

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL) Administrative Order
ADMINISTRATION § 7-206:) No. 2006- 74
CERTIFIED REPORTERS)
)
)
_____)

The Arizona State Legislature enacted changes to the statutes regulating the Certified Reporter Program during the 2005 legislative session. These changes were signed into law by the Governor as Laws 2005, Chapter 107 requiring voice writer reporters to hold reporter certification by January 1, 2007. These legislative changes as well as other matters require amendments to the Arizona Code of Judicial Administration § 7-206.

WHEREAS on June 19, 2006 the Arizona Judicial Council approved and recommended the attached amended version of the Arizona Code of Judicial Administration § 7-206 for adoption,

WHEREAS a January 1, 2007 general effective date for § 7-206 is advisable, and

WHEREAS an immediate effective date for specified provisions of the continuing education policies of § 7-206 as amended is advisable,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Arizona Code of Judicial Administration § 7-206 is amended as indicated in the attached document effective January 1, 2007 except as otherwise ordered below.

IT IS FURTHER ORDERED that effective immediately an applicant may qualify as a certified reporter by successfully passing the Certified Verbatim Reporters (“CVR”) examination administered by the National Verbatim Reporters Association on or after March 18, 2006 or the Registered Professional Reporter (RPR) examination administered by the National Court Reporters Association as provided by A.R.S. § 32-4022(B)(1) and meeting all other certification requirements of subsection (E) of §§ 7-206 and 7-201 as amended. An applicant who passed the CVR examination administered on March 18, 2006 and any subsequently administered CVR examination meets the examination requirement of A.R.S. § 32-4022(B)(1).

IT IS FURTHER ORDERED that effective immediately a certified reporter shall use the same method of reporting used to pass the examination as required by subsection (E)(3)(c) of § 7-206, as amended.

IT IS FURTHER ORDERED that the provisions of subsection (L) of § 7-206 as amended regarding the affidavit of compliance with the continuing education policies and the random audit of compliance are effective immediately and shall apply for the renewal period ending December 31, 2006.

Dated this 6th day of September, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs Division
Section 7-206: Court Certified Reporter Certification

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

~~“Active” means a valid and existing certificate to practice as a certified court reporter.~~

~~“Advice” or “advisory letter” means written communication reminding a certificate holder of the obligations of certification, or an instruction designed to assist the certificate holder in improving or modifying behaviors or procedures.~~

“Board” means “the board of certified ~~court~~ reporters” as provided in A.R.S. § 32-4002(1).

~~“Censure” means an official statement of displeasure identifying a certificate holder has violated a provision of this section and statutes.~~

~~“Certificate holder” means an individual granted a standard, provisional standard or temporary certificate by the board.~~

“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). Certification includes a provisional standard certificate issued by the board pursuant to subsection (G)(~~54~~)(b) ~~of this section.~~

“Certified ~~court~~ 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, ~~or~~ machine writing or voice writing” as provided in A.R.S. § 32-4002(3).

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

~~“Complaint” means a written statement of allegations against a certificate holder that initiates an investigation.~~

~~“Contract” means an agreement, upon sufficient consideration, to do or refrain from doing, a particular thing.~~

“Deputy director” means the deputy director of the Administrative Office of the Courts (AOC), ~~or the deputy director's designee.~~

~~“Director” means the administrative director of the AOC, Arizona Supreme Court, or the director’s designee.~~

~~“Disciplinary action” means either informal or formal disciplinary proceedings against a certificate holder, after a finding of probable cause the certificate holder has committed misconduct.~~

~~“Expired” means the certificate of a certificate holder has lapsed on the specified expiration date, has not been renewed and the certificate holder is no longer authorized to practice as a certified court reporter.~~

~~“Filing” or “filed” means a document has been received and date stamped by the program.~~

~~“Formal charges” means the document authorized by the board upon a determination of probable cause, setting forth specific acts of misconduct by a certified court reporter or violations of this section.~~

~~“Formal disciplinary proceedings” means the process initiated upon a finding of probable cause where a document is served on a certificate holder setting forth specific acts of alleged misconduct by the certificate holder and notifying the certificate holder of the intent to seek disciplinary action and the certificate holder’s right to request a hearing.~~

~~“Good cause” means a legally sufficient ground or reason, based upon the circumstances of the presented case.~~

~~“Hearing officer” means an individual appointed pursuant to this section, to preside over an administrative hearing regarding the denial of initial or renewal certification or a complaint regarding alleged misconduct of a certificate holder.~~

~~“Inactive” means a certificate holder who voluntarily decides to not practice as a certified court reporter for a specified period of time and who is not the subject of any pending disciplinary action or investigation.~~

~~“Informal disciplinary proceedings” means the process initiated when a determination is made that the alleged misconduct by the certificate holder does not warrant the filing of formal charges.~~

~~“Letter of concern” means a communication from the board notifying a certificate holder of the board’s determination the certificate holder has violated a provision of the applicable sections and statutes and that informal discipline is appropriate.~~

~~“Probation” means a sanction that allows the certificate holder to practice as a certified court reporter under specified conditions and restrictions.~~

~~“Program coordinator” means the staff appointed by the director to administer the program.~~

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

~~“Revoked” means a certificate is permanently invalidated or canceled as a result of proceedings~~

brought by the board, after a finding of probable cause, pursuant to a statement of formal charges.

~~“Rules of court” means rules approved by the Arizona Supreme Court.~~

~~“Sanction” means an explicit and official action by the board resulting from a certificate holder's failure to comply with the laws, court rules, this section or court orders relevant to the certificate holder's profession or occupation.~~

~~“Section” means the referenced provision of the Arizona Code of Judicial Administration (ACJA).~~

~~“Supreme Court” means the Arizona Supreme Court.~~

~~“Suspended” or “suspension” means a certificate is not revoked, but the certificate holder is not permitted to exercise the privileges of the certificate for a set period of time as a result of proceedings brought by the board, after a finding of probable cause, pursuant to a statement of formal charges.~~

~~“Temporary certificate” means a certificate that has been extended renewed pursuant to ~~Sec. 13~~. Laws 1999, ~~Chapter~~ Ch. 335, § 3; Laws 2000, Ch. 41, § 13 and subsection G(45)(a).~~

~~“Valid” means a certificate currently in effect, issued and signed by authorized staff or board member and not suspended or revoked.~~

“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).

~~“Voluntary resignation” means a process where a certificate holder voluntarily decides to discontinue practice in the specified profession or occupation and surrenders their certificate to practice.~~

B. Applicability.

1. This section applies to the standard certification and provisional standard certification of court reporters pursuant to Arizona Revised Statutes, Title 32, Chapter 40 and to temporary certification pursuant to ~~Sec. 13~~. Laws 1999, ~~Ch. Chapter~~ 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 court 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 between this section and ACJA § 7-201, 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 does not apply applies to persons, entities or courts that use nonstenographic 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.”

3. Pursuant to Laws 2005, Ch. 107, § 14 “The requirements for certification of voice writing reporters established by section 32-4003, Arizona Revised Statutes . . .” take effect on January 1, 2007.

C. Purpose. A.R.S. § 32-4003(A) provides: ~~“Beginning July 1, 2000,~~ A person shall not ~~engage in the stenographic reporting of report~~ proceedings in any court in this state and shall not ~~take report stenographic~~ 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: ~~“Beginning July 1, 2000,~~ It is unlawful for any person who is not certified pursuant to this chapter to represent oneself as a certified ~~court~~ reporter.” For eligibility to ~~stenographically record and transcribe 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. ~~Court~~ 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”

a. ~~A.R.S. § 32-4005(A), provides:~~

~~“The supreme court shall:~~

~~1. Administer the court reporter certification program.~~

~~2. Adopt rules.~~

~~3. Establish and collect fees, costs and fines that are necessary for the implementation and enforcement of the program.”~~

b. ~~A.R.S. § 32-4007(A) and (C) establishes the Court Reporters Fund and specifies “. . . The supreme court shall administer the fund” and “. . . The supreme court may receive and expend monies from the fund” The director has the authority to approve or disapprove matters of administration of the Court Reporter Certification Program that involve the expenditure of program funds.~~

c. ~~A.R.S. § 32-4008 provides: “The supreme court shall set and collect the following fees to carry out this chapter:~~

1. ~~Examination fees.~~
 2. ~~Certificate application fees.~~
 3. ~~Certificate renewal fees.~~
 - ... 6. Any other fees that are necessary and appropriate to carry out this chapter.”
2. Role and Responsibilities of the Director. ~~The director:~~ These responsibilities are contained in ACJA § 7-201(D).
 - a. ~~Shall develop application and renewal forms, training, certification examinations and policies and procedures in conformity with this section. The director is responsible for enforcement of the applicable laws and this section. The director may delegate any other person to exercise or discharge any power, duty or function, whether ministerial or discretionary, vested in the director. The designated person shall act on behalf of the director and by delegated authority.~~
 - b. ~~Has the authority to approve or disapprove matters of administration of the program.~~
 - c. ~~May appoint an advisory committee to make recommendations on any matter and may develop guidelines for the appointment, term of appointment of committee members and meeting requirements.~~
 3. Role and Responsibilities of the Deputy Director. ~~The deputy director shall:~~ These responsibilities are contained in ACJA § 7-201(D).
 - a. ~~Serve as the probable cause panelist to review the recommendations of staff regarding a complaint alleging misconduct by a certificate holder, pursuant to subsection H(4).~~
 - b. ~~Serve in place of the director, when designated by the director.~~
 4. Roles and Responsibilities of Division Staff. These responsibilities are contained in ACJA § 7-201(D). ~~the Program Coordinator. The director shall designate a program coordinator. The program coordinator shall administer the Court Reporter Certification Program, provide updates to the board, make recommendations regarding matters pertaining to certification, complaints and investigations, conduct background investigations on applicants and all other matters relevant to certified court reporters.~~
 5. Board of Certified ~~Court~~ Reporters.
 - a. Composition. Pursuant to A.R.S. § 32-4004:
 - A. The board of certified ~~court~~ 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 ~~court~~ 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 ~~court~~ certified reporters who are residents of this state, who have been freelance ~~court~~ 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 ~~has been a resident of this state for at least five years and 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.

~~b.~~ 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). provides the board shall:

- ~~1. Make recommendations to the supreme court regarding rules, policies and procedures, to implement and enforce this chapter including the following:~~
 - ~~(a) Applicant testing.~~
 - ~~(b) Fees.~~

- ~~(c) A code of conduct.~~
 - ~~(d) Continuing education.~~
 - ~~(e) Any other matter pertaining to certified court reporters.~~
 - ~~2. Determine through testing and other means 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.~~
 - ~~3. Issue certificates to qualified applicants.~~
 - ~~4. Investigate and take disciplinary action pursuant to section 32-4006.~~
 - ~~5. Require each applicant to submit a full set of fingerprints to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation.~~
- c. ~~A.R.S. § 32-4004(E) provides: "The board shall assure that a record of its meetings and all official actions, a register of all applicants for certification and a roster of all certified court reporters is maintained. The board shall designate the location where it maintains the register and roster."~~
- ~~6. Computation of Time. For the purposes of this section, the computation of days is calculated as follows: if less than 11 days, intermediate Saturdays, Sundays and legal holidays are not included in the computation. If 11 days or more, intermediate Saturdays, Sundays and legal holidays are included in the computation.~~

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 ~~section~~ § 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 ~~court~~ 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."

a. ~~Forms. Applicants shall file a completed application with the board on a form provided by the program. The applicant shall sign the application and duly verify the application under oath. The applicant shall submit with the application one color passport-sized photograph, two inches by two inches.~~

b. ~~Fees. In addition, A.R.S. § 32-4021(A)(8) provides the applicant shall pay: "... pay the fees established pursuant to section 32-4008." The program coordinator shall collect in advance the fees specified in the fee schedule incorporated as Appendix B. The fees are not refundable. An applicant shall make the payment payable to the Arizona Supreme Court, AOC. The program coordinator shall forward the fees to the state treasurer for deposit in the Court Reporters Fund, pursuant to A.R.S. § 32-4007.~~

c. ~~Fingerprinting. A.R.S. § 32-4021(A)(9) provides the applicant shall: "Submit a full set of fingerprints with the fee prescribed in section 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."~~

~~(1) The applicant is responsible for providing the supreme court with a readable fingerprint card. The applicant shall pay any costs attributable to the original fingerprinting or subsequent fingerprinting due to unreadable fingerprints and any fees required for the submission or resubmission of fingerprints. The applicant shall only use the fingerprint card issued in the application packet and shall have the fingerprints taken by a law enforcement agency.~~

~~(2) The board may require the applicant, if definitive fingerprints are not obtainable, make a written statement, under oath, that the applicant has not been arrested, charged, indicted, convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application. If the applicant is unable to provide the~~

~~statement, the board may refuse to accept the application.~~

~~(3) The board may waive the requirement for a fingerprint card if the applicant has previously provided a fingerprint card to the supreme court and the background check of the applicant has been completed.~~

~~(4) The supreme court shall submit completed applicant fingerprint cards and the fees to the Arizona Department of Public Safety. The Arizona Department of Public Safety shall conduct applicant criminal history record checks pursuant to applicable state laws. The Arizona Department of Public Safety, on behalf of the board, shall exchange registration applicant fingerprint card information with the Federal Bureau of Investigation for national criminal history record checks.~~

~~d. Applicants for standard certification shall also meet the examination requirements specified in subsection E(3) of this section.~~

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.”

~~a.~~ b. Admittance 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, ~~or~~ 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 ~~another~~ 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.

~~(2) An applicant who applies to take the Arizona Written Test based on graduation from a court reporting school pursuant to subsection E(3)(a)(1)(A)(2) shall provide a statement of satisfactory completion demonstrating the applicant's ability to pass or complete all of the following:~~

- ~~(a) three testimony tests (question and answer) at 225 words per minute with 95% accuracy;~~
- ~~(b) three jury charge tests at 200 words per minute with 95% accuracy;~~
- ~~(c) three literary tests at 180 words per minute with 95% accuracy;~~
- ~~(d) two, five minute keyboarding tests at net 60 words per minute;~~
- ~~(e) 40 hours of internship verified by a working certified court reporter;~~
- ~~(f) production of a 40 page salable transcript; and~~
- ~~(g) course work that includes introduction to law, court procedures, business English, word processing, computer aided transcription and medical vocabulary.~~

~~c. b. Examination Procedures for Examination.~~ 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-is 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). ~~The board shall administer the Arizona Written Knowledge test. An~~

~~applicant shall pass with a final score on this test that meets the guidelines established by the board.~~

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

~~(4)(5) A.R.S. § 32-4022(F) provides: “An applicant who fails to pass the written examination . . . may apply for reexamination at any time.”~~

~~D. The supreme court shall specify a date and place for the examinations.~~

~~F. An applicant who fails to pass the examination prescribed by subsection B, paragraph 2 may apply for reexamination at any time.~~

~~G. An applicant shall be disqualified from taking any future examination if the board determines that the applicant engaged in fraud, dishonesty or corruption while taking the examination.~~

~~(5) A.R.S. § 32-4022(C) provides: “The board shall review the content and subject matter of the examination and shall make changes as deemed necessary.”~~

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). A.R.S. § 32-4021(B) provides: “If the board is satisfied that an applicant meets the requirements of this section and section 32-4022, the supreme court shall issue a certificate to the applicant”

~~b. Notification of Initial Standard Certification. The board shall promptly certify and notify qualified applicants of certification in accordance with this section. Each certified applicant shall receive a document evidencing certification, in a form determined by the board, stating the applicant’s name, date of certification, and certificate number.~~

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

~~(1) A.R.S. § 32-4024(B) provides: “Pursuant to rules adopted by the supreme court, the board may refuse to issue . . . a certificate for cause.” Further, A.R.S. § 32-4024(A) provides:~~

~~A. The board may refuse to issue a certificate . . . if the board finds that any of the following applies:~~

~~1. The applicant does not meet to the board’s satisfaction the requirements under section 32-4021 and 32-4022.~~

~~2. The applicant has not been fingerprinted and the supreme court has~~

~~not received and reviewed the criminal records check analysis.~~

- ~~3. The applicant has not submitted the applicable documents and fees.~~
- ~~4. The applicant committed fraud, dishonesty, corruption or material misrepresentation in applying for a certificate or on a certificate examination in this state or another state.~~
- ~~5. The applicant has a record of a conviction by final judgment of a felony or any other offense involving moral turpitude.~~
- ~~6. The applicant is currently on probation, parole or community supervision for a felony offense or is named in an outstanding warrant.~~
- ~~7. The court has ordered treatment for the applicant pursuant to Title 36 or has found the applicant to be incapacitated pursuant to Title 14.~~
- ~~8. The applicant is subject to revocation or suspension of a certificate pursuant to section 32-4041 or has had any occupational or professional license denied, revoked or suspended.~~
- ~~9. The applicant has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.~~

~~(2) An applicant's failure to disclose information on the application that is subsequently revealed through the fingerprint background check or the investigation may constitute good cause and the board may automatically deny certification.~~

~~(3) The board shall promptly notify applicants denied certification, in accordance with this section, of the reasons for the denial, and of the applicant's right to a hearing.~~

~~(4) An applicant is entitled to a hearing, pursuant to this section, on the decision to deny certification by filing a written request within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsections H(10) through H(23), H(25) and H(27) of this section apply regarding the procedures for the hearing and review.~~

~~d. Additional Information.— The program coordinator shall conduct background investigations and may require the applicant to provide additional information reasonably necessary to determine if the applicant meets the qualifications specified in this section.~~

~~e. Time Limits on Certification.— Applicants shall respond timely to requests for information from the board or program coordinator pertaining to their application, unless the applicant can show good cause as to why the board should grant additional time. The~~

~~board shall not approve any applicant for certification unless the applicant successfully completes all requirements within twelve months of initial application for certification. If the applicant fails to complete all requirements within twelve months of initial application for certification, the applicant shall be required to repay the applicable certification fees prior to being considered for initial certification.~~

~~f. Access and Retention of Records of Applicants for Certification. Unless otherwise provided by law, applicant certification records are:~~

- ~~(1) Open to the public, after home addresses, home or cellular telephone numbers, social security numbers and all other personally identifying information, except for the name of the certificate holder or other information deemed confidential by federal and state law, has been redacted; and~~
- ~~(2) Retained for a period of five years from the last activity in the record.~~

~~g. Use of Designation. A person who has received a certificate to practice as a certified court reporter is authorized to utilize the designation of Arizona certified court reporter in connection with their name. Pursuant to A.R.S. § 32-4003(D), no other person shall assume or use the title or designation or any other title, designation, sign or card, the use of which is reasonably likely to induce others to believe the person holds a valid certificate issued by the Arizona Supreme Court as a certified court reporter.~~

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

1. Code of Conduct. Each certified ~~court~~ reporter shall adhere to the code of conduct adopted pursuant to A.R.S. § 32-4005 and subsection (J). ~~incorporated as Appendix A.~~
2. Identification. A.R.S. § 32-4003(C) provides: ~~“Beginning July 1, 2000, A certified court reporter shall include the title ‘certified court 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. A.R.S. § 32-4003(B) provides: ~~“Beginning July 1, 2000, A certified court reporter shall sign and certify each transcript that the certified court reporter prepares before the transcript may be used in court, except for transcripts that the court reporter prepares for proceedings that occurred before July 1, 2000.”~~
4. Transcript Production. The following requirements apply to transcript production:
 - a. Transcript Format. A certified ~~court~~ reporter shall prepare transcripts in a format consistent with the standards in subsection (M). ~~incorporated as Appendix C.~~
 - b. Production after Expiration of Certificate, Inactive Status or Voluntary Resignation. A ~~court~~ reporter who is no longer certified, or who is in inactive status may not practice as a ~~steno-graphic~~ reporter or produce transcripts except for those proceedings that took

place while their certificate was valid and active. The ~~court~~ 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 ~~court~~ reporter may administer oaths and affirmations.”
6. ~~Response. An applicant or certificate holder shall respond to requests for information from and shall provide documents to the board, director, deputy director, program coordinator and program staff pertaining to certification, renewal of certification, complaints alleging misconduct by the certificate holder, investigative inquiries by the board, director, deputy director, program coordinator or program staff, and any audits or reviews of the practice of the certificate holder. The certificate holder shall respond to any subpoenas or orders issued by the board, director or any judicial officer. Failure to comply with this subsection by an applicant for certification constitutes good cause to deny the application for certification or renewal of certification. Failure to comply with this subsection by a certificate holder constitutes grounds for discipline.~~
7. ~~Candor. A certificate holder shall not knowingly:~~
 - a. ~~Make a false statement of material fact or law to a tribunal; or~~
 - b. ~~Fail to disclose a material fact to a tribunal, except as required by applicable law.~~
8. ~~Change of Name or Address. A.R.S. § 32-4023(C) provides: “A certificate holder shall inform the supreme court of any name or address change within thirty days after the change occurs.” The certificate holder shall provide this notice in writing, by United States mail, facsimile or email, to the program coordinator.~~
9. ~~Voluntary Resignation. A certificate holder may voluntarily resign a certificate; however, this resignation is not valid until accepted by the board. The board may require additional information which is reasonably necessary to determine if the certificate holder has violated any provision of this section. The board shall, within 120 days of the voluntary resignation of the certification, either initiate a disciplinary action or accept the resignation.~~
 - a. ~~Upon acceptance of the voluntary resignation, the board shall designate the certificate holder as a "resigned certificate holder."~~
 - b. ~~The resignation does not prevent the commencement of subsequent disciplinary proceedings for any conduct of the resigned certificate holder occurring prior to the resignation.~~
 - c. ~~If the certificate of the resigned certificate holder is subsequently revoked, suspended or censured, the board shall change the resigned certificate holder's status from "resigned certificate holder" to that of a person so disciplined.~~
 - d. ~~The board shall not accept the resignation if there is a disciplinary complaint pending~~

against the certificate holder.

e. ~~Upon application and payment of any applicable reactivation of certification fee required by this section, the board may require the applicant to do one or any combination of the following:~~

~~(1) Pass the Arizona Written Test.~~

~~(2) If the applicant engaged in the practice of court reporting in another jurisdiction during the time the certificate holder's certificate was resigned, the reporter shall submit all of the following:~~

~~(a) Proof of practice as a court reporter in another jurisdiction;~~

~~(b) An affidavit affirming they have not been disciplined in another jurisdiction; and~~

~~(c) An affidavit affirming they are not subject to discipline or being investigated in another jurisdiction.~~

~~(3) Submit proof of compliance with the requirements for continuing education.~~

~~(4) Submit other proof required by the board to:~~

~~(a) Demonstrate the applicant possesses the skills necessary to practice court reporting;~~

~~(b) Demonstrate the applicant remains in compliance with the Code of Conduct in this section; and~~

~~(c) Prove compliance with all other requirements for certification.~~

f. ~~If the applicant meets the requirements of this subsection to the satisfaction of the board, the board shall return the resigned certificate holder to active status.~~

10. ~~Inactive Status.~~

a. ~~A certificate holder who is current in the fees and continuing education required pursuant to this section may submit an application in a form prescribed by the board to place their certification on inactive status. Upon acceptance by the board, the board shall place the certificate holder on inactive status, in good standing. A court reporter whose certificate is on inactive status shall pay the applicable inactive fee each year in an amount prescribed by this section.~~

b. ~~The inactive certificate holder shall not engage in the practice of court reporting while on inactive status, except as specified in subsection F(4), and shall not present themselves as a certificate holder.~~

c. ~~Upon application and payment of any applicable reactivation of certification fee required by this section, the board may require the applicant to do one or any combination of the following:~~

~~(1) Pass the Arizona written test.~~

~~(2) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that the certificate holder was on inactive status, the reporter shall submit all of the following:~~

~~(a) Proof of practice as a court reporter in another jurisdiction;~~

~~(b) An affidavit affirming they have not been disciplined in another jurisdiction; and~~

~~(c) An affidavit affirming they are not subject to discipline or being investigated in~~

~~another jurisdiction.~~

~~(3) Submit proof of compliance with the requirements for continuing education.~~

~~(4) Submit other proof required by the board to:~~

~~(a) Demonstrate the applicant possesses the skills necessary to practice court reporting;~~

~~(b) Demonstrate the applicant remains in compliance with the Code of Conduct in this section; and~~

~~(c) Prove compliance with all other requirements for certification.~~

~~d. If the applicant meets the requirements of this subsection to the satisfaction of the board, the board shall return the inactive certificate holder to active status.~~

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 each year and expires unless renewed by December 31.” ~~Certificates expire at midnight on December 31 of each year.~~

~~a. All certificates shall continue in force until expired, suspended, revoked or terminated.~~

~~b. If the board receives the request for renewal and prescribed fees after the established deadline, the board shall determine the certificate expired as of December 31.~~

~~c. If the renewal application is denied, the existing certificate does not expire until the last day for filing a request for hearing on the decision pursuant to subsection (H)(10), or if a hearing is requested, until the final decision is made by the board pursuant to subsection H(25).~~

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

~~4. Additional Information. The board may, before granting renewal of certification, require additional information which is reasonably necessary to determine if the applicant continues to meet the qualifications specified in this section. This may include background information, fingerprinting or a signed affidavit.~~

4. ~~5.~~ Types of Certificates.

a. Temporary Certificate.

- (1) Pursuant to ~~Sec. 13~~, Laws 1999, Chapter 335, ~~§ 3 Section 3(B)~~, 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:
- (a) Holds a valid temporary certificate; and
 - (b) Complies with the policies on requests for extensions of temporary certification based on extenuating circumstances as adopted by the board.
- (2) If the board does not find an extenuating circumstance exists but does find the applicant meets the requirements for provisional standard certification pursuant to subsection (G)(45)(b)(2), the board may, in its discretion, convert the applicant's certificate to a provisional standard certificate.

b. Provisional Standard Certificate.

- (1) An applicant may request and the board may grant renewal of a provisional standard certificate if the applicant meets all of the following conditions:
- (a) Holds a valid provisional standard certificate;
 - (b) ~~Has p~~Passed at least one or two of the three required SKT components and the WKT test of the RPR examination; ~~and~~
 - (c) Has not held a provisional standard certificate for more than twelve months; and
 - ~~(d) Meets all other requirements for renewal.~~
 - ~~(d) An applicant granted a provisional standard certificate shall take and pass the remaining SKT components of the RPR examination by December 31, 2005 and shall provide documentation to the board by January 31, 2006.~~
 - ~~(e) The board shall not grant an applicant who does not complete the remaining SKT components within this time frame any form of standard certification until all requirements for standard certification are met.~~
- (2) In addition to the provisions of subsection (G)(45)(a)(2), an applicant may request their temporary certificate be renewed by conversion to a provisional standard certificate and the board may grant a provisional standard certificate if the applicant meets all of the following conditions:
- (a) Holds a valid temporary certificate;
 - (b) Has passed one of the three required SKT components and the WKT test of the RPR examination; and
 - (c) Meets all other requirements for renewal.
 - ~~(d) Applicants who are granted a provisional standard certificate shall pass the remaining SKT components of the RPR within 12 months of being granted a provisional standard certificate or by December 31, 2005, whichever is later. Upon certificate conversion from temporary to provisional standard certification,~~

the applicant shall comply with all renewal requirements pursuant to subsection (G)(4)(b)(1).

- (e) An applicant granted renewal by conversion from temporary to provisional standard certification shall pass the remaining components of the RPR within twelve months of being granted provisional standard certification. The board shall not renew a provisional standard certificate if the applicant fails to complete the RPR within the twelve months. The board shall not grant an applicant who does not pass the remaining SKT components within this time frame any form of a standard certificate until all requirements for standard certification are met.

c. Standard Certificate.

(1) An applicant may apply for and the board may renew a standard certificate of an applicant who:

- (a) Holds a valid standard certificate; and
(b) Meets all other requirements for renewal.

5. ~~6.~~ 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 for one year unless the board finds that the applicant does not meet the requirements for renewal or that section 32-4024 applies.”
- b. ~~Pursuant to A.R.S. § 32-4024, the board may deny renewal of a certificate for any of the reasons specified in A.R.S. § 32-4024 subsection E(4)(c) of this section.~~
- c. ~~The board shall promptly notify qualified applicants in writing of the renewal of their certificate in accordance with this section. Each certified applicant shall receive a document evidencing certification, in a form determined by the board, stating the applicant’s name, date of certification, and certificate number.~~
- d. ~~The board shall promptly notify, in writing, applicants denied renewal of their certificate, in accordance with this section, of the reasons for the denial, and of the applicant’s right to a hearing.~~
- e. ~~An applicant is entitled to a hearing, pursuant to this section, on the decision to deny renewal by filing a written request within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsections H(10) through H(23), H(25) and H(27) of this section apply regarding the procedures for the hearing and appeal.~~

H. Complaints, Investigations, Hearings and 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.

~~1. Complaint.~~

~~a. A.R.S. § 32-4006(A) provides: “On its own motion or on receipt of a complaint, the board shall investigate, prosecute and adjudicate alleged violations of this chapter, as appropriate, and may conduct any investigation that would aid in the enforcement of this chapter.”~~

~~b. All judicial officers or their designee shall and any person may, notify the board if it appears a certificate holder has violated this section. A complainant shall make the complaint in writing with sufficient specificity to warrant further investigation. The board may authorize the program coordinator to accept a verbal complaint if the complainant is unable or unwilling to provide the complaint in writing. All complaints shall include the name and telephone number of the complainant.~~

~~c. A certificate holder is subject to disciplinary action if the board finds one or more of the following applies to the certificate holder:~~

~~(1) Violation of or noncompliance with applicable laws, a court order, an order of the board, or any provision of Arizona Rules of Court or this section; or~~

~~(2) Failure to perform any duty to discharge any obligation required by law or this section.~~

~~(3) Any of the reasons cited in A.R.S. § 32-4041(A) that grant the board authority to revoke or suspend a certificate as follows:~~

~~...~~

~~1. Unprofessional conduct.~~

~~2. Violations of this chapter.~~

~~3. Gross negligence or incompetence in the performance of duties.~~

~~4. Fraud, dishonesty or corruption.~~

~~5. Inability to perform the duties of a court reporter at a level of skill that is required by the board.~~

~~6. Aiding or assisting another person to engage in the verbatim reporting of any judicial proceeding if the other person is not a certified court reporter.~~

~~7. Conviction by final judgment of a felony offense or any other offense involving moral turpitude.~~

following:

- ~~(1) Direct program staff to investigate further;~~
- ~~(2) Recommend the board refer the complaint to another entity with jurisdiction;~~
- ~~(3) Determine probable cause does not exist that the certificate holder has committed misconduct and recommend the complaint be dismissed;~~
- ~~(4) Make a determination of probable cause that misconduct by the certificate holder has occurred and recommend to the board:
 - ~~(a) The complaint is appropriate for resolution through informal disciplinary proceedings pursuant to subsection H(8);~~
 - ~~(b) The alleged violations constitute formal charges and recommend the board direct staff prepare the notice of right to hearing and proceed as provided in subsection H(9); or~~
 - ~~(c) The alleged violations constitute formal charges and require emergency summary suspension action pursuant to subsections (H)(5) and H(9).~~~~

~~b. Review by Board. Upon completion of the investigation and probable cause review, the board shall review the complaint and the written summary and recommendation. The board may dispose of the matter as follows:~~

- ~~(1) Determine no violation exists and dismiss the complaint;~~
- ~~(2) Order further investigation;~~
- ~~(3) Direct the program coordinator to draft an advisory letter to send to the certificate holder after review and approval by the board;~~
- ~~(5) Determine the complaint is appropriate for resolution without proceeding to formal proceedings; or~~
- ~~(6) Determine the alleged violations warrant formal charges, and request staff prepare a statement of charges and notice of right to hearing and proceed as provided in subsection H(9).~~

~~5. Emergency Summary Suspension. A.R.S. § 32-4041(B) provides: "... if the board finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect in the order, the board may order the summary suspension of a certificate pending a proceeding for certificate revocation or other action." The board shall ensure these proceedings are promptly instituted within 30 days. The program coordinator shall immediately notify all presiding judges of the superior court of any summary suspension.~~

~~6. Processing Time Frames. The program staff shall:~~

- ~~a. Prepare and forward a Notice of Dismissal within fifteen days after the determination by the board there is no probable cause, unless the board extends the time for good cause;~~
- ~~b. File a notice of informal or formal disciplinary proceedings no later than 60 days from the date of determination of probable cause, unless the board extends the time for good cause;~~
- ~~c. File a notice of formal disciplinary proceedings no later than 30 days from the date of an~~

order of emergency summary suspension pursuant to subsection H(5); and

d. ~~Process complaints timely, with the goal of processing 98 percent of all complaints within 22 months from date of receipt to final decision by the board.~~

~~7. Confidentiality of Complaints.~~

a. ~~The board, program staff and court employees shall keep information or documents obtained or generated by the board, program staff or court employees in the course of an open investigation or received in an initial report of misconduct confidential, except as mandated by public record rules adopted by the supreme court or by this section. Upon determination by the board the alleged violations are sufficiently serious to warrant filing of formal charges, the complaint, all records of proceedings and actions by the board pertaining to the complaint are open to the public. The following actions by the board, whether imposed as the result of informal or formal proceedings, are open to the public:~~

- ~~(1) A cease and desist order;~~
- ~~(2) A censure;~~
- ~~(3) A letter of concern;~~
- ~~(4) Restrictions on a certificate;~~
- ~~(5) A mandate for additional training;~~
- ~~(6) Imposition of a cost or fine;~~
- ~~(7) Suspension of a certificate; and~~
- ~~(8) Revocation of a certificate.~~

b. ~~Confidential information may also be disclosed during the course of an open investigation:~~

- ~~(1) To court staff, the attorney general, county attorney, law enforcement and regulatory officials; or~~
- ~~(2) If the board makes a finding the disclosure is in the best interest of the public and the interest is not outweighed by any other interests or is not contrary to law.~~

c. ~~Once the board determines probable cause, all information and documents related to the probable cause finding are open unless:~~

- ~~(1) Confidential by law or by rules adopted by the supreme court;~~
- ~~(2) The board determines further investigation is necessary; or~~
- ~~(3) The complaint is dismissed by the board pursuant to subsections H(2) or H(4)(b)(1).
Any complaint dismissed by the board pursuant to subsections H(2) or H(4)(b)(1) of this section is confidential and not subject to public inspection.~~

~~8. Informal Disciplinary Proceedings.~~

a. ~~Commencement. On a finding of probable cause by the board, the board may commence informal disciplinary proceedings if the board finds the complaint is appropriate for resolution through informal disciplinary proceedings.~~

~~b. Decision of the Board. On review of the recommendation of the program coordinator, approved by the probable cause panelist, the board may resolve the complaint through informal disciplinary proceedings and impose an informal sanction pursuant to subsection H(24) or may take other action pursuant to this section. The provisions of subsection H(25) apply to the decision and order of the board. Informal disciplinary proceedings:~~

- ~~(1) Do not provide the certificate holder the right to a hearing;~~
- ~~(2) May result in the informal sanction of a letter of concern. A letter of concern may be imposed in combination with an advisory letter or with other sanctions imposed pursuant to formal disciplinary proceedings;~~
- ~~(3) Are not subject to judicial review pursuant to subsection H(27); and~~
- ~~(4) Are not confidential.~~

~~9. Formal Disciplinary Proceedings.~~

~~a. Commencement. The board may commence formal proceedings if the board finds probable cause to believe the certificate holder has committed misconduct under this section and the complaint is not appropriate for resolution by informal discipline. The board may, upon commencement of formal proceedings, select a hearing officer, pursuant to subsection H(14) of this section.~~

~~b. Notice to Certificate Holder. The board shall serve the formal statement of charges on the certificate holder with a notice advising the certificate holder of the certificate holder's rights pursuant to this section. This notice shall comply with the provisions of subsection H(16). The notice shall include the following information:~~

- ~~(1) A short and plain statement of the allegations and factual basis supporting the relief requested. Amendments, as necessary, are permitted;~~
- ~~(2) A reference to the particular sections of the statutes, this section and policies involved;~~
- ~~(3) A statement indicating the certificate holder has the right to a hearing, upon request in writing within fifteen days of receipt of the notice; and~~
- ~~(4) A statement of the requirements for responding to formal charges, as specified in subsection H(10).~~

~~10. Request for Hearing. An applicant for certification or renewal of certification or a certificate holder who has been served with notice of formal statement of charges may request a hearing within fifteen days of receipt of notice. All demands for a hearing shall specify:~~

- ~~a. The ACJA subsection that entitles the person to a hearing;~~
- ~~b. The factual basis supporting the request for hearing; and~~
- ~~c. The relief demanded.~~

11. ~~Default. A person who fails to request a hearing within the time provided is in default and the board may proceed with denial of certification, denial of renewal of certification, or disciplinary proceedings.~~
12. ~~Non Abatement. Unwillingness, failure of the complainant to cooperate with the program, withdrawal of a charge, settlement, compromise between the complainant and the certificate holder, or restitution by the certificate holder shall not abate the processing of any complaint.~~
13. ~~Status of Complainant. The complainant is not a party to the proceedings. The complainant shall receive notice of the final decision resulting from the complaint.~~
14. ~~Appointment of Hearing Officer. At the direction of the board, the board chair or the program coordinator may select a hearing officer, knowledgeable in conducting hearings, to hold a hearing regarding the initial or renewal certification of an applicant or alleged misconduct by a certificate holder, pursuant to this section, or upon written demand by a person entitled to a hearing, pursuant to this section. The board may request the judge of the superior court in the county where the alleged violation took place, if applicable, supply the appointed hearing officer, a hearing room and any other necessary resources.~~
15. ~~Time Line for Hearing. The hearing officer shall hold the hearing within 45 days of receipt of an applicant's or certificate holder's request for hearing, unless postponed by mutual consent for good cause.~~
16. ~~Notice of Hearing. The hearing officer shall prepare and give the parties notice of the hearing at least fifteen days prior to the date set for hearing.~~
 - a. ~~The notice shall include the following information:
 - (1) A statement of the time, place and nature of the hearing;
 - (2) A statement of the legal authority and jurisdiction for conduct of the hearing;
 - (3) A reference to the particular sections of the statutes, this section and policies involved;
 - (4) A short and plain statement of the allegations or factual basis supporting the relief requested. Amendments, as necessary, are permitted; and
 - (5) If the notice is for a violation or denial of certification and if the hearing date has not previously been set, a statement indicating the certificate holder or applicant is entitled to a hearing upon request, if a request is made in writing within fifteen days of receipt of the notice.~~
 - b. ~~The program coordinator shall accomplish service of the notice by personal service or certified mail return receipt requested to the last business address of record with the program coordinator. Proof of service is made by filing with the hearing officer a verified statement service was made. Service by mail is complete upon deposit in the United States mail.~~
 - c. ~~If a party is represented by an attorney, the program coordinator shall make service upon the attorney.~~

17. ~~Filings, Answers and Pleadings.~~

- a. ~~Parties shall file answers to the notices within ten days after the date the notice is served, unless otherwise ordered by the hearing officer. Answers shall comply with Rule 8 of the Arizona Rules of Civil Procedure. If a party fails to file an answer within the time provided, the person is in default and the hearing officer may determine the proceeding against the party and admit one or more of the assertions contained in the notice. The hearing officer shall determine any defenses not raised in the answer are waived.~~
- b. ~~Parties shall file all motions at least five days prior to the scheduled hearing date, unless otherwise ordered by the hearing officer.~~
- c. ~~Parties shall file responses to motions within five days of the filing of the motion.~~
- d. ~~Copies of all filings shall be delivered to the hearing officer, the board and all parties to the proceeding.~~

18. ~~Discovery.~~

- a. ~~No discovery is permitted, except as provided in this section, unless mutually agreed to by the parties or permitted by the hearing officer.~~
- b. ~~The hearing officer, upon written request, shall order a party to allow the requesting party to have a reasonable opportunity to inspect and copy, at the requesting party's expense, admissible documentary evidence or documents reasonably calculated to lead to admissible evidence prior to a hearing, provided the evidence is not privileged.~~
- c. ~~The hearing officer, on the hearing officer's motion or upon request, may require, prior to the hearing, the disclosure of documentary evidence intended for use at the hearing, provided the evidence is not privileged.~~
- d. ~~Parties may take depositions for use as evidence of witnesses who cannot be subpoenaed or are otherwise unable to attend the hearing. In order to take a deposition, a party shall file with the hearing officer a written motion, with copies to all parties, setting forth the name and address of the witness, subject matter of the deposition, documents, if any, the parties are seeking for production, time and place proposed for the deposition, and justification for the deposition.~~
- e. ~~Parties shall file responses to requests for depositions, including motions to quash, within five days after the filing of the request for deposition.~~
- f. ~~If a deposition is permitted, a subpoena and a written order shall be issued. The subpoena and order shall identify the person to be deposed, scope of testimony to be taken, documents, if any, to be produced, and time and place of the deposition. The~~

party requesting the deposition shall arrange for service of the subpoena and order, with service on all parties five days before the time fixed for taking the deposition unless, for good cause shown, the time is shortened by the hearing officer.

19. Subpoenas.

a. A.R.S. § 32-4006 provides:

~~B. For the purposes of investigations or hearings under this chapter, the board may administer oaths and affirmations, subpoena witnesses, take evidence and require the production of documents, records or information, either kept in original form or electronically stored or recorded, or other items that are relevant or material to the inquiry.~~

~~C. If a person fails to obey a subpoena issued pursuant to this section, the board may request the superior court to issue an order that requires the appearance by a person or the production of documents or other items, or both. The court may treat the failure to obey the order as contempt of court and may punish the contempt.~~

b. Subpoenas shall be issued in the same manner as provided by the Arizona Rules of Civil Procedure. An employee of the court or any other person as designated by the Arizona Rules of Civil Procedure may serve the subpoena.

e. Subpoenas shall be served as prescribed by the Arizona Rules of Civil Procedure.

d. The hearing officer may, if a person fails to obey a subpoena lawfully served, request the superior court issue an order that requires the appearance of the person or the production of documents or other items, or both. The court may treat the failure to obey the order as contempt of court and may punish the contempt.

20. Pre-hearing Conference. The hearing officer may order a pre-hearing conference at the request of any party or on the hearing officer's own initiative. The purpose of the conference is to consider any or all of the following actions:

a. To reduce or simplify the issues for adjudication;

b. To dispose of preliminary legal issues, including ruling on pre-hearing motions;

c. To stipulate to the admission of evidence, facts and legal conclusions that are not contested;

d. To identify witnesses; and

e. To consider any other matters that will aid in the expeditious conduct of the hearing.

21. Procedure at Hearings.

~~a. The hearing officer shall preside over the hearing. The hearing officer has the authority to decide all motions, conduct pre-hearing conferences, determine the order of proof and manner of presentation of other evidence, issue subpoenas, place witnesses under oath, question witnesses, recess or adjourn the hearing and prescribe and enforce general rules of conduct and decorum. Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.~~

~~b. Rights of Parties and Other Persons at a Hearing.~~

- ~~(1) A party is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.~~
- ~~(2) Any person may represent themselves or appear through counsel. An attorney who intends to appear on behalf of a party shall promptly notify the hearing officer and the board providing the name, address and telephone number of the party represented and the name, address and telephone number of the attorney. A corporate officer may represent a business entity in any proceeding under this section.~~
- ~~(3) All persons appearing before a board or hearing officer in any proceeding shall conform to the conduct expected in the Arizona Superior Court.~~

~~e. Conduct of Hearing.~~

- ~~(1) The hearing officer may conduct the hearing in an informal manner and without adherence to the rules of pleading or evidence. The hearing officer shall require that evidence supporting a decision is substantial, reliable and probative and shall exclude irrelevant, immaterial or unduly repetitious evidence. There is no right to a jury. All hearings are open~~

~~to the public and shall conform with the provisions of ACJA § 1-202. The hearing officer may close the hearing for executive session, pursuant to ACJA § 1-202(C)(5).~~

- ~~(2) The hearing officer shall require that all testimony considered is under oath or affirmation, except matters of which judicial notice is taken or entered by stipulation. The hearing officer may administer oaths and affirmations.~~
- ~~(3) In all matters brought at the request of the board, evidence in support of the board's action is presented first and has the burden of proof. In matters brought at the request of someone other than the board, including requests for hearing on the denial of certification or renewal of certification, the person seeking the hearing shall present first and carries the burden of proof.~~

~~d. Record of Hearing.~~

- ~~(1) The hearing officer shall ensure the oral proceedings or any part of the oral proceedings are electronically recorded and transcribed on request of any party. The party making the request shall pay the cost of the transcript.~~
- ~~(2) A certified court reporter shall make a full stenographic record of the proceedings if~~

~~requested by a party within five days prior to a hearing. The cost of the transcript is the responsibility of the requesting party. The hearing officer may require prepayment or a monetary deposit to cover the cost of the transcript. If transcribed, the record is a part of the court's record of the hearing and any other party with a direct interest shall receive a copy of the stenographic record, at the request and expense of the requesting party. If no request is made for a stenographic record, the hearing officer shall ensure the proceedings are recorded as described in subsection H(21)(d)(1).~~

~~22. Recommendations of Hearing Officer. If applicable, the hearing officer shall within 30 days of the closing of the record of a hearing, prepare written recommendations and deliver the recommendations to the board. The recommendations shall include findings of fact, based on a preponderance of evidence and conclusions of law, separately stated.~~

~~23. Rehearing. The hearing officer may grant a rehearing or reargument of the matters involved in the hearing, upon written request of a party to a hearing filing the request with the hearing officer. The party shall make the request within fifteen days after any order made pursuant to a hearing was mailed or delivered to the person entitled to receive the order. The hearing officer shall make the decision to grant or deny the request within 30 days of the date of filing of the request. The requesting party shall base a request for rehearing or review on one or more of the grounds listed in Rule 59, Arizona Rules of Civil Procedure, which materially affected the rights of a party and shall conform to the requirements of Rule 59. The hearing officer shall permit any party served with a request for rehearing to file a response within fifteen days of service.~~

~~24. Possible Actions for Resolution of a Complaint.~~

~~a. Upon completion of an investigation concerning alleged misconduct by a certificate holder, which may or may not include informal or formal disciplinary proceedings or a hearing, the board shall do one or more of the following:~~

- ~~(1) Determine no violation exists and dismiss the complaint;~~
- ~~(2) Refer the complaint to another entity with jurisdiction;~~
- ~~(3) Order the program coordinator and program staff to conduct further investigation;~~
- ~~(4) Direct the program coordinator to issue an advisory letter, if the board believes, as a result of information obtained during an investigation that further instances or continuation of the behavior by the certificate holder may result in future disciplinary action against the certificate holder. The advisory letter shall remind the certificate holder of the obligations of certification or give instructions designed to assist the certificate holder in improving or modifying behaviors or procedures.~~
- ~~(5) Find the certificate holder has violated any of the provisions of subsection H(1)(c) and order that emergency summary suspension is necessary, pursuant to subsection H(5).~~
- ~~(6) Find the certificate holder has violated any of the provisions of subsection H(1)(c)~~

and issue an order imposing any or a combination of the following sanctions:

- (a) A letter of concern;
- (b) A censure;
- (c) Resolve the violation by consent order or other negotiated settlement between the parties;
- (d) Place restrictions on a certificate with specified conditions;
- (e) Place the certificate holder on probation for a specified period of time;
- (f) Mandate additional training for the certificate holder;
- (g) Cease and desist orders;
- (h) Suspension of certification;
- (i) Revocation of certification;
- (j) Assess costs related to the investigation or hearing;
- (k) Impose fines associated with the violations;

b. ~~The board shall issue an order specifying the failure or violations found, the facts supporting the findings, and any sanctions imposed pursuant to this section.~~

c. ~~The effect of the actions specified in subsection H(24)(a) are as follows:~~

- (1) ~~An advisory letter is not a form of discipline, is not an informal or formal sanction; is not appealable and is confidential. A certificate holder may file a response within fifteen days after receipt of an advisory letter.~~
- (2) ~~An informal disciplinary proceeding may result in imposition of sanctions, but the sanction may not be a censure, restrictions on a certificate, probation, suspension or revocation of the certificate;~~
- (3) ~~A letter of concern is an informal sanction;~~
- (4) ~~Sanctions resulting from informal disciplinary proceedings are not appealable and are not confidential;~~
- (5) ~~Informal discipline may be imposed in combination with formal discipline; and~~
- (6) ~~The program coordinator shall provide written notice of the action by the board to the complainant, certificate holder and the parties, as applicable, pursuant to subsections H(24) and H(25).~~

25. ~~Decisions and Orders. The board shall render the final decision. The board shall make any final decision or order in writing and shall include findings of fact and conclusions of law, separately stated. The board shall make findings of fact by a preponderance of the evidence, based exclusively on the evidence and on matters officially noticed. The board shall notify the parties by mail to their last known address of any decision or order.~~

26. ~~Procedure after Suspension or Revocation.~~

a. ~~Notice of Suspension or Revocation. Upon suspension or revocation of any certification the board shall promptly serve notice upon the certificate holder either in person or by certified mail, return receipt requested, addressed to the last address of record with the~~

~~board. Notice by mail is complete upon deposit in the United States mail.~~

~~b. Reinstatement. A.R.S. § 32-4042 provides:~~

~~A court reporter whose certificate was suspended or revoked may apply in writing for a reinstatement of the certificate on a showing of good cause and paying the renewal fee. The board may grant or deny the request, may require the applicant to take or retake the examination for certification and may impose other conditions for reinstatement.~~

~~27. Judicial Review. Decisions of the board pursuant to this section are final. Parties may seek judicial review through a petition for a special action pursuant to the Arizona Rules of Procedure for Special Actions in the Superior Court.~~

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

~~Section 7-206: Court Reporter Certification~~
~~Appendix A~~
~~Code of Conduct~~

J. Code of Conduct. Preamble. The following code of conduct is adopted by the ~~Arizona~~ Supreme Court to apply to all certified ~~court~~ 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 ~~court~~ reporters.

~~Standard~~-1. Ethics.

- a. A ~~court~~ certified reporter 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 ~~court~~ certified reporter 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 ~~court~~ certified reporter 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 ~~court~~ certified reporter 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 ~~court~~ certified reporter shall promptly make full disclosure to all parties or their representatives of any relationships ~~including contracts for court reporting services,~~ which

may give the appearance of a conflict of interest or partiality.

- f. A ~~court~~ certified reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of ~~court~~ reporting. A ~~court~~ certified reporter shall not engage in unethical or unprofessional conduct that is harmful or detrimental to the public in the practice of ~~court~~ reporting. Proof of actual injury is not required.
- g. Contracts for reporter services between persons holding certificates under this section or any person for whom the reporters act as agents and any attorney at law or agent or any insurance company or agent or any other person, are prohibited.
 - (1) This subsection shall not apply to contracts for certified reporting services for the courts, agencies, or instrumentalities of the United States or of the state of Arizona.
 - (2) A reporter may upon request of an attorney or an agent of an attorney or an insurance company, quote rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided the same rate is charged to all other parties obtaining copies and disclosure is made to all parties involved in the case. Quoting rates for all depositions in a case does not constitute a contract.
 - (3) A certified reporter shall not relinquish control of transcript production, distribution and invoicing to any entity in a manner which prevents the certified reporter from complying with the requirements of this section, and the applicable state and local laws, rules and regulations.
- h. A reporter shall not take a deposition if the certified reporter is:
 - (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. For the purposes of this subparagraph, “employee” or “relative” shall not include an employee or relative of the attorney or one of the parties.
 - (5) An “employee” includes a person who has a continuing contractual relationship, express or implied, with a person or entity interested in the outcome of the litigation, including anyone who may have ultimate responsibility for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services.
- 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.

Standard-2. Professionalism.

- a. A ~~court~~ certified reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the ~~court~~ certified reporter by the court or any of the parties in the proceeding.
- b. A ~~court~~ certified reporter shall be truthful and accurate when advertising or representing the ~~court~~ certified reporter's qualifications, skills, abilities, or the services provided.
- c. A ~~court~~ certified reporter shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.
- d. A ~~court~~ 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 ~~court~~ certified reporters, ~~court~~ certified reporters are encouraged to provide pro bono services, when requested through qualified legal assistance organizations providing free legal services to the indigent. Certified Court reporters providing pro bono services pursuant to this subsection shall disclose the pro bono services to all parties in the case.

Standard 3. Fees and Services.

- a. Except as provided in ~~subsection standard (J)(2)(e)~~, a ~~court~~ certified reporter shall charge all ~~private parties or their attorneys in the same action the same price for an original transcript and charge all private parties or their attorneys in the same action~~ the same price for an initial copy of a transcript, ~~for like services performed in an action.~~ 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 ~~court~~ certified reporter may provide services on a pro bono basis as provided in this section.
- b. A ~~court~~ certified reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to all parties or their attorneys, ~~or to division staff.~~ A ~~court~~ 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.
- c. A ~~court~~ certified reporter shall determine fees independently, except when established by

statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.

- d. A certified reporter shall charge no less than 60 percent more for an original transcript than what is charged for copies in all cases. The charge for the original transcript includes the per diem paid for the reporter's appearance.
- e. ~~d.~~ A ~~court~~ certified reporter 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:
 - (a) Undermines the actual or perceived impartiality of the ~~court~~ certified reporter; or
 - (b) Does not provide or offer any private party of interest comparable ~~court~~ reporting services in the same proceedings.

Standard 4. Skills and Practice.

- a. A ~~court~~ certified reporter shall take full and accurate stenographic or voice written notes of any proceeding and shall not wilfully alter the ~~stenographic~~ notes.
- b. A ~~court~~ certified reporter shall accurately transcribe verbatim any stenographic or voice written notes taken at any proceeding and shall not wilfully alter the transcript.
- c. A ~~court~~ certified reporter shall provide a transcript to a client or court in a timely manner. The ~~court~~ certified reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A ~~court~~ certified reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A ~~court~~ certified reporter shall provide immediate notification of delays.
- d. A ~~court~~ 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 ~~court~~ certified reporter shall accept only those assignments for which the ~~court~~ reporter's level of competence will result in the preparation of an accurate transcript. The ~~court~~ certified reporter shall decline an assignment when the ~~court~~ reporter's abilities are inadequate.
- f. A ~~court~~ certified reporter shall prepare the record in accordance with applicable laws, rules or court order.
- g. A ~~court~~ certified reporter shall preserve the stenographic or voice written notes in accordance with Arizona laws, federal laws and the Arizona Rules of Court.

Standard 5. Official ~~Court~~ Reporters.

- a. An official ~~court~~ 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 ~~court~~ 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 ~~court~~ certified reporter shall never purport to speak or act for a judge regarding judicial matters.
- c. A ~~court~~ certified reporter shall not express an opinion as to how a case should be decided or what verdict a jury will return.

Standard-6. Performance in Accordance with Law.

- a. ~~The court~~ 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.
- ~~b. Contracts covering court reporter services having a fixed period of time, minimum or otherwise, between persons holding certificates under this section or any person for whom the reporters act as agents and any attorney at law or agent or any insurance company or agent or any other person, are prohibited. This prohibition does not prevent~~

any person holding a certificate, upon request of an attorney or an agent of an attorney or an insurance company, from quoting rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided that the same rate is charged to all other parties obtaining copies and provided further that the charge for the original is no less than 60 percent higher than the charge per copy.

e. ~~A court reporter shall not take a deposition if the court reporter is:~~

- ~~(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. For the purposes of this subparagraph, "employee" or "relative" shall not include an employee or relative of the attorney or one of the parties.~~

d. ~~For the purposes of Standard 6(c) of this section, "employee" includes a person who has a continuing contractual relationship, express or implied, with a person or entity interested in the outcome of the litigation, including anyone who may have ultimate responsibility for payment to provide reporting or other court services, and a person who is employed part time or full time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services.~~

e. ~~A judicial officer may declare a deposition void if a person as described in Standard 6(c) of this section takes a deposition.~~

f. ~~A certificate holder shall not relinquish control of transcript production, distribution and invoicing to any entity in a manner which prevents the certificate holder from complying with the requirements of this section, and the applicable state and local laws, rules and regulations.~~

g. ~~Standard 6(b) shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or of the state of Arizona.~~

**Section 7-206: Court Reporter Certification
Appendix B
Certification Fee Schedule**

K. Fee Schedule. Pursuant to A.R.S. § 32-4008, the ~~Arizona Supreme Court~~ 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 ~~court~~ certified reporters.

1. ~~A.~~ Initial Certification Fees.

a. ~~1.~~ Initial Certification Fee \$ ~~200.00~~ \$220.00

b. 2. Fingerprint Processing Fee

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

2. C. Examination Fee for the Arizona Written Test

a. 1. Applicants for Initial Certification \$25.00 \$ 50.00

b. 2. Reexaminations \$25.00 \$ 50.00

(For any applicant who did not pass the examination on the first attempt. The ~~\$25.00~~ \$50.00 fee applies to each reexamination.)

c. 3. Reregistration for Examination \$25.00 \$ 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. B. Renewal Certification Fees.

a. 1. Annual Certification Renewal Fee \$200.00

(~~All certificates expire on December 31st of each year~~)

b. 2. Inactive Fee Status \$100.00

c. 3. Late Renewal Fee \$ 50.00

d. Delinquent Continuing Education \$ 50.00

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.)

~~SECTION 7-206: COURT REPORTER CERTIFICATION~~
~~APPENDIX D~~
~~CONTINUING EDUCATION POLICIES~~

L. Continuing Education Policy.

1. A. Purpose.

1. a. ~~Court R~~eporting is integrally related to the prompt, effective and impartial operation of the judicial system. ~~Stenographic 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 ~~court~~ reporting after certification is obtained. Continuing education ~~It~~ also provides opportunities for ~~court certified~~ reporters to keep abreast of changes in the ~~court~~ reporting and legal professions and the Arizona judicial system.
2. b. Pursuant to A.R.S. § 32-4005(B) and ACJA § 7-201(D), ~~subsection D(5)(b)~~, the board shall make recommendations to the supreme court regarding ~~policies rules~~ and procedures to implement the provisions of certification of ~~court~~ reporters, including continuing education. ~~These policies are~~ This subsection is intended to provide direction to certified ~~court~~ reporters to ensure compliance with the statutes and regarding continuing education ~~credits requirements~~, and to provide for equitable application and enforcement of the continuing education requirements.

2. B. Applicability.

- a. 1. Pursuant to A.R.S. § 32-4023(D), ACJA § 7-201(G), and ~~this section, subsection (G)(3)~~, all certified ~~court~~ reporters shall complete at least ten hours of approved continuing education each calendar year. ~~The court reporter shall submit documentation of completion of the continuing education with the application for renewal of certification. Pursuant to A.R.S. § 32-4023(A), a renewal period is for the calendar year, from January 1st to December 31st.~~
2. ~~Effective Date. Beginning January 1, 2003, and for every renewal of certification after that date, all certified court reporters shall comply with these adopted policies regarding continuing education.~~

3. C. Responsibilities of Certified ~~Court~~ Reporters.

- a. 1. It is the responsibility of each certified ~~court~~ reporter to ensure compliance with the continuing education requirements, maintain documentation of completion of continuing education and ~~to submit this documentation with the renewal application by the deadline~~

date established by the board for renewal of certification provide the documentation upon the request of the board or division staff.

b. 2. Upon request of the board or division staff, each a certified court reporter shall provide any additional information required by the board or division staff when reviewing continuing education applications and documentation.

c. 3. 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. If an activity has not been pre-approved by the board, the board's rejection of an activity completed by a court reporter and submitted with the application for renewal does not in any way diminish the responsibility of the reporter to comply with the ten hours of continuing education requirement. If a reporter is uncertain as to whether an activity will meet board approval, it is the responsibility of the reporter to submit the proposed activity for board review prior to completing the continuing education. The reporter shall make this application on a form approved and provided by the board and shall submit it with sufficient time to allow the board to consider the request at a regularly scheduled board meeting and to then notify the reporter of its decision, prior to the scheduled date of the activity.

4. D. Authorized Continuing Education Activities.

1. Each continuing education activity must be approved by the board. The board may approve continuing education activity upon request of an individual court reporter or an individual sponsor or entity wishing to administer a continuing education activity; or the board may preapprove specified continuing education activities.

a. 2. Continuing education activity is designed to provide an understanding of current developments, skills or procedures related to the practice of court 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 court reporting, the Arizona judiciary and the legal process and increase the participant's understanding of the responsibilities of a certified court reporter and the reporter's impact on the judicial process. Therefore, The certified reporter shall complete the continuing education requirements activity shall in include one or more of the following subjects areas:

- (1) a. English, including grammar and punctuation, vocabulary and etymology, proofreading and editing and regional and minority dialects, colloquialisms and commonly heard slang.
- (2) b. Medical terminology presented by subject matter experts on terminology and concepts commonly encountered by stenographic 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) ~~e.~~ Legal terminology presented by subject matter experts on terminology and concepts commonly encountered by ~~stenographic~~ 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) ~~d.~~ Other technical subjects presented by subject matter experts with emphasis on terminology and concepts commonly encountered by ~~stenographic~~ certified reporters (for example, accident reconstruction, chemistry, construction, workman's compensation, products liability).
- (5) ~~e.~~ Court 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) ~~f.~~ Realtime reporting including writing for realtime, communicating with the hearing impaired, working with an interpreter, the Americans with Disabilities Act and realtime certification.
- (7) ~~g.~~ Certification tests, including the Registered Merit Reporter, Registered Diplomat Reporter, Certified Realtime Reporter, ~~and~~ Certified Manager of Reporting Services and Certificate of Merit and Realtime Verbatim Reporter. ~~The board shall grant~~ A certified reporter may receive continuing education credit for these activities in accordance with the standards established by the NCRA and the NVRA.
- (8) ~~h.~~ Ethics for certified ~~court~~ reporters and court employees, including cooperation with lawyers, judges, court staff, and fellow ~~court~~ certified reporters, professional attire, courtesy and impartiality to all litigants, information ~~vs.~~ verses legal advice and public relations.
- (9) ~~i.~~ 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) ~~j.~~ Role and responsibilities of ~~the~~ certified ~~court~~ reporters, including the statutes and ACJA §§ 7-201 and -206 for ~~court~~ certified reporters.
- (11) ~~k.~~ 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) ~~l.~~ Research skills including utilizing reference materials and libraries and research techniques.
- (13) ~~m.~~ Management issues including public relations and customer service; accounting, ergonomics, time management, ~~human resources~~, financial planning and planning for retirement or changing careers within reporting; office management; ~~maintaining individual reporter's health and emotional adjustment, and stress management~~.

~~n.~~ Persons developing and presenting continuing education activities shall have expertise in the

curriculum, knowledge of adult education principles, and the ability to prepare and present educational material effectively. The education faculty presenting a continuing education activity should consist primarily of members of the court reporting, legal and judicial community; faculty from other disciplines are permissible when their expertise will contribute to the goals of a specific program. The continuing education activity shall specify for whom the program is primarily designed, the course objectives, course content and teaching methods. All continuing education activity shall be conducted in an organized setting free from distractions.

3. ~~Pre-approved Activities.~~ Subject to the conditions specified in this policy, programs, seminars, and courses of study offered or approved by the following entities are deemed accredited by the board:

— a. ~~The NCRA;~~

b. ~~Arizona Court Reporters Association (ACRA);~~

c. ~~Arizona Supreme Court Committee on Judicial Education and Training (COJET);~~

d. ~~United States Court Reporters Association (USCRA);~~

e. ~~Arizona Courts Association (ACA);~~

f. ~~National Association of Court Management (NACM);~~

g. ~~Arizona State and Local Bar; and~~

h. ~~Arizona Board of Certified Court Reporters.~~

4. ~~Sponsoring Entities.~~ Unless a continuing education activity has been pre-approved by the board, entities wishing to administer a continuing education activity shall submit the proposed continuing education activity to the board for consideration prior to conducting the activity. The board may reject applications submitted after the continuing education activity has been completed or conducted.

a. ~~At a minimum, the proposal shall meet all requirements of this policy and shall include the following:~~

(1) ~~Location, date and time of the proposed activity;~~

(2) ~~Proposed audience;~~

(3) ~~Course content, objectives, teaching methods and the evaluation method;~~

(4) ~~Names and qualifications of the faculty;~~

(5) ~~Written materials for the participants (a copy of the materials shall be included with the proposal); and~~

(6) ~~Number of continuing education credits the sponsoring entity is recommending the board grant for completion of the activity.~~

- ~~b. In addition, the proposal shall include a statement that the sponsor agrees to assume responsibility for verifying attendance of the participants; will provide a certificate of attendance for each participant who successfully completes the activity and that upon request of the board, will provide any additional information requested to assist the board in evaluating whether to approve the activity or to ensure compliance with this policy.~~
- ~~c. Activities approved by the board pursuant to this subsection are valid for the renewal period only, unless specifically renewed and approved by the board for a longer period of time. Sponsors wishing to conduct activities in a subsequent renewal period must submit the proposed activity to the board for review and approval, even if the activity has been approved by the board for a prior renewal period.~~
- ~~b. 12. Conferences. Reporters may request~~ A certified reporter may receive continuing education credit for attendance at a conference relevant to the profession of ~~court~~ reporting. ~~Subject to board review and approval, a~~ 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 ~~court~~ reporting profession. ~~The reporter must provide documentation of the specific sessions of the conference attended. The board shall not grant credit for attendance at general sessions of the conference. Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.~~
- ~~c. 7. University, College and Other Educational Institution Courses. Subject to board review and approval, a~~ A certified ~~court~~ reporter may receive continuing education credit for a course provided by a university, college or other ~~educational institution~~ 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. ~~The board may approve~~ A certified reporter may receive continuing education credit if the course for continuing education credit upon documentation from the requesting reporter the course is relevant to the reporting profession of ~~court reporting~~. ~~Courses approved by the board and may be awarded may receive credit by multiplying up to two times the number of credit hours awarded by the educational institution by two; however, t~~ The maximum total hours of continuing education credits earned for completion of courses pursuant to this subsection from educational course work shall not exceed 50 percent of the total number of continuing education hours required for the renewal period.
- ~~d. 6. Authoring or Coauthoring Articles. Subject to board review and approval, a~~ A certified ~~court~~ reporter may receive continuing education credit for authoring or coauthoring an article directly related to ~~court~~ 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 ~~one thousand~~ 1,000 words in length. ~~A certified reporter may receive a maximum of one three hours of continuing education credit may be earned for authoring an article or articles in any one during a renewal period. The board must approve the published article for the author to receive continuing education credit. The~~

~~board shall not grant~~ 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.~~ 8. Self Study. Subject to board review and approval, a A certified court reporter may receive continuing education credit for self study activities, including correspondence courses, procedural manuals, video and audio tapes, on-line computer seminars, police and fire ride-alongs and other methods of independent learning. The self study shall be from an approved program and written materials shall accompany all self study activities. The board A certified reporter shall not grant receive continuing education credit for simply reading books, seminar or other printed materials. With the exception of self study courses provided by the NCRA, all self study shall be pre-approved by the board for continuing education credit; no credit will be provided if the request for approval is submitted after completion of the program. Except for NCRA courses, the board may grant a maximum of five continuing education credits for self study in any one renewal period. 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.
- ~~f.~~ 5. Serving as Faculty. Subject to board review and approval, A a certified court reporter may receive continuing education credit for serving as faculty, an instructor, speaker, or panel member or faculty of a board-approved continuing education seminar directly related to the profession of court reporting. The board may grant A certified reporter may receive continuing education credit for the actual presentation time, plus actual preparation time and up to two hours for each hour of presentation time of preparation time for each hour of presentation. The board may grant a maximum of five hours of continuing education credit for serving as faculty in any renewal period and a reporter may not receive credit for presenting a program repeatedly throughout the renewal period. 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. A reporter may receive continuing education credit for actual presentation time for duplicate programs presented in subsequent renewal periods; but will not be granted continuing education credit for preparation time for those programs.
- ~~5.~~ 10. Minimum Time. Each continuing education activity shall consist of at least 30 minutes of "actual clock time" spent by a-registrant certified reporter in actual attendance at and completion of an approved continuing education activity. "Actual clock time" includes is the total number of hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the initial first 30 minutes of a continuing education activity, credit shall be given recognized in fifteen minute increments. A reporter may not use additional earned continuing education credits for subsequent renewal periods.
- ~~6.~~ 11. Maximum Credit. Unless the board has otherwise determined a the continuing education activity is directly related to the court reporting profession, a reporter certified reporter may

shall not receive more than 50 percent of the credit requirement for the ~~renewal~~ certificate period through one activity. ~~The board has determined the following activities are directly related to the court reporting profession; participation in these activities is pre-approved for 100 percent of the continuing education requirements:~~

- ~~a. Realtime reporting seminars;~~
- ~~b. The RPR preparation classes offered by community colleges; and~~
- ~~c. Case catalyst and other courses provided by court reporting software vendors.~~

7. ~~E.~~ Non-Qualifying Activities.

a. ~~4.~~ The following activities, regardless of whether or not the activity is approved for COJET credit, shall not qualify for continuing education credit for certified ~~court~~ reporters:

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

b. ~~14.~~ Repeat of an Activity. Continuing education activities repeated during a certificate period do not qualify for credited duplicate hours. Generally, the board shall not grant credit for reporters who repeat an activity within the same renewal period. The board may grant exceptions if the board determines the activity is directly related to the court reporting profession and duplication of the continuing education activity will enhance the certified reporter's knowledge, skill and competency.

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. ~~15.~~ 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. ~~a.~~ At a minimum, the proposal ~~this documentation~~ shall include the:

- a. ~~(1)~~ name of the sponsor;
- b. ~~(2)~~ name of the participant;

- c. ~~(3)~~ topic of the subject matter;
- d. ~~(4)~~ number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
- e. ~~(5)~~ date and place of the program; and
- f. ~~(6)~~ signature of the sponsor, or ~~the documentation shall be an official document of~~ from the sponsoring entity; ~~for example, a college grade report; official report from NCRA; and~~
 - ~~(7) signature of the reporter, either in the space specifically provided on the form for this purpose, or the reporter may sign across the documentation (for example, the college grade report) to indicate attendance and completion at the activity.~~
- b. ~~A reporter shall not request and the board shall not grant credit if the reporter attends part, but not all of the provided activity.~~
- e. ~~Reporters requesting continuing education credit for self study shall submit documentation of completion on a form approved and provided by the board.~~

9. ~~Mentoring Activities. The board shall not grant credit for mentoring activities.~~

9. ~~G~~ 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. ~~4.~~ The board and division staff may request documentation or additional information from an applicant certified reporter applying for renewal of certification to verify compliance with the continuing education requirements. If the certified reporter applicant fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and automatically deny renewal of certification ~~the continuing education credit.~~
- b. ~~13.~~ Proration of Continuing Education Requirement. A certified ~~r~~Reporters whose certificate expires less than six months from the effective date of certification ~~are initially certified on or after July 1st of the calendar year~~ shall complete a total of no less than five hours of continuing education credit ~~for that first~~ during the balance of the certification period. In subsequent certification periods, the certified reporter shall ~~must meet the complete the annual ten hour continuing education hour~~ requirement. ~~This p~~Proration of the continuing education credits requirement does not apply to certified reporters who previously held certification, ~~and allowed their certification to lapse, and subsequently applied for and were granted certification partway through the renewal period.~~ These reporters are subject to the full ten-hour continuing education requirement.

~~4. Extension or Waiver of Continuing Education Requirements. A court reporter seeking renewal of certification who has not fully complied with the continuing education requirements may request an extension or waiver of the continuing education requirements under the following conditions:~~

~~a. The reporter shall submit a notarized statement to the board, explaining the facts regarding non-compliance and requesting an extension or waiver of the continuing education requirements. The reporter shall submit this notarized statement no later than the October 1st preceding the expiration of the reporter's certificate on December 31st. Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days to complete the continuing education requirements, or a waiver of part or all of the continuing education requirements for the renewal period for which the reporter is requesting.~~

~~b. The board shall determine extenuating circumstances on an individual basis. In reviewing the request, the board shall consider if the reporter has been unable to devote sufficient hours to fulfill the continuing education requirements during the applicable renewal period because of:~~

~~(1) Full-time service in the armed forces of the United States during a substantial part of the renewal period;~~

~~(2) An incapacitating illness documented by a statement from a currently licensed physician;~~

~~(3) A physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician;~~

~~(4) Being retired from court reporting and not performing any reporting services; or~~

~~(5) Any other special circumstances the board deems appropriate.~~

~~c. A reporter whose certificate has been suspended or revoked by the board is not eligible to request a waiver or extension.~~

~~d. The requesting reporter is responsible for providing documentation in support of the request and for providing any additional information requested by the board.~~

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 December 31st 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. 2. Pursuant to subsection H(1)(c) a certified court 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:

- a. (1) Assessment of the delinquent continuing education compliance fee of \$ 25.00;
- b. (2) Denial of renewal of certification; ~~or~~ and
- c. (3) Disciplinary action pursuant to ACJA § 7-201(H) and this section.

10. F. Board Decision Regarding Continuing Education Credits.

a. 1. Upon a review of continuing education documentation and any applicable additional information requested a request for continuing education credit, the board may:

- a. Approve the continuing education credit;
- b. Approve part, but not all of the requested continuing education credit;
- c. Require additional information from the requester before making a decision; or
- d. Deny the continuing education credit.

(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.

~~2.b. The program coordinator shall send a decision by the board to approve part, but not all of the credit, to require additional information or to deny the continuing education credit to the requester in writing. Division staff shall notify the certified reporter, in writing, within ten days of the board's decision. An individual certified reporter may appeal the board's decision by submitting a written request for review by the board with division staff an appeal, in writing, within fifteen days of receipt of notification of the board's~~

~~decision, and The certified reporter may request in the appeal, to appear before the board at the next available a regularly scheduled board meeting.~~

~~3. c. The certification of a court 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.~~

~~4. d. The board shall make the decision on the appeal in writing. The decision is final and binding.~~

~~3. In addition to the provisions of subsections (G)(1) and (2) above, the board may require a reporter who allows their certification to lapse on January 1st, to provide documentation of completion of the required number of continuing education credits for the prior certification year.~~

Section 7-206: Court Reporter Certification

Appendix C

Arizona Transcript Format Standards

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

~~1. No fewer than 25 typed lines on standard eight and one-half by eleven inch paper;~~

~~2. No fewer than nine or ten characters to the typed inch;~~

~~3. The combined total left and right hand margins of no more than two and one-eighths inches;~~

~~4. Each question and answer to begin on a separate line;~~

~~5. Each question and answer to begin no more than five spaces from the left hand margin with no more than five spaces from the q and a to the text;~~

- ~~6. Carry over q and a lines to begin at the left hand margin;~~
- ~~7. Colloquy material to begin no more than fifteen spaces from the left hand margin, with carryover colloquy to the left hand margin;~~
- ~~8. Quoted material to begin no more than fifteen spaces from the left hand margin, with carry-over lines to begin no more than ten spaces from the left hand margin; and~~
- ~~9. Parentheticals and exhibit markings to begin no more than fifteen spaces from the left hand margin, with carry-over lines to begin no more than fifteen spaces from the left hand margin.~~
1. Applicability. Each transcript prepared by a certified court 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;
 - (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;
 - (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.