¹ requests that the JBCC recommend to the Texas Supreme Court that current Rule 17 of the Code of Professional Conduct for Certified Shorthand Reporters and Court Reporting Firms, which prohibits court reporters from charging “for a copy at a rate of more than one-third the per page cost of the original and first copy of a document” (the “one-third rule”), be replaced with the following:

Not later than January 1 of each even-numbered year, the JBCC shall establish the maximum rate a CSR or CRF may charge for copies. The rate must be set at the median national market rate for deposition copies. The JBCC shall determine that rate by conducting a survey of the median rates for copies within the top ten populous states, and then calculating the median rate among those states combined. A CSR or CRF shall not charge for a copy at a rate that is more than the rate established by the JBCC.²

TEXDRA recently authored an iPetition to gauge support for amending the one-third rule by the Texas court reporting community. The petition was online for approximately four weeks and, with very little promotion other than word-of-mouth, quickly gathered over 450 signatures in support of amending the rule.

The one-third rule, approved by the Texas Supreme Court in 1995, is outdated. Litigation, though declining in Texas courts, has been continually expanding in alternative dispute settings throughout the country and internationally. Current Rule 17 is also inconsistent

¹ The Code uses the abbreviations CSR for Certified Shorthand Reporters and CRF for Court Reporting Firms. In this letter, these terms are collectively referred to as “court reporters.”

² Though the Code refers to the Court Reporters Certification Board (“CRCB”) as the board that regulates court reporters, this entity has since been replaced with the JBCC. As such, the proposed rule uses the term JBCC.

with Texas's free-market public policy.³ Demand for freelance court reporting is high, but Texas court reporters, bound by an ethics rule to this fixed copy rate, are at a severe competitive disadvantage not imposed on other court reporters throughout the world. The proposed amendment maintains the ethical obligation to charge a reasonable rate, but aligns the ethical obligation with rates recognized by the market as reasonable. There are two primary reasons the rule should be amended:

First, the one-third rule negatively affects Texas court reporters throughout the competitive marketplace. Texas court reporters compete for business in an open market that is not restricted to Texas borders. In today's national and international marketplace, the one-third rate is arbitrarily low. The national average for copy rates is 57.12 percent of the price of the original,⁴ but Texas court reporters are mandated to charge not more than 33.3 percent. There is little economic incentive for new reporters or firms to seek Texas licensure or practice the profession in Texas. Not surprisingly, the number of court reporters in Texas has significantly declined since the implementation of the one-third rule.

The one-third rate is no longer reasonable or appropriate. Since the rule was adopted, certified reporting of testimony has undergone tremendous changes demanded by consumers of the service. For example:

- Consumers have demanded that reporters move from low-tech, manual recordation to high-tech capture of testimony and exhibits. The cost of that technology is high, and reporters must be permitted to recapture those additional costs through the fees they charge for their services.
- While changes in Texas law (such as tort reform) appear to have reduced demand for courtroom trials in Texas, arbitration and mediation remain active and continue to drive demand for discovery, including the taking of depositions. Further, litigation in other states drives demand for quality certified reporting services. These trends provide opportunities for Texas court reporters to provide service to their Texas clients in out-of-state and international venues by networking with reporters in other states to take depositions in Texas-filed cases. Unfortunately, Texas court reporters find it difficult to take advantage of this business opportunity. The rule inhibits Texas court reporters from building any cross-state-line coalitions. As a result, Texas court reporters give up their out-of-state work because they cannot recoup the copy cost charged by the out-of-state reporter, while the out-of-state reporters, so long as they do not affiliate with a Texas court reporter, may charge their going market rates to Texas attorneys. In

³ It is questionable whether the rule is aligned with Texas statutory law. Texas Government Code, Section 52.003(a) prohibits Texas Supreme Court rules that restrict "advertising or competitive bidding by a certification or registration holder except to prohibit false, misleading, or deceptive practices." The one-third rule does not allow for competitive pricing, which is contrary to the prohibition in this section.

⁴ A chart summarizing the national average for copy rates is attached as **Appendix A**.

short, Texas court reporters are harmed in the competitive marketplace and are losing much of their income and business opportunities to out-of-state reporting firms who are not restricted in the same manner.

Second, the one-third rule is an arbitrary financial limit. It is devoid of sound policy reasons. Only three other states impose any fee cap on copies, and Texas imposes the lowest of those caps, by far.⁵ In line with Texas's general policy favoring free markets over heavy government regulation, Texas court reporters should have the ability to charge fees for copies that reflect the prevailing market rate. Texas court reporters should have an equal opportunity to compete for business in their chosen profession and to challenge their competitors in the national and international marketplace, while making an appropriate return on their career and business investment.

TEXDRA does not request the rule be amended to allow court reporters to charge unlimited fees. Rather, the amended rule maintains the ethical obligation to charge reasonable rates and directs the JBCC to establish the maximum rate a court reporter may charge for copies after a study of the charges being made in the competitive marketplace. The proposed rule would bring a balance to legitimate competing concerns and curb any potential abusive rate-setting practices.

Respectfully,

/s/Craig T. Enoch
Craig T. Enoch

cc: Martha Newton, Rules Attorney

⁵ The three states that impose caps on charges for copies are West Virginia (W. VA. CODE § 47-27-2(b)(4): 55 percent of the original transcript), Michigan (MICH. COMP. LAWS § 600.1491(2)(b): two-thirds the price of the original transcript), and Arizona (ARIZ. REV. STATE. ANN. § 7-206(J)(3)(e): no less than 60 percent more for an original transcript than what is charged for copies). These statutes are attached as **Appendix B**.

APPENDIX A

Nationwide Court Reporting Rates 2014

State	City	O&1	Copy	Percentage
Alabama	Birmingham	\$3.35	\$2.35	70.15%
Alabama	Mobile	\$3.75	\$2.25	60.00%
Alaska		\$5.00	\$2.25	45.00%
Arizona		\$4.00	\$2.50	62.50%
Arkansas		\$4.70	\$1.20	25.53%
California	San Francisco	\$5.95	\$2.95	49.58%
California	San Diego	\$4.20	\$2.95	70.24%
California	Los Angeles	\$5.75	\$3.25	56.52%
California	Modesto	\$4.05	\$2.25	55.56%
Colorado		\$3.75	\$2.05	54.67%
Connecticut		\$4.20	\$2.75	65.48%
Delaware		\$4.70	\$1.20	25.53%
Florida	Duval, St. John, Clay & Putnam Counties	\$4.75	\$2.90	61.05%
Florida	Orange, osceola, Seminole, Volusia & Brevard	\$4.00	\$3.05	76.25%
Florida	Martin, Palm Beach, Broward & Dade Counties	\$4.40	\$3.25	73.86%
Florida	Polk, Hillsborough, Pinellas, Collier, Manatee, Sarasota	\$4.60	\$3.05	66.30%
Florida	Lake County	\$4.20	\$3.05	72.62%
Florida	South	\$4.50	\$3.50	77.78%
Georgia		\$4.15	\$2.40	57.83%
Hawaii		\$3.60	\$2.70	75.00%
Idaho		\$3.75	\$1.95	52.00%
Illinois	Entire state EXCEPT Chicago & North	\$3.60	\$2.90	80.56%
Illinois	Chicago & North	\$4.25	\$1.75	41.18%
Indiana		\$3.85	\$1.90	49.35%
Iowa		\$4.30	\$1.95	45.35%
Kansas		\$3.95	\$1.90	48.10%
Kentucky		\$4.25	\$2.00	47.06%
Louisiana		\$4.25	\$1.95	45.88%
Maine		\$3.50	\$2.50	71.43%
Maryland		\$3.75	\$2.60	69.33%
Massachusetts		\$4.50	\$3.05	67.78%
Michigan		\$3.10	\$2.10	67.74%
Minnesota		\$3.50	\$2.55	72.86%
Mississippi		\$3.85	\$1.85	48.05%
Missouri		\$3.80	\$1.65	43.42%
Montana		\$5.05	\$2.70	53.47%
Nebraska		\$3.65	\$1.65	45.21%
Nevada		\$4.25	\$2.75	64.71%
New Hampshire		\$4.30	\$1.70	39.53%
New Jersey		\$4.50	\$2.75	61.11%
New Mexico		\$4.56	\$2.58	56.58%
North Carolina		\$4.61	\$2.48	53.80%
North Dakota		\$4.00	\$2.00	50.00%
Ohio		\$3.65	\$2.75	75.34%
Oklahoma		\$3.95	\$1.90	48.10%
Oregon		\$3.85	\$1.75	45.45%
Pennsylvania		\$3.75	\$2.75	73.33%
South Carolina		\$4.10	\$2.40	58.54%
South Dakota		\$4.00	\$2.00	50.00%
Utah		\$3.75	\$2.15	57.33%
Vermont		\$3.65	\$1.20	32.88%
Virginia		\$3.65	\$2.30	63.01%
Washington		\$4.25	\$3.00	70.59%
West Virginia		\$3.50	\$2.65	75.71%
Wisconsin		\$4.15	\$2.05	49.40%
Wyoming		\$3.45	\$1.65	47.83%
NATIONAL AVERAGE				57.12%

APPENDIX B

West's Annotated Code of West Virginia

Chapter 47. Regulation of Trade

Article 27 . Court Reporter Services

W. Va. Code, § 47-27-2

§ 47-27-2. Prohibited conduct

Effective: June 6, 2014

[Currentness](#)

(a) A legal proceeding may not be reported by:

(1) An individual who engages in a prohibited action as provided in this section;

(2) A party to the action;

(3) A relative, employee or attorney of one of the parties;

(4) Someone with a financial interest in the action or its outcome; or

(5) A relative, employee or attorney of someone with a financial interest in the action or its outcome.

(b) Court reporters may not:

(1) Base the compensation for the court reporting services on the outcome of the proceeding or otherwise giving the court reporter or court reporting business, entity or firm a financial interest in the action. Court reporters or businesses, entities or firms providing or arranging for court reporting services may not offer or provide court reporting services where payment for those services will be made contingent on the outcome of the action.

(2) Enter into an agreement, whether formal or informal, for court reporting services which restricts the noticing attorney or party to a legal proceeding from selecting and using the court reporter of his or her own choosing or otherwise requires the noticing attorney or party to a legal proceeding to select or use a court reporter not of his or her own choosing. Before accepting an assignment for court reporting services, the court reporter is obligated to make reasonable efforts to ascertain

whether any arrangement exists which is prohibited under this article.

(3) Allow the format, content or body of the transcript as certified by the court reporter to be manipulated in a manner that increases the cost of the transcript.

(4) Charge a fee for the electronic copy or paper copy of a transcript that is more than fifty-five percent of the cost of the original transcript, except by agreement of all parties to a legal proceeding. This prohibition does not apply to real-time court reporting services or accelerated transcript delivery requests made by the party requesting a copy of the transcript when the party requesting the original has not requested accelerated delivery.

(5) Require the attorney purchasing the original or a copy of the transcript to purchase extra services that were neither ordered nor desired from the court reporter as a condition for the sale of the transcript.

Credits

[Acts 2014, c. 30, eff. June 6, 2014.](#)

W. Va. Code, § 47-27-2, WV ST § 47-27-2
Current with laws of the 2015 Regular Session

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[Michigan Compiled Laws Annotated](#)

[Chapter 600. Revised Judicature Act of 1961 \(Refs & Annos\)](#)

[Revised Judicature Act of 1961 \(Refs & Annos\)](#)

[Chapter 14. General Provisions \(Refs & Annos\)](#)

M.C.L.A. 600.1491

600.1491. Court reporter, court recorder, stenomask reporter, or owner of court reporting firm; prohibited financial relationships or contracts; other actions

Currentness

Sec. 1491. (1) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not do either of the following:

(a) Enter into or arrange for any financial relationship that compromises the impartiality of court reporters, court recorders, or stenomask reporters or that may result in the appearance that the impartiality of a court reporter, court recorder, or stenomask reporter has been compromised.

(b) Enter into a blanket contract with parties, litigants, attorneys, or their representatives unless all parties to the action are informed on the record in every deposition of the fees to be charged to all parties for original transcripts, copies of transcripts, and any other court reporting services to be provided. This subdivision does not apply to contracts for court reporting or recording services for the courts, agencies, or instrumentalities of local units of government, this state, or the United States.

(2) A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not do any of the following:

(a) Give, directly or indirectly, any incentive, reward, or anything else of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$25.00 per transaction or \$100.00 in the aggregate per recipient each year.

(b) Charge more than 2/3 of the price of an original transcript for a copy of that transcript.

Credits

P.A.1961, No. 236, § 1491, added by [P.A.1998, No. 249, Imd. Eff. July 10, 1998](#).

600.1491. Court reporter, court recorder, stenomask reporter, or..., MI ST 600.1491

M. C. L. A. 600.1491, MI ST 600.1491

The statutes are current through P.A.2015, No. 43 of the 2015 Regular Session, 98th Legislature.

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Arizona Revised Statutes Annotated

Part 7. Administrative Office of the Courts

Chapter 2. Certification and Licensing Programs

AZ ST Code of Jud. Admin., § 7-206

Section 7-206: Certified Reporter

Currentness

A. Definitions. In addition to the definitions in ACJA § 7-201(A), the following definitions apply:

“Affiliate” means an individual or entity that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with the individual or entity specified.

“Board” means “the board of certified reporters” as provided in [A.R.S. § 32-4002\(1\)](#).

“Certify” means “board authorization to engage in activities regulated by the board” as provided in [A.R.S. § 32-4002\(4\)](#).

“Certification” means “a standard certificate that is issued by the board to a person who meets the requirements of §§ 32-4021 and 32-4022 and does not include a temporary certificate” as provided in [A.R.S. § 32-4002\(2\)](#).

“Certified reporter” means “a person who is certified by the board and who records and transcribes a verbatim record in any sworn proceeding by means of written symbols or abbreviations in shorthand, machine writing or voice writing” as provided in [A.R.S. § 32-4002\(3\)](#).

“Chapter” means Title 32, Chapter 40, Board of Certified Reporters, Arizona Revised Statutes.

“Registered reporting firm” means an individual or entity that is registered pursuant to this section and for compensation offers to provide or provides reporting services or related services but does not personally provide the service as a certified reporter.

“Report” means “to stenographically or by voice writing record and transcribe sworn proceedings” as provided in [A.R.S. § 32-4002\(5\)](#).

“Temporary certificate” means a certificate that has been extended pursuant to [Laws 1999, Ch. 335, § 3](#); [Laws 2000, Ch. 41, § 13](#) and subsection G(4)(a).

“Voice writing” means “the making of a verbatim record of the spoken word by means of repeating words of the speaker into

a device that is capable of digital translation into text” as provided in [A.R.S. § 32-4002\(6\)](#).

B. Applicability.

1. This section applies to the standard certification of reporters pursuant to Arizona Revised Statutes, Title 32, Chapter 40 and to temporary certification pursuant to [Laws 1999, Ch. 335, § 3](#) and [Laws 2000, Ch. 41, § 13](#). It addresses all components of the certification process including application, fees, criteria for approval or denial of certification, resolution of complaints concerning certified reporters and the discipline and administrative hearing process and is read in conjunction with [ACJA § 7-201](#): General Requirements. In the event of any conflict, [ACJA § 7-206](#) shall govern. In the event of any conflict between the applicable statutes and the [ACJA](#) sections, the statutes shall govern.

2. [A.R.S. § 32-4001](#) provides “This chapter applies to persons, entities or courts that use stenographic or voice writing means of recording but does not apply to other means of recording. This chapter does not limit the contempt powers of the court or the authority of the court to discipline court employees.”

C. Purpose. [A.R.S. § 32-4003\(A\)](#) provides “A person shall not report proceedings in any court in this state and shall not report depositions in this state for use in any court in this state unless the person is certified pursuant to this chapter.” [A.R.S. § 32-4003\(D\)](#) provides: “It is unlawful for any person who is not certified pursuant to this chapter to represent oneself as a certified reporter.” For eligibility to report a verbatim record in any sworn proceeding in this state for use in any court in this state, all persons shall hold a valid certificate and comply with the requirements of this section. The certified reporter’s transcript is an important document before, during and after a trial. The paper transcript and its electronic version are used for trial preparation, briefs, impeachment purposes and appellate review. Property, freedom and life all can depend on a clear and accurate record. Certified reporting is integrally related to the prompt, effective and impartial operation of the judicial system.

D. Administration.

1. Role and Responsibilities of the Supreme Court. In addition to the requirements of [ACJA § 7-201\(D\)](#), [A.R.S. § 32-4007\(A\)](#) and (C) establishes the certified reporters fund and specifies “The supreme court shall administer the fund” and “The supreme court may receive and expend monies from the fund”

2. Role and Responsibilities of the Director. These responsibilities are contained in [ACJA § 7-201\(D\)](#).

3. Role and Responsibilities of the Deputy Director. These responsibilities are contained in [ACJA § 7-201\(D\)](#).

4. Role and Responsibilities of Division Staff. These responsibilities are contained in [ACJA § 7-201\(D\)](#).

5. Board of Certified Reporters.

a. Composition. Pursuant to [A.R.S. § 32-4004](#):

A. The board of certified reporters is established consisting of the following members:

1. The chief justice of the supreme court or the chief justice's designee.
2. One judge of the court of appeals who is appointed by the chief justice of the supreme court.
3. One superior court judge who is appointed by the chief justice of the supreme court.
4. Two certified reporters who are residents of this state, who have been official court reporters for at least five years and who are appointed by the chief justice of the supreme court.
5. Two certified reporters who are residents of this state, who have been freelance reporters for at least five years and who are appointed by the chief justice of the supreme court.
6. One attorney who is a resident of this state, who has been licensed to practice law in this state for at least five years and who is appointed by the chief justice of the supreme court.
7. One public member who is appointed by the chief justice of the supreme court.

B. Members who are appointed pursuant to subsection A, paragraphs 2 through 7 serve five year terms. The chief justice shall fill a vacancy for any unexpired portion of a term in the same manner as the original appointment.

C. A majority of the members shall elect a chairperson.

b. Term of Chief Justice or Chief Justice Designee. The member appointed pursuant to [§ 32-4004\(A\)\(1\)](#) shall serve at the pleasure of the chief justice.

c. Duties. These duties are contained in [A.R.S. §§ 32-4004\(E\)](#) and [-4005\(B\)](#). In addition, this subsection should be read in conjunction with [ACJA § 7-201\(D\)](#) which is consistent with [A.R.S. §§ 32-4004\(E\)](#) and [-4005\(B\)](#).

E. Initial Certification.

1. Eligibility for Application.

a. [A.R.S. § 32-4021\(A\)](#) provides:

A. An applicant for standard certification as a certified reporter ... at a minimum shall:

1. Be at least eighteen years of age.
2. Be a citizen or legal resident of the United States.
3. Satisfy the requirements of § 32-4022.
4. Be of good moral character.
5. Possess a high school diploma or a general equivalency diploma or a similar document or certificate.
6. Pursuant to rules adopted by the supreme court demonstrate reasonable proficiency in making verbatim records of trial or judicial or related proceedings.
7. Comply with the laws and rules and orders adopted by the supreme court governing certified reporters in this state.
8. Pay the fees established pursuant to § 32-4008.

b. An applicant shall provide proof of passing the registered professional reporter's examination (RPR) or the certified verbatim reporter's examination (CVR) and shall also pass the Arizona Written Examination pursuant to ACJA

7-201(E) and subsections (E)(3)(b) and (c).

2. Application for Initial Standard Certification. The procedures for application for initial certification are provided in [A.R.S. § 32-4021](#) and [ACJA § 7-201](#). Applicants for certification shall also meet the examination requirements specified in subsection (E)(3) and pursuant to [A.R.S. § 32-4021\(A\)\(9\)](#) an applicant shall “Submit a full set of fingerprints with the fee prescribed in § 41-1750 to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to § 41-1750 and Public Law 92-544.”

3. Examination. In addition to the requirements of [ACJA § 7-201\(E\)](#) the following requirements apply:

a. Purpose. Pursuant to [A.R.S. § 32-4005\(B\)](#) and [ACJA § 7-201\(E\)](#), the examination for initial certification is to “[d]etermine through testing ... an applicant’s ability to make a verbatim record of proceedings that may be used in any court by means of written symbols or abbreviations in shorthand, or machine writing or voice writing.”

b. Admission to the Arizona Written Examination.

(1) [A.R.S. § 32-4022\(A\)](#) provides:

A. A person shall not be admitted to an examination without presenting satisfactory evidence to the board that before the date on which the application for examination was filed the person has done at least one of the following:

1. Obtained one year of experience in making verbatim records of meetings, conferences, hearings or judicial or related proceedings by means of written symbols or abbreviations in shorthand, machine writing or voice writing and in transcribing these records.

2. Obtained a verified certificate of the satisfactory completion of a prescribed course of study from a court reporting school or a certificate from a school that evidences the equivalent proficiency and the ability to make a verbatim record of material that is dictated pursuant to rules adopted by the supreme court.

3. Obtained a national court reporters association’s registered professional reporter or registered merit reporter certificate.

4. Obtained a valid certificate to practice court reporting that is issued by a state other than this state if the other state’s requirements and certifying examination are substantially similar to or more stringent than those in this state.

5. Demonstrated reasonable proficiency in making verbatim records of trial or judicial or other related proceedings by passing an approved examination for certification pursuant to rules adopted by the supreme court.

c. Examination Procedures. In addition to the requirements of ACJA § 7-201(E), the procedures for examination are prescribed in A.R.S. § 32-4022:

(1) A.R.S. § 32-4022(B) provides:

B. The examination for certification consists of the following two parts:

1. A national court reporters association's registered professional reporter examination, a national verbatim reporters association's certified verbatim reporters association examination or an alternative demonstration of proficiency approved by the supreme court.

2. A written knowledge test of rules of the supreme court of Arizona and statutes of this state relating to court reporters.

(2) The National Court Reporters Association (NCRA) RPR written knowledge test (WKT) and skills knowledge test (SKT) and the National Verbatim Reporters Association (NVRA) CVR, are the approved proficiency examinations to meet the minimum proficiency examination requirements of A.R.S. § 32-4022(B)(1).

(3) An applicant satisfies the proficiency examination requirements by passing either the RPR or CVR examination as specified in A.R.S. § 32-4022(B)(1) and subsection (E)(3)(c)(2).

(4) An applicant shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.

(5) A.R.S. § 32-4022(F) provides: "An applicant who fails to pass the written examination ... may apply for reexamination at any time."

4. Decision Regarding Certification. In addition to the requirements contained in ACJA § 7-201(E), the procedures for the decision regarding certification are pursuant to A.R.S. §§ 32-4021(B), -4024(A) and -4024(B).

a. Approval of Initial Standard Certification. These requirements are contained in ACJA § 7-201(E).

b. Denial of Initial Standard Certification. The requirements are contained in ACJA § 7-201(E).

F. Role and Responsibilities of Certified Reporters. In addition to the requirements of ACJA § 7-201(F), the following requirements apply:

1. Code of Conduct. Each certified reporter shall adhere to the code of conduct adopted pursuant to A.R.S. § 32-4005 and subsection (J).

2. Identification. A.R.S. § 32-4003(C) provides “A certified reporter shall include the title ‘certified reporter’ or the abbreviation ‘CR’ and the reporter’s certificate number on the title or cover page of any transcript, on any business card, advertisement or letterhead and on the certificate of any transcript.”

3. Certification of Transcripts, Billings and Business Terms. A certified reporter and registered reporting firm (if the certified reporter is engaged by a registered reporting firm) shall sign and certify each transcript that the certified reporter prepares before the transcript may be used in court, except for transcripts that the reporter prepares for proceedings that occurred before July 1, 2000. Certification shall provide that the certified reporter and registered reporting firm, if applicable, have complied with the ethical obligations set forth in (J)(1)(g)(1) and (2). A certified reporter or registered reporting firm shall also certify each bill or invoice and said certification shall provide that all aspects of the bill and invoice and other business terms comply with the ethical obligations set forth in (J)(1)(g)(3) through (6).

4. Transcript Production. The following requirements apply to transcript production:

a. Transcript Format. A certified reporter shall prepare transcripts in a format consistent with the standards in subsection (M).

b. Production after Expiration of Certificate, Inactive Status or Voluntary Resignation. A reporter who is no longer certified, or who is in inactive status may not practice as a reporter or produce transcripts except for those proceedings that took place while their certificate was valid and active. The reporter shall use the same certificate number on the title or cover page of any transcript and letterhead that was used while the reporter was certified.

5. Oaths and Affirmations. A.R.S. § 32-4025 provides: “A certified reporter may administer oaths and affirmations.”

G. Renewal of Certificate. In addition to the requirements contained in ACJA § 7-201(G) the following requirements apply:

1. Expiration Date. A.R.S. § 32-4023(A) provides: “A certificate issued pursuant to this article is subject to renewal and expiration as prescribed by rules adopted pursuant to section 32-4005.” All standard certifications expire at midnight, on

February 28th of each even numbered year.

2. Application. [A.R.S. § 32-4023\(B\)](#) provides: “The certificate holder is responsible for applying for a renewal certificate.” A certified reporter shall submit a completed renewal application, applicable fees pursuant to subsection (K) and documentation by the renewal application deadline established by the board to remain eligible to serve as a certified reporter in Arizona.

3. Continuing Education. [A.R.S. § 32-4023\(D\)](#) provides: “A certificate holder shall include with the application for renewal documentation satisfactory to the board that the certificate holder has successfully completed at least ten hours of approved continuing education each year.” The certificate holder shall comply with the provisions regarding continuing education contained in subsection (L).

4. Types of Certificates.

a. Temporary Certificate. Pursuant to [Laws 1999, Ch. 335, § 3](#), and [Laws 2000, Ch. 41, § 13](#), “All temporary certificates shall be renewed annually and may not be renewed beyond December 31, 2002, except that the board may renew temporary certificates after December 31, 2002 due to extenuating circumstances.” An applicant may request and the board may grant renewal of a temporary certificate if the applicant meets all of the following conditions:

(1) Holds a valid temporary certificate; and

(2) Complies with the policies on requests for extensions of temporary certification based on extenuating circumstances as adopted by the board.

b. Standard Certificate. An applicant may apply for and the board may renew a standard certificate of an applicant who:

(1) Holds a valid standard certificate; and

(2) Meets all other requirements for renewal.

5. Decision Regarding Renewal. In addition to the requirements contained in [ACJA § 7-201\(E\)](#) and [\(G\)](#) the following requirements apply:

a. [A.R.S. § 32-4023\(B\)](#) provides: “On receipt of the renewal application and the renewal fee, the board shall issue the

applicant a new certificate unless the board finds that the applicant does not meet the requirements for renewal or that section 32-4024 applies.”

b. The board may deny renewal of a certificate for any of the reasons specified in § 32-4024.

H. Complaints, Investigations, Disciplinary Action Proceedings and Certification and Disciplinary Hearings. These requirements are contained in ACJA § 7-201(H). ACJA § 7-201(H)(2)(b) authorizes the division director to dismiss complaints that are not within the jurisdiction of the supreme court; complaints that are insufficient; or complaints that contain allegations that if true, would not constitute a violation of ACJA §§ 7-201 or -206 or applicable statutes or court rules. Notwithstanding these provisions the division director shall not have the authority to dismiss these complaints but shall forward these complaints to the board with a written recommendation for dismissal. The board shall enter the final decision regarding the disposition of the complaints.

I. Policies and Procedures for Board Members. These requirements are contained in ACJA § 7-201(I).

J. Code of Conduct. The following code of conduct is adopted by the supreme court to apply to all certified reporters pursuant to Title 32, Chapter 40, Arizona Revised Statutes. The purpose of this code of conduct is to establish minimum standards for performance by certified reporters and registered reporting firms.

1. Ethics.

a. A certified reporter and registered reporting firm shall avoid impropriety and the appearance of impropriety in all professional activities, shall respect and comply with the laws and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial system.

b. A certified reporter and registered reporting firm shall exercise fairness and impartiality toward each participant in all aspects of reported proceedings and always offer to provide comparable service to all parties in a proceeding.

c. A certified reporter and registered reporting firm shall have no personal or financial self-interest in the reporting of a proceeding and shall exercise caution to avoid any appearance of self-interest.

d. A certified reporter and registered reporting firm shall be alert to situations that are conflicts of interest that may give the appearance of a conflict of interest or create an appearance of partiality.

e. A certified reporter and registered reporting firm shall promptly make full disclosure to all parties or their representatives of any relationships which may give the appearance of a conflict of interest or partiality.

f. A certified reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of reporting. A certified reporter shall not engage in unethical or unprofessional conduct that is harmful or detrimental to the public in the practice of reporting. Proof of actual injury is not required.

g. A certified reporter or registered reporting firm's certification as required by (F)(3) means the certified reporter or registered reporting firm affirms the following:

(1) The transcript is a full true and accurate record of the proceeding;

(2) The preparation, production and distribution of the transcript and copies of the transcript comply with the Arizona Revised Statutes and ACJA;

(3) All billings and invoicing to all the parties related in any manner to the reporting of the proceedings or cases and the production of the transcript and any products or services ancillary thereto comply with the Arizona Revised Statutes and the ACJA;

(4) All financial terms and other services have been offered on the same terms to all parties to the litigation;

(5) Each party was able to purchase the transcript and such ancillary services as requested by that party without regard to the ancillary services purchased by any party;

(6) No economic or other benefit was given by the certified reporter to any party or their attorney, representative, agent, or insurer or insured that was not provided to the other parties, attorneys or insureds in the same case.

h. A certified reporter or registered reporting firm shall not provide reporting services in any action if they are:

(1) A party to the action;

(2) A relative, employee, or attorney of one of the parties;

(3) Someone with a financial interest in the action or its outcome; or,

(4) A relative, employee, or attorney of someone with a financial interest in the action or the outcome.

(5) Retained to provide court reporting services in the action by an individual or entity other than a party, a party's attorney or a registered reporting firm.

i. A judicial officer may declare a deposition void if a certified reporter with an association to a matter, as described in this subsection, takes a deposition.

j. Except as expressly set forth in this section, the provisions of § 7-206 may not be waived by disclosure, agreement, stipulation, or otherwise.

k. A certified reporter, registered reporting firm, or their affiliates shall not provide to any individual or entity additional advocacy or litigation support services, including but not limited to claim investigation assistance, trial preparation assistance, and deposition summaries. Nothing in this subparagraph (k) should be interpreted to prevent a certified reporter, registered reporting firm or their affiliates from providing non advocacy or non litigation services (i.e., conference rooms, photocopying and teleconferencing) so long as such non advocacy or non litigation services are offered to all parties on the same terms.

l. A certified reporter or registered reporting firm with a continuing contractual relationship to provide reporting services in multiple cases with a party, attorney, or an entity with a financial interest in a case may provide reporting services in a case involving those individuals or entities only after notice of the contractual relationship is given to the lawyers in the case and any party not represented by a lawyer and if none object to the reporter or reporting firm taking the deposition. Notice of the continuing contractual relationship shall be in writing, include the duration of the relationship and whether the relationship is exclusive, and shall be given at the time the deposition is noticed, or at such time thereafter as the certified reporter or registered reporting firm is retained to provide reporting services. If written objection is received by the reporter or reporting firm within five business days of receipt of the notice, the reporter or reporting firm shall not perform the reporting services. If no written objection is received from the lawyer or party not represented by a lawyer within five business days of receipt of the notice, the reporter or firm contracted to perform the reporting services is deemed approved.

m. Subsections (J)(1)(h)(5) and (J)(1)(l) shall not apply to certified reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Arizona.

2. Professionalism.

a. A certified reporter and registered reporting firm shall ensure the confidentiality and the security of information, verbal or written, entrusted to the certified reporter by the court or any of the parties in the proceeding is preserved. If

the certified reporter or registered reporting firm uses a third party for any aspect of the preparation, production, distribution or storage of a transcript, the certified reporter or registered reporting firm, as appropriate, shall ensure that the third party maintains the confidentiality and security of the information. Unless authorized by court order or upon agreement of the parties, a certified reporter and registered reporting firm may release the transcript only to the witness, a party and the witness' or party's attorneys. A certified reporter and registered reporting firm shall not violate or knowingly aid, assist or facilitate a third party's violation of a court order regarding confidentiality. A registered reporting firm shall have in place procedures to ensure its awareness of court orders regarding confidentiality.

b. A certified reporter and registered reporting firm shall be truthful and accurate when advertising or representing the certified reporter's qualifications, skills, abilities, or the services provided.

c. A certified reporter and registered reporting firm shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.

d. A certified reporter shall keep abreast of current literature, technological advances and developments and shall fulfill ongoing training requirements to maintain professionalism.

e. As part of the judicial department's commitment to the principle of access to justice for all and the integral role of certified reporters, certified reporters are encouraged to provide pro bono services, when requested through qualified legal assistance organizations providing free legal services to the indigent. Certified reporters providing pro bono services pursuant to this subsection shall disclose the pro bono services to all parties in the case.

3. Fees and Services.

a. Except as provided in subsection (J)(2)(e), a certified reporter shall charge all parties or their attorneys in the same action the same price for an initial copy of a transcript. Additional copies purchased by the same ordering party may be charged at a reduced rate provided disclosure is made to all parties involved in the case and the same reduced rate for additional copies is provided to all parties involved in the case. Each party shall be treated as an individual party to the action and is required to purchase an initial copy at the same rate provided to all parties requesting a copy in the same action before they may obtain additional copies at a reduced rate. A certified reporter's and registered reporting firm's obligation to charge each party equally, includes but is not limited to complementary services, volume discounts, rebates, waivers or fee reductions to any party because of the individual or cumulative effect of performing reporting services in said action. A certified reporter may provide services on a pro bono basis as provided in this section.

b. A certified reporter and a registered reporting firm shall provide in writing an itemized list of rates and charges to the witness, the parties, or the witness' and parties' attorney. The list shall be provided before the commencement of the deposition.

c. A certified reporter shall, upon request at any time by a party or party's attorney or division staff, promptly provide in writing to the party, attorney, or division staff an itemized list of all rates and charges billed or applicable to any party or

witness or their attorney(s). A certified reporter shall maintain an accurate account of services rendered and provide copies of invoices to any requesting party involved in the case or upon the request of the board or division staff.

d. A certified reporter and registered reporting firm shall not enter into an agreement concerning fees that is unlawful or inconsistent with this section.

e. A certified reporter and registered reporting firm must charge at least 60 percent more for the original transcript than is charged for any copy. The charge for the original transcript includes the per diem paid for the reporter's appearance.

f. A certified reporter and registered reporting firm shall at all times be aware of and avoid impropriety or the appearance of impropriety, which may include, but is not limited to:

(1) Establishing contingent fees as a basis of compensation;

(2) Directly or indirectly receiving of any gift, incentive, reward, or anything of value as a condition of the performance of professional services;

(3) Directly or indirectly offering to pay any commission or other consideration in order to secure professional assignments;

(4) Directly or indirectly giving, for the benefit of employment, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for:

(a) Nominal items that do not exceed \$25.00 per transaction and \$100.00 in the aggregate per recipient each year; and

(b) Pro bono services; and

(5) Entering into any written or verbal financial relationship with counsel, parties of interest or their intermediaries that would require a certified reporter to violate any provision of this section.

g. Notwithstanding any other provision of this section, the certified reporter or registered firm may establish such individual payment terms for each party as the certified reporter or registered firm deems commercially reasonable.

4. Skills and Practice.

a. A certified reporter shall take full and accurate stenographic or voice written notes of any proceeding and shall not willfully alter the notes.

b. A certified reporter shall accurately transcribe verbatim any stenographic or voice written notes taken at any proceeding and shall not willfully alter the transcript.

c. A certified reporter shall provide a transcript to a client or court in a timely manner. The certified reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A certified reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A certified reporter shall provide immediate notification of delays.

d. A certified reporter shall not go “*off the record*” during a deposition or court proceeding unless agreed to by all parties or their attorneys or ordered by the court.

e. A certified reporter shall accept only those assignments for which the reporter’s level of competence will result in the preparation of an accurate transcript. The certified reporter shall decline an assignment when the reporter’s abilities are inadequate.

f. A certified reporter shall prepare the record in accordance with applicable laws, rules or court order.

g. A certified reporter shall preserve the stenographic or voice written notes in accordance with Arizona laws, federal laws and the Arizona Rules of Court.

5. Official Reporters.

a. An official reporter may engage in freelance reporting duties only if the following criteria are met:

(1) The presiding superior court judge or designee has given express authorization; the reporter’s official work is up to date and there are no transcripts the reporter is preparing in which a court has granted an extension of time; and

(2) The presiding superior court judge or designee has authorized the reporter to take annual leave during the time the freelance work is scheduled unless:

(a) The freelance work is scheduled during hours the court is not open for business; or

(b) The presiding superior court judge or designee has granted the reporter time off in compensation for overtime previously worked.

b. A certified reporter shall never purport to speak or act for a judge regarding judicial matters.

c. A certified reporter shall not express an opinion as to how a case should be decided or what verdict a jury will return.

6. Performance in Accordance with Law.

a. A certified reporter shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.

b. A certified reporter shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.

K. Fee Schedule. Pursuant to [A.R.S. § 32-4008](#), the supreme court shall set and collect fees necessary to carry out the provisions of Title 32, Chapter 40, Arizona Revised Statutes pertaining to the certification of certified reporters.

1. Initial Certification Fees.

a. Initial Certification for Two Year Certification Period \$450.00

(1) For certification expiring more than one year after application date \$450.00

(2) For certification expiring less than one year after application date \$225.00

b. Fingerprint Processing

(Rate as set by Arizona law and subject to change)

2. Examination Fee for the Arizona Written Test

a. Applicants for Initial Certification \$50.00

b. Reexaminations \$50.00

(For any applicant who did not pass the examination on the first attempt. The \$50.00 fee applies to each reexamination.)

c. Reregistration for Examination \$50.00

(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)

3. Renewal Certification Fees.

a. Certification Renewal \$400.00

b. Inactive Status \$100.00

c. Late Renewal \$50.00

d. Delinquent Continuing Education \$100.00

4. Miscellaneous Fees

a. Replacement of Certificate or Name Change \$25.00

b. Public Record Request per Page Copy \$.50

c. Certificate of Correctness of Copy of Record \$18.00

d. Reinstatement Application \$100.00

(Application for reinstatement to certification after suspension or revocation of certification.)

5. Registered Reporting Firm Registration Fees

a. Initial Registration \$100.00

b. Renewal Registration \$50.00

L. Continuing Education Policy.

1. Purpose.

a. Reporting is integrally related to the prompt, effective and impartial operation of the judicial system. Certified reporters are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education is one means to ensure a certified reporter maintains continuing competence in the field of reporting after certification is obtained. Continuing education also provides opportunities for certified reporters to keep abreast of changes in the reporting and legal professions and the Arizona judicial system.

b. Pursuant to [A.R.S. § 32-4005\(B\)](#) and [ACJA § 7-201\(D\)](#), the board shall make recommendations to the supreme court regarding rules and procedures to implement the provisions of certification of reporters, including continuing education. This subsection is intended to provide direction to certified reporters to ensure compliance with the statutes and continuing education requirements, and to provide for equitable application and enforcement of the continuing education requirements.

2. Applicability.

a. Pursuant to [A.R.S. § 32-4023\(D\)](#), [ACJA § 7-201\(G\)](#), and [subsection \(G\)\(3\)](#), all certified reporters shall complete at least ten hours of continuing education each calendar year. Pursuant to subsection (G)(3), all certified reporters who hold certification shall attend ten hours of approved continuing education each year between the period of January 1st and December 31st of the following years, for a total of no less than twenty hours of continuing education completed on or before December 31st of every odd numbered year. Hours of participation are not transferable to certification periods other than the one in which the participation occurred.

b. All certified reporters shall comply with the continuing education policies in this subsection.

3. Responsibilities of Certified Reporters.

a. It is the responsibility of each certified reporter to ensure compliance with the continuing education requirements, maintain documentation of completion of continuing education and provide the documentation upon the request of the board or division staff.

b. Upon request of the board or division staff, a certified reporter shall provide any additional information required by the board or division staff when reviewing continuing education applications and documentation.

c. Continuing education not recognized for credit upon board review does not in any way relieve the certified reporter of the responsibility to complete the required hours of continuing education.

4. Authorized Continuing Education Activities.

a. Continuing education is designed to provide an understanding of current developments, skills or procedures related to the practice of reporting. Continuing education shall address the areas of proficiency, competency and performance of stenographic or voice written reporting and impart knowledge and understanding of the profession of reporting, the Arizona judiciary and the legal process and increase the participant's understanding of the responsibilities of a certified reporter and the reporter's impact on the judicial process. The certified reporter shall complete the continuing education requirements in one or more of the following subject areas:

(1) English, including grammar and punctuation, vocabulary and etymology, proofreading and editing and regional and minority dialects, colloquialisms and commonly heard slang.

(2) Medical terminology presented by subject matter experts on terminology and concepts commonly encountered by certified reporters including Greek and Latin roots, homonyms and sound-alikes, abbreviations, pharmacy, anatomy and physiology and specialized medical fields, (for example, neurology, dentistry, radiology, forensic medicine).

(3) Legal terminology presented by subject matter experts on terminology and concepts commonly encountered by certified reporters including etymology, substantive law, procedural law, various subdivisions of law (for example, criminal, domestic, juvenile, civil) and how cases are processed and argued.

(4) Other technical subjects presented by subject matter experts with emphasis on terminology and concepts commonly encountered by certified reporters (for example, accident reconstruction, chemistry, construction, workman's compensation, products liability).

(5) Reporting technology including computer-aided transcription (CAT) skills: CAT equipment, hardware and software, DOS, ASCII and compressed transcript; computer skills including word processing, spreadsheets, database applications, windows and internet applications; equipment maintenance and computer-integrated courtrooms.

(6) Realtime reporting including writing for realtime, communicating with the hearing impaired, working with an interpreter, the Americans with Disabilities Act and realtime certification.

(7) Certification tests, including the Registered Merit Reporter, Registered Diplomat Reporter, Certified Realtime Reporter, Certified Manager of Reporting Services and Certificate of Merit and Realtime Verbatim Reporter. A certified reporter may receive continuing education credit for these activities in accordance with the standards established by the NCRA and the NVRA.

(8) Ethics for certified reporters and court employees, including cooperation with lawyers, judges, court staff, and fellow certified reporters, professional attire, courtesy and impartiality to all litigants, information verses legal advice and public relations.

(9) The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, and Arizona tribal court system; resource materials including the Arizona Revised Statutes, Arizona Rules of Court, case law and administrative orders and rules; and current issues in the Arizona court system.

(10) Role and responsibilities of certified reporters, including the statutes and ACJA §§ 7-201 and -206 for certified reporters.

(11) Writing and editing skills including transcript style and setups, appropriate editing, scoping, scanning and printing, writing for a note reader, scopist or editor; indexing of witnesses and exhibits and transcript formats.

(12) Research skills including utilizing reference materials and libraries and research techniques.

(13) Management issues including public relations and customer service; accounting, ergonomics, time management and office management.

b. Conferences. A certified reporter may receive continuing education credit for attendance at a conference relevant to the profession of reporting. A certified reporter may receive 100 percent of the continuing education credits for attendance at the conference, if the conference is directly related to the reporting profession. Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.

c. University, College and Other Educational Institution Courses. A certified reporter may receive continuing education credit for a course provided by a university, college or other institutionally accredited educational program if the reporter successfully completes the course with a grade of “C” or better or a “pass” on a pass/fail system. A certified reporter may receive continuing education credit if the course is relevant to the reporting profession and may receive credit up to two times the number of credit hours awarded by the educational institution. The maximum total hours of continuing education credits earned from educational course work shall not exceed 50 percent of the total number of continuing education hours required for renewal.

d. Authoring or Coauthoring Articles. A certified reporter may receive continuing education credit for authoring or coauthoring an article directly related to reporting, if the article is published in a state or nationally recognized professional journal of court reporting or law and if the article is a minimum of 1,000 words in length. A certified reporter may receive a maximum of three hours of continuing education credit for authoring an article or articles during a renewal period. A certified reporter shall not receive continuing education credit for the same article published in more than one publication or republished in the same publication in later editions.

e. Self Study. A certified reporter may receive continuing education credit for self study activities, including video and audio tapes, and other methods of independent learning. A certified reporter shall not receive continuing education credit for simply reading books, seminar or other printed materials. The maximum hours of continuing education credits earned in a self study format shall not exceed 50 percent of the total number of continuing education hours required for renewal. However, if the self study activities are NCRA courses, a court reporter may receive up to 100 percent of the total number of continuing education hours required for renewal.

f. Serving as Faculty. A certified reporter may receive continuing education credit for serving as an instructor, speaker, panel member or faculty of a continuing education seminar directly related to the profession of reporting. A certified reporter may receive continuing education credit for the actual presentation time and up to two hours of preparation time for each hour of presentation. The maximum hours of continuing education credits earned as faculty credit shall not exceed 50 percent of the total number of continuing education hours required for renewal and a certified reporter shall not receive duplicate credit for repeating a presentation during the certificate period.

5. Minimum Time. Each continuing education activity shall consist of at least 30 minutes of “actual clock time” spent by a certified reporter in actual attendance at and completion of an approved continuing education activity. “Actual clock time”

includes the total number of hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the first 30 minutes of a continuing education activity, credit shall be recognized in fifteen minute increments.

6. Maximum Credit. Unless the board otherwise determines a continuing education activity is directly related to the reporting profession, a certified reporter shall not receive more than 50 percent of the credit requirement for the certificate period through one activity.

7. Non-Qualifying Activities.

a. The following activities, regardless of whether or not the activity is approved for COJET credit, shall not qualify for continuing education credit for certified reporters:

- (1) Programs completed for qualification for initial certification;
- (2) Programs with a primary focus on teaching nonverbal skills that are not directly related to reporting;
- (3) Attendance or participation at professional or association business meetings, general sessions, elections, policymaking sessions or program/employee orientation;
- (4) Serving on committees or councils or as an officer in a professional organization;
- (5) Activities completed as required by the board as part of a disciplinary action; and
- (6) Mentoring activities by a certified reporter.

b. Repeat of an Activity. Continuing education activities repeated during a certificate period do not qualify for credited duplicate hours.

c. If a certified reporter attends part, but not all of a continuing education activity, the certified reporter is not eligible to claim partial credit.

8. Documentation of Attendance or Completion. When attending or completing a continuing education activity, each certified reporter shall obtain documentation of attendance or completion from the sponsoring entity. At a minimum, the proposal shall include the:

- a. name of the sponsor;
- b. name of the participant;
- c. topic of the subject matter;
- d. number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
- e. date and place of the program; and
- f. signature of the sponsor, or an official document from the sponsoring entity.

9. Compliance and Non-Compliance.

a. Affidavit of Compliance. A certified reporter shall submit an affidavit of continuing education compliance when applying for renewal of certification. The certified reporter shall submit the affidavit in the format provided by division staff. The board and division staff may request documentation or additional information from a certified reporter applying for renewal to verify compliance with the continuing education requirements. If the certified reporter fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and deny renewal of certification.

b. Proration of Continuing Education Requirement. A certified reporter whose certificate expires less than six months from the effective date of certification shall complete no less than five hours of continuing education credit during the balance of the certification period. In subsequent certification periods, the certified reporter shall complete the annual ten hour continuing education requirement. Proration of the continuing education requirement does not apply to certified reporters who previously held certification and allowed their certification to lapse. A certified reporter who attends approved continuing education prior to the date of their initial certification, but within the certification renewal period may claim these continuing education hours as fulfilling the continuing education requirements for their first renewal of certification provided the continuing education meets all provisions of subsection L.

c. Extension of Continuing Education Requirements. A certified reporter seeking renewal of certification who has not fully complied with the continuing education requirement may request an extension of the requirement under the

following conditions:

(1) The certified reporter submits a notarized written statement to the board, explaining the facts regarding non-compliance and requesting an extension of the requirements no later than the November 15th preceding the February 28th expiration of the certificate. Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days for the certified reporter to complete the continuing education requirement.

(2) The board shall determine whether extenuating circumstances exist. In reviewing the request, the board shall consider if the certified reporter has been unable to devote sufficient hours to fulfill the requirements during the certificate period because of:

(a) full-time service in the armed forces of the United States during a substantial part of the certificate period;

(b) an incapacitating illness documented by a statement from a currently licensed physician;

(c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician; or

(d) any other special circumstances the board deems appropriate.

(3) A certified reporter whose certificate has been suspended or revoked by the board is not eligible to request an extension of the continuing education requirement.

d. Random Audits of Compliance. During each renewal review period, the board shall request division staff to randomly select a specified number of certified reporters to demonstrate continuing education compliance through submission of proof of continuing education participation. Refusal or failure to respond to a board or division staff request for continuing education compliance documentation may result in denial of renewal of certification or disciplinary action pursuant to ACJA § 7-201(H) and this section.

e. A certified reporter who fails to meet the continuing education requirement, falsifies continuing education documents, completes any portion of the continuing education requirement after December 31st or willfully misrepresents continuing education activities and attendance at continuing education activities is subject to any or all of the following actions by the board:

(1) Assessment of the delinquent continuing education fee;

(2) Denial of renewal of certification; and

(3) Disciplinary action pursuant to ACJA § 7-201(H) and this section.

10. Board Decision Regarding Continuing Education Credits.

a. Upon a review of continuing education documentation and any applicable additional information requested, the board may:

(1) Recognize compliance by the certified reporter with the continuing education requirement;

(2) Require additional information from the certified reporter seeking renewal before making a decision;

(3) Recognize partial compliance with the requirement and order remedial measures; and

(4) Enter a finding of non-compliance.

b. Division staff shall notify the certified reporter, in writing, within ten days of the board's decision. A certified reporter may appeal the decision by submitting a written request for review by the board with division staff within fifteen days of receipt of notification of the board's decision. The certified reporter may request to appear before the board at the next available regularly scheduled board meeting.

c. The certification of a reporter who timely appeals a decision by the board regarding continuing education shall continue in force until a final decision is made by the board.

d. The board shall make the decision on the appeal in writing. The decision is final and binding.

M. Transcript Format Standards. Transcripts filed by certified reporters in courts in the state of Arizona shall conform to the following standards:

1. Applicability. Each transcript prepared by a certified reporter shall consist of the following pages:

- a. Title page;
- b. Table of contents and index page;
- c. Appearance page; and
- d. Certificate page.

2. Title Page.

a. Court Proceedings. The title page shall contain:

- (1) Case caption;
- (2) The type of proceedings: grand jury, jury trial, type of motion, etc.;
- (3) The date of proceedings;
- (4) The city and state where the proceedings were held;
- (5) The name of the judicial officer;
- (6) The name of the certified reporter, title (“certified reporter” or “CR”) and certificate number;
- (7) A clear indication that a transcript is a partial transcript or excerpt; and

(8) Other applicable information.

b. Depositions and Other Non-court Proceedings. The title page shall contain:

(1) Case caption;

(2) The type of proceedings: deposition, sworn statement, unsworn statement, etc.;

(3) The date of the proceedings;

(4) The city and state where the proceedings were held;

(5) The name of the certified reporter, title (“certified reporter” or “CR”) and certificate number; and

(6) Other applicable information: excerpts, volume number.

c. Index Page.

(1) Court Proceedings. The index page, if applicable shall:

(a) Begin on a separate page;

(b) Show each witness name typed on the index page as it appears in the transcript: middle initial, no middle initial, full name, Jr., etc.;

(c) Indicate for each witness the page numbers of direct, cross, and redirect examination, etc.;

(d) Show other important events and the page number they occur: jury selection, opening statements, closing arguments, verdict, etc.; and

(e) Identify when exhibits are marked or introduced, admitted or excluded.

(2) Depositions and Other Non-court Proceedings. The index page shall:

(a) Begin on a separate page;

(b) Show the witness name typed on the index page as it appears in the transcript: middle initial, no middle initial, full name, Jr., etc.;

(c) Indicate for each witness the page numbers of examination by each attorney or party;

(d) Show other important events and the page number they occur; and

(e) Identify when exhibits are marked or identified.

d. Appearance Page.

(1) Court Proceedings. The appearance page shall:

(a) Begin on a separate page;

(b) Indicate the name of the attorneys and which party they represent. Attorney addresses may be included;

(c) Indicate parties appearing in propria persona; and

(d) Indicate the names of the grand jurors present.

(2) Depositions and Other Non-Court Proceedings. The appearance page shall:

- (a) Begin on a separate page;
- (b) Identify the location where proceedings took place;
- (c) Indicate the time the proceedings began;
- (d) Indicate the name and address of the attorneys and which party they represent;
- (e) Indicate parties appearing in propria persona; and
- (f) Indicate all other individuals present in the room during the proceedings: videographers, interpreters, etc.

e. Certificate Page.

(1) Court Proceedings. The certificate page shall:

- (a) Begin on a separate page;
- (b) Contain language indicating the transcript is a full, true and accurate record of the proceeding;
- (c) Be signed and dated by the certified reporter; and
- (d) Include the reporter's certificate number.

(2) Depositions and Other Non-Court Proceedings. The certificate page shall:

- (a) Begin on a separate page;

(b) Contain language indicating the transcript is a full, true and accurate record of the proceeding and the preparation, production and distribution of the transcript and copies comply with law and code as required by (F)(3);

(c) Contain language indicating the reporter administered an oath or affirmation to each witness whose testimony appears in the transcript pursuant to [A.R.S. § 41-324\(B\)](#);

(d) Be signed and dated by the certified reporter and the registered reporting firm, if any;

(e) Include the reporter's certificate number; and

(f) Indicate whether the witness has requested signature, not requested signature or waived signature.

f. Transcript Formatting. All transcripts shall:

(1) Contain 25 numbered lines of text on each page of the body of the transcript text with the exception of the last page. One blank line may be left before transitional events or headings, for example, a witness set-up paragraph or "examination," to ensure readability;

(2) Contain page numbers at the upper right-hand corner. The page number does not count as a line;

(3) Unless otherwise requested, begin at page one for each day of proceedings, even in multiple-day proceedings;

(4) Contain total combined margins of text not to exceed 2 and 1/8 inches. The left-hand margin is measured from the left edge of the paper to the first character of text. The right-hand margin is measured from the right edge of the paper to the last character of text;

(5) Use letter character size of no fewer than nine or ten characters to the inch;

(6) Be double spaced in the body of the transcript;

(7) Begin Question and Answer (“Q and A”) designations no more than five spaces from the left-hand margin;

(8) Begin text following Q and A designations at no more than ten spaces from the left-hand margin, with carryover Q and A lines beginning at the left-hand margin;

(9) Begin speaker identification for colloquy at no more than fifteen spaces from the left-hand margin, with carryover colloquy beginning at the left-hand margin;

(10) Begin quoted material no more than fifteen spaces from the left-hand margin, with carryover lines beginning no more than ten spaces from the left-hand margin;

(11) Begin parentheticals and exhibit markings no more than fifteen spaces from the left-hand margin, with carryover lines beginning at the left-hand margin; and

(12) Be bound in a professional manner.

g. **Rough Drafts.** An uncertified rough draft transcript shall not include a title page, appearance page, certificate page, any mention of the swearing in of a witness, footer with firm name or reporter name or CR number, index page, page numbers, line numbers, borders around the text on each page, or time stamping.

(1) An uncertified rough draft transcript shall include a header or footer on each page stating “UNCERTIFIED UNEDITED ROUGH DRAFT TRANSCRIPT.” The phrase “UNCERTIFIED UNEDITED ROUGH DRAFT TRANSCRIPT” shall be included in the body of the text occasionally.

(2) In lieu of a title page, each rough draft shall begin with a disclaimer stating the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. The disclaimer shall contain a brief identification of the contents, for example, John Smith deposition, 6/17/06. The certified reporter should keep a copy of the disclaimer.

N. Registered Reporting Firm. A reporting firm that employs or contracts with a certified reporter to provide services regulated pursuant to [A.R.S. § 32-4001 et. seq.](#) or this section must be registered with the division in accordance with the provisions of this section.

1. A reporting firm shall register with the division by providing to the division on a form approved by the division the following information:

- a. Full legal name;
- b. Address;
- c. Telephone number;
- d. Email address;
- e. Contact individual, including name address, telephone number and email address.

2. Before the registration is effective:

- a. The reporting firm shall certify, on a form acceptable to the division director, that the firm agrees to comply with the provisions of ACJA § 7-201 and this section in the same manner in which it would need to comply if it were a certified reporter;
- b. The reporting firm shall agree to submit to the jurisdiction of the Supreme Court to the extent it has performed activities regulated by this section;
- c. The reporting firm shall pay the fee set forth in paragraph K.

3. A registered reporting firm registration expires on January 31st following the fifth anniversary of its issuance and may be renewed by filing a renewal application on a form acceptable to the division director that provides the information and certifications set forth in subparagraphs 1 and 2 of this paragraph.

4. A registered reporting firm that contracts with or employs a certified reporter to perform services regulated by this section shall ensure that in the performance of those duties the certified reporter and registered reporting firm adhere to the provisions of this section.

5. A registered reporting firm that fails to comply with its obligations as set forth in this section may have its registration revoked, suspended or the registered reporting firm may receive such other discipline as a certified reporter may receive upon finding by the Board that the registered reporting firm violated the provisions of this section. Any disciplinary action

imposed upon a registered reporting firm is also imposed upon the registered reporting firm's affiliates. If the registered reporting firm's registration is revoked the firm may not reapply for registration for twelve months and before being re-registered the Board must determine that the conduct resulting in the revocation is unlikely to reoccur.

Credits

Effective March 29, 2001. Amended effective March 25, 2002; November 15, 2002; July 21, 2004; November 24, 2004; January 1, 2007; January 1, 2009; February 24, 2011; September 15, 2014.

AZ ST Code of Jud. Admin, § 7-206, AZ ST CJA § 7-206
Current with amendments received through 4/1/15

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