

Supreme Court Board of Certified Court Reporters

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room CLD1
10:00 p.m. - 2:00 p.m.

June 14, 2004
Approved Minutes

Members Present:

Judge Philip Hall
Douglas Brooks
Sandra Markham
Jennifer Stadler
Sylvia Brandfon

AOC Staff Present:

Rhonda Simmons
Lauren Hargrave
Nina Preston
Nancy Swetnam
David Withey

Members Absent:

Jim Bouley
Jean Lea

Members Present by Phone:

Judge Jan Kearney
William Druke

Call to Order

The meeting was called to order by Sandra Markham at 10:05 a.m.

Review and Approval of Meeting Minutes

Regular session minutes of March 8, 2004, April 12, 2004, May 10, 2004, and May 27, 2004.

The Board reviewed the March 8, 2004 regular session minutes and requested the following changes be made:

Page 3, Last Paragraph, Line 3, Piers to Pearce.

Page 4, Paragraph 4, Line 1, add "she" after "explained".

Page 5, First Paragraph, Line 4 & 5, change to read "The Board questioned whether the reports indicated that special benefits are provided to clients that is not given to the opposing parties, and therefore would give the appearance of impropriety."

Page 5, Paragraph 4, delete "T" at the end of the paragraph.

Throughout the document change "ascii" to "ASCII".

A **motion** was made by Sylvia Brandfon and seconded by Douglas Brooks to adopt the regular session minutes as amended from March 8, 2004. Motion passed. **BCCR-04-057**

A **motion** was made by Douglas Brooks and seconded by Jennifer Stadler to adopt the regular session minutes as prepared from April 12, 2004. Motion passed. **BCCR-04-058**

A **motion** was made by Douglas Brooks and seconded by Sylvia Brandfon to adopt the regular session minutes as prepared from May 10, 2004. Motion passed. **BCCR-04-059**

The Board reviewed the May 27, 2004 regular session minutes and requested the following changes be made:

Page 1, Members Present By Phone; Douglas Brooks should read Members Present.

Page 1, Members Absent; should reflect Judge Philip Hall.

Page 2, Paragraph 2, Line 3, “issued” to “issue”.

Page 2, Paragraph 7, Line 2 & 3; change to read “Mr. Jarvis stated the provisions, as written, are not clear as to what may be a violation of the contracting provision.”

Page 2, Last Paragraph, Line 3; “INVOICEING to INVOICING”.

A **motion** was made by Sylvia Brandfon and seconded by Douglas Brooks to adopt the regular session minutes as amended from May 27, 2004. Motion passed. **BCCR-04-060**

Recommendations and Board Action

Applicants for Conversion

The following court reporters requested they be converted from Provisional Standard Certification to Standard Certification based on staff receipt of the FBI results and having met all other qualifications for Standard Certification:

Kristen Brown
Dena Hovland
Miguel Benitez
Alisa Smith

A **motion** was made by William Druke and seconded by Judge Philip Hall to convert the Provisional Standard Certification of the court reporters listed above to Standard Certification based on staff receipt of the FBI results. Motion passed. **BCCR-04-061**

The following court reporter requested she be converted from Provisional Standard Certification to Standard Certification based on documentation provided showing she passed all components of the RPR on November 1, 2003:

Sabre Deterding

A **motion** was made by Judge Philip Hall and seconded by Douglas Brooks to convert the Provisional Standard Certification of the court reporter listed above to Standard Certification based on documentation provided showing she passed all components of the RPR on November 1, 2003. Motion passed. **BCCR-04-062**

Continuing Education Issues

Consideration of requests for continuing education credit

Rhonda Simmons is requesting approval of the following ASU Downtown Lectures and is recommending 1 hour of continuing education credit for each:

Stop Sabotaging Your Success: Goal Setting is Serious, Funny Business!
Getting Your Power Back in the Midst of Change
Building People and Profits with Integrity in the 21st Century
Networking – The Critical Tool in Your Job Search
Self-Promotion: The Key to Success

Rhonda Simmons reported Colette Ross is requesting 1.5 hours of continuing education credit for attending a course entitled “Intergenerational Dimensions of Wealth”. Ms. Simmons stated the course would be covered under the continuing education policy. Additionally, Ms. Ross is requesting 1.5 hours of continuing education credit for attending the Westin Kierland Conference, Citigroup Tour 2004.

Rhonda Simmons reported Andrea Jamieson is requesting 8 hours continuing education credits for attending a “Computer Basics for the Novice” class. If the Board does not find this course is directly related to court reporting Ms. Jamieson would only receive 5 hours of continuing education credit for the class. The Board stated if a syllabus was provided they could determine if the class was directly related to court reporting.

A **motion** was made by Sylvia Brandfon and seconded by Douglas Brooks to approve 1 hour continuing education credit for the above entitled ASU Downtown Lectures, and 1.5 hours continuing education credit for each above entitled course presented by Colette Ross. Additionally the Board approves the above entitled course presented by Andrea Jamieson for 5 hours, and if a syllabus is presented the Board will consider granting the full 8 hours of credit. Motion passed. **BCCR-04-063**

Topics for Discussion and Possible Code Revisions

Legislative Changes

Nancy Swetnam reported any changes proposed by the Board should be submitted to the Executive Office who would take the changes to AJC in October. If AJC chooses to send the changes forward they place it in the Judicial Legislative Packet which is taken forward and is introduced to the legislature. The Board discussed the alternative examination on proficiency referenced in Senate Bill 1249. Rhonda Simmons reported the changes made would be as follows:

Page 1: Adding “OR THE ABBREVIATION “CCR””.
Page 2: Changing “five year” to “terms AS DESIGNATED BY THE CHIEF JUSTICE”.
Page 5: Striking language regarding requirements to take the Arizona Written Exam.

- Page 5: Striking language regarding alternative examination. The Board discussed adding the word “and” to A.1.
- Page 6: In subsection D change “subsection B” to “subsection A”.
- Page 6: Language regarding exemptions was stricken.
- Page 6: Subsection E changed “shall” to “MAY”.
- Page 6: Under certificate renewal change language to “PURSUANT TO RULES ADOPTED BY THE SUPREME COURT”.
- Page 6: Subsection D added “APPROVED CONTINUING EDUCATION CREDITS PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.”

William Druke left the meeting.

A **motion** was made by Douglas Brooks and seconded by Jennifer Stadler to authorize the program coordinator to submit the proposed legislative revisions through the process for eventual submission to the legislature next year subject to further review and modification by the Board as opportunities permit. Motion passed. **BCCR-04-064**

Code Changes related to proof of passing the RPR

William Druke rejoined the meeting.

Rhonda Simmons reported the Board voted in a previous meeting that court reporters with temporary certification and provisional standard certification should be required to take every administration of the RPR and provide the results to the program. This provision was inadvertently left out of the proposed code revisions. Rhonda Simmons stated the Board can amend the proposed code revisions by sending an amendment to AJC, or the Board can revise the Policies on Extensions of Temporary Certification Based on Extenuating Circumstances to include a requirement that reporters with temporary certification shall take all administrations of the RPR and provide the results of the exam to the Board. Rhonda Simmons informed the Board they may not want to add a requirement that court reporters with Provisional Standard Certification take each administration of the RPR; however, the Board could request reporters with Provisional Standard Certification provide the Board with the results of their RPR each time they take it by requiring additional information as outlined in 7-206.

A **motion** was made by William Druke and seconded by Judge Jan Kearney on reconsideration of the Board’s previous motion, the Board determines to establish a policy provision rather than revising the code with regards to temporary certificate holders and to require provisional certificate holders to provide their results based on provisions in the code. Motion passed. **BCCR-04-065**

Code Changes related to public comment on suggested revision

Rhonda Simmons reported the superior court continues to have problems regarding transcript

production after a court reporter has left employment with the superior court or is no longer certified. Many reporters who are no longer certified have moved out of state or have not left forwarding addresses with the superior court or the Court Reporter Program. Rhonda Simmons stated she will research other states to determine how they are handling similar situations. The Board discussed the issue.

Program Update

Keeping the Record Committee

Rhonda Simmons reported the Keeping the Record Committee met and recommended AJC adopt the proposed code revisions to 7-206. The Rules and Statutes Workgroup is working on the definitions and statute revisions and revisions to Rule 30. The Standards Workgroup is concentrating on standards for equipment, security monitoring, and transcription. Nancy Swetnam will be presenting information to the Keeping the Record Committee on June 18th regarding financial considerations when implementing a new certification program for transcribers/videographers.

Complaints

Rhonda Simmons reported the program has a total of nineteen open pending complaints and five will be discussed during today's Board meeting.

Executive Session #1

A **motion** was made by William Druke and seconded by Judge Jan Kearney to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **BCCR-04-066**

Executive Session Ended #1

During Executive Session Judge Jan Kearney left the meeting.

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #1)

Court Reporter #1

A **motion** was made by William Druke and seconded by Judge Philip Hall to dismiss the complaint for lack of jurisdiction. Motion passed. **BCCR-04-067**

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #2)

Court Reporter #2

A **motion** was made by Judge Philip Hall and seconded by William Druke to defer the complaint for further investigation as discussed during executive session. Motion passed. **BCCR-04-068**

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #3)

Court Reporter #3

A **motion** was made by William Druke and seconded by Judge Philip Hall as to allegation #2, the Board finds a violation of Standards 1(a), 2(c) and 3(b) and a sanction is imposed to include a fine of \$500.00, training for 1 hour in ethics and 1 hour of good business practices and record keeping, training shall be in addition to the 10 hours currently required and shall be completed by the end of the year. Further, Court Reporter #3 shall submit the classes required to comply with this requirement for approval to the Program Coordinator. Allegation #3 is dismissed for lack of sufficient evidence. Motion passed. **BCCR-04-069**

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #4)

Court Reporter #4

A **motion** was made by William Druke and seconded by Douglas Brooks to dismiss the complaint for lack of jurisdiction. Motion passed. Sandra Markham Recused. **BCCR-04-070**

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #5)

Court Reporter #5

A **motion** was made by William Druke and seconded by Douglas Brooks to file formal charges based upon a finding of probable cause against Court Reporter #5. Allegation #1 violated Arizona Code of Judicial Administration, Section §7-206 H(1)(c)(2)(3)(3) and (4) (portion of #4 is for dishonesty) and Standards 2(c), and allegation #2 is in violation of the Arizona Code of Judicial Administration, Section §7-206, Appendix C, Arizona Transcript Format Guidelines and Appendix A, Code of Conduct, Standard 6(a). Motion passed. **BCCR-04-071**

William Druke left the meeting.

Executive Session #2

A **motion** was made by Douglas Brooks and seconded by Judge Philip Hall to go into

Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **BCCR-04-072**

Executive Session Ended #2

Review and Approval of Executive Session Meeting Minutes

Executive Session Minutes of April 12, 2004 and May 10, 2004

A **motion** was made by Douglas Brooks and seconded by Sylvia Brandfon to adopt the Executive Session minutes as amended for April 12, 2004 and May 10, 2004. Motion passed. **BCCR-04-073**

Call to the Public

There was no response from the public.

Adjournment

A **motion** was made by Judge Philip Hall and seconded by Sylvia Brandfon to adjourn. Motion passed. **BCCR-04-074**

The meeting of the Board of Certified Court Reporters adjourned at 1:37 p.m.