

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	<u>No. 2008-82</u>
§ 7-206: CERTIFIED REPORTER	)	(Affecting Administrative
	)	Order No. 2006-74)
	)	

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An amendment to the above captioned section of the Arizona Code of Judicial Administration came before the Arizona Judicial Council on October 22, 2008, and was approved and recommended for adoption. The changes include converting the certification renewal cycle and fees from an annual to a biennial time frame, with expiration of certificates on February 28th in every even numbered year.

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, 2009. All other provisions of § 7-206 as adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that the renewal cycle for active certificates that expire on December 31, 2008 is for the period of January 1, 2009 until February 28, 2010. Certified reporters who timely submit an application for renewal of their certificate shall pay a renewal fee of \$200 for this fourteen month renewal cycle. This cycle and fee apply only to the renewal of certificates with an expiration date of December 31, 2008; thereafter the amended provisions of § 7-206 shall apply.

Dated this 29th day of October, 2008.

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RUTH V. MCGREGOR  
Chief Justice

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

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

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

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

“Certification” means “a standard certificate that is issued by the board to a person who meets the requirements of §§ 32-4021 and 32-4022 and does not include a temporary certificate” as provided in A.R.S. § 32-4002(2). ~~Certification includes a provisional standard certificate issued by the board pursuant to subsection (G)(4)(b).~~

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

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

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

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

“Voice writing” means “the making of a verbatim record of the spoken word by means of repeating words of the speaker into a device that is capable of digital translation into text” as provided in A.R.S. § 32-4002(6).

**B. Applicability.**

1. This section applies to the standard certification ~~and provisional standard certification~~ of reporters pursuant to Arizona Revised Statutes, Title 32, Chapter 40 and to temporary certification pursuant to Laws 1999, Ch. 335, § 3 and Laws 2000, Ch. 41, § 13. It addresses all components of the certification process including application, fees, criteria for approval or denial of certification, resolution of complaints concerning certified reporters and the discipline and administrative hearing process and is read in conjunction

with ACJA § 7-201: General Requirements. In the event of any conflict ~~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 applies to persons, entities or courts that use stenographic or voice writing means of recording but does not apply to other means of recording. This chapter does not limit the contempt powers of the court or the authority of the court to discipline court employees.”
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 “A person shall not report proceedings in any court in this state and shall not report depositions in this state for use in any court in this state unless the person is certified pursuant to this chapter.” A.R.S. § 32-4003(D) provides: “It is unlawful for any person who is not certified pursuant to this chapter to represent oneself as a certified reporter.” For eligibility to report a verbatim record in any sworn proceeding in this state for use in any court in this state, all persons shall hold a valid certificate and comply with the requirements of this section. The certified reporter’s transcript is an important document before, during and after a trial. The paper transcript and its electronic version are used for trial preparation, briefs, impeachment purposes and appellate review. Property, freedom and life all can depend on a clear and accurate record. Certified reporting is integrally related to the prompt, effective and impartial operation of the judicial system.

**D. Administration.**

1. Role and Responsibilities of the Supreme Court. In addition to the requirements of ACJA § 7-201(D), A.R.S. § 32-4007(A) and (C) establishes the certified reporters fund and specifies “The supreme court shall administer the fund” and “The supreme court may receive and expend monies from the fund . . . .”
2. Role and Responsibilities of the Director. These responsibilities are contained in ACJA § 7-201(D).
3. Role and Responsibilities of the Deputy Director. These responsibilities are contained in ACJA § 7-201(D).
4. Role and Responsibilities of Division Staff. These responsibilities are contained in ACJA § 7-201(D).
5. Board of Certified Reporters.
  - a. Composition. Pursuant to A.R.S. § 32-4004:

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

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

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

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

- b. Term of Chief Justice or Chief Justice Designee. The member appointed pursuant to § 32-4004(A)(1) shall serve at the pleasure of the chief justice.
- c. Duties. These duties are contained in A.R.S. §§ 32-4004(E) and -4005(B). In addition, this subsection should be read in conjunction with ACJA § 7-201(D) which is consistent with A.R.S. §§ 32-4004(E) and -4005(B).

## **E. Initial Certification.**

1. Eligibility for Application.
  - a. A.R.S. § 32-4021(A) provides:
    - A. An applicant for standard certification as a certified reporter . . . at a minimum shall:
      1. Be at least eighteen years of age.
      2. Be a citizen or legal resident of the United States.
      3. Satisfy the requirements of § 32-4022.
      4. Be of good moral character.
      5. Possess a high school diploma or a general equivalency diploma or a similar document or certificate.
      6. Pursuant to rules adopted by the supreme court demonstrate reasonable proficiency in making verbatim records of trial or judicial or related proceedings.
      7. Comply with the laws and rules and orders adopted by the supreme court governing certified reporters in this state.
      8. Pay the fees established pursuant to § 32-4008.
    - b. An applicant shall provide proof of passing the registered professional reporter's examination (RPR) or the certified verbatim reporter's examination (CVR) and shall also pass the Arizona Written Examination pursuant to ACJA § 7-201(E) and subsections (E)(3)(b) and (c).
2. Application for Initial Standard Certification. The procedures for application for initial certification are provided in A.R.S. § 32-4021 and ACJA § 7-201. Applicants for certification shall also meet the examination requirements specified in subsection (E)(3) and pursuant to A.R.S. § 32-4021(A)(9) an applicant shall "Submit a full set of fingerprints with the fee prescribed in § 41-1750 to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to § 41-1750 and Public Law 92-544."
3. Examination. In addition to the requirements of ACJA § 7-201(E) the following requirements apply:

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

b. Admission to the Arizona Written Examination.

(1) A.R.S. § 32-4022(A) provides:

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

1. Obtained one year of experience in making verbatim records of meetings, conferences, hearings or judicial or related proceedings by means of written symbols or abbreviations in shorthand, machine writing or voice writing and in transcribing these records.
2. Obtained a verified certificate of the satisfactory completion of a prescribed course of study from a court reporting school or a certificate from a school that evidences the equivalent proficiency and the ability to make a verbatim record of material that is dictated pursuant to rules adopted by the supreme court.
3. Obtained a national court reporters association’s registered professional reporter or registered merit reporter certificate.
4. Obtained a valid certificate to practice court reporting that is issued by a state other than this state if the other state’s requirements and certifying examination are substantially similar to or more stringent than those in this state.
5. Demonstrated reasonable proficiency in making verbatim records of trial or judicial or other related proceedings by passing an approved examination for certification pursuant to rules adopted by the supreme court.

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

(1) A.R.S. § 32-4022(B) provides:

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

1. A national court reporters association's registered professional reporter examination, a national verbatim reporters association's certified verbatim reporters association examination or an alternative demonstration of proficiency approved by the supreme court.
2. A written knowledge test of rules of the supreme court of Arizona and statutes of this state relating to court reporters.

- (2) The National Court Reporters Association (NCRA) RPR written knowledge test (WKT) and skills knowledge test (SKT) and the National Verbatim Reporters Association (NVRA) CVR, are the approved proficiency examinations to meet the minimum proficiency examination requirements of A.R.S. § 32-4022(B)(1).
  - (3) An applicant satisfies the proficiency examination requirements by passing either the RPR or CVR examination as specified in A.R.S. § 32-4022(B)(1) and subsection (E)(3)(c)(2).
  - (4) An applicant shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.
  - (5) A.R.S. § 32-4022(F) provides: "An applicant who fails to pass the written examination . . . may apply for reexamination at any time."
4. Decision Regarding Certification. In addition to the requirements contained in ACJA § 7-201(E), the procedures for the decision regarding certification are pursuant to A.R.S. §§ 32-4021(B), -4024(A) and -4024(B).
- a. Approval of Initial Standard Certification. These requirements are contained in ACJA § 7-201(E).
  - b. Denial of Initial Standard Certification. The requirements are contained in ACJA § 7-201(E).

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

1. Code of Conduct. Each certified reporter shall adhere to the code of conduct adopted pursuant to A.R.S. § 32-4005 and subsection (J).
2. Identification. A.R.S. § 32-4003(C) provides "A certified reporter shall include the title 'certified reporter' or the abbreviation 'CR' and the reporter's certificate number on the title or cover page of any transcript, on any business card, advertisement or letterhead and on the certificate of any transcript."
3. Certification of Transcripts. A.R.S. § 32-4003(B) provides "A certified reporter shall

sign and certify each transcript that the certified reporter prepares before the transcript may be used in court, except for transcripts that the reporter prepares for proceedings that occurred before July 1, 2000.”

4. Transcript Production. The following requirements apply to transcript production:
  - a. Transcript Format. A certified reporter shall prepare transcripts in a format consistent with the standards in subsection (M).
  - b. Production after Expiration of Certificate, Inactive Status or Voluntary Resignation. A reporter who is no longer certified, or who is in inactive status may not practice as a reporter or produce transcripts except for those proceedings that took place while their certificate was valid and active. The reporter shall use the same certificate number on the title or cover page of any transcript and letterhead that was used while the reporter was certified.
5. Oaths and Affirmations. A.R.S. § 32-4025 provides: “A certified reporter may administer oaths and affirmations.”

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

1. Expiration Date. A.R.S. § 32-4023(A) provides: “A certificate issued pursuant to this article is subject to renewal ~~each year and expires unless renewed by December 31 and~~ expiration as prescribed by rules adopted pursuant to section 32-4005.” All standard certifications expire at midnight, on February 28th of each even numbered year.
2. Application. A.R.S. § 32-4023(B) provides: “The certificate holder is responsible for applying for a renewal certificate.” A certified reporter shall ~~annually~~ submit a completed renewal application, applicable fees pursuant to subsection (K) and documentation by the renewal application deadline established by the board to remain eligible to serve as a certified reporter in Arizona.
3. Continuing Education. A.R.S. § 32-4023(D) provides: “A certificate holder shall include with the application for renewal documentation satisfactory to the board that the certificate holder has successfully completed at least ten hours of approved continuing education each year.” The certificate holder shall comply with the provisions regarding continuing education contained in subsection (L).
4. Types of Certificates.
  - a. Temporary Certificate. Pursuant to Laws 1999, Ch. 335, § 3, and Laws 2000, Ch. 41, § 13, "All temporary certificates shall be renewed annually and may not be renewed beyond December 31, 2002, except that the board may renew temporary certificates after

December 31, 2002 due to extenuating circumstances." An applicant may request and the board may grant renewal of a temporary certificate if the applicant meets all of the following conditions:

- (1) Holds a valid temporary certificate; and
- (2) Complies with the policies on requests for extensions of temporary certification based on extenuating circumstances as adopted by the board.
- ~~(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)(4)(b), 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) Passed at least one of the three required SKT components and the WKT test of the RPR examination;~~
  - ~~(c) Has not held a provisional standard certificate for more than twelve months; and~~
  - ~~(d) Meets all other requirements for renewal.~~~~
- ~~(2) In addition to the provisions of subsection (G)(4)(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;~~
  - ~~(c) Meets all other requirements for renewal. Upon certificate conversion from temporary to provisional standard certification, the applicant shall comply with all renewal requirements pursuant to subsection (G)(4)(b)(1); and~~
  - ~~(d) 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.~~~~

~~e.b~~ Standard Certificate. ~~(4)~~ An applicant may apply for and the board may renew a standard certificate of an applicant who:

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

5. Decision Regarding Renewal. In addition to the requirements contained in ACJA § 7-201(E) and (G) the following requirements apply:
  - a. A.R.S. § 32-4023(B) provides: “On receipt of the renewal application and the renewal fee, the board shall issue the applicant a new certificate ~~for one year~~ unless the board finds that the applicant does not meet the requirements for renewal or that section 32-4024 applies.”
  - b. The board may deny renewal of a certificate for any of the reasons specified in § 32-4024.

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

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

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

1. Ethics.
  - a. A 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 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 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 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 certified reporter shall promptly make full disclosure to all parties or their representatives of any relationships which may give the appearance of a conflict of interest or partiality.
- f. A certified reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of reporting. A certified reporter shall not engage in unethical or unprofessional conduct that is harmful or detrimental to the public in the practice of reporting. Proof of actual injury is not required.
- g. 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.

## 2. Professionalism.

- a. A certified reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the certified reporter by the court or any of the parties in the proceeding.
- b. A certified reporter shall be truthful and accurate when advertising or representing the certified reporter's qualifications, skills, abilities, or the services provided.
- c. A certified reporter shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.
- d. A certified reporter shall keep abreast of current literature, technological advances and developments and shall fulfill ongoing training requirements to maintain professionalism.
- e. As part of the judicial department's commitment to the principle of access to justice for all and the integral role of certified reporters, certified reporters are encouraged to provide pro bono services, when requested through qualified legal assistance organizations providing free legal services to the indigent. Certified reporters providing pro bono services pursuant to this subsection shall disclose the pro bono services to all parties in the case.

## 3. Fees and Services.

- a. Except as provided in subsection (J)(2)(e), a certified reporter shall charge all parties or their attorneys in the same action the same price for an initial copy of a transcript. Additional copies purchased by the same ordering party may be charged at a reduced rate provided disclosure is made to all parties involved in the case and the same reduced rate for additional copies is provided to all parties involved in the case. Each party shall be treated as an individual party to the action and is required to purchase an initial copy at the same rate provided to all parties requesting a copy in the same action before they may obtain additional copies at a reduced rate. A certified reporter may provide services on a pro bono basis as provided in this section.
- b. A 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 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 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. A 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 certified reporter; or
    - (b) Does not provide or offer any private party of interest comparable reporting services in the same proceedings.

#### 4. Skills and Practice.

- a. A certified reporter shall take full and accurate stenographic or voice written notes of any proceeding and shall not wilfully alter the notes.
- b. A 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 certified reporter shall provide a transcript to a client or court in a timely manner. The certified reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A certified reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A certified reporter shall provide immediate notification of delays.
- d. A certified reporter shall not go "*off the record*" during a deposition or court

proceeding unless agreed to by all parties or their attorneys or ordered by the court.

- e. A certified reporter shall accept only those assignments for which the reporter's level of competence will result in the preparation of an accurate transcript. The certified reporter shall decline an assignment when the reporter's abilities are inadequate.
- f. A certified reporter shall prepare the record in accordance with applicable laws, rules or court order.
- g. A certified reporter shall preserve the stenographic or voice written notes in accordance with Arizona laws, federal laws and the Arizona Rules of Court.

#### 5. Official Reporters.

- a. An official reporter may engage in freelance reporting duties only if the following criteria are met:
  - (1) The presiding superior court judge or designee has given express authorization; the reporter's official work is up to date and there are no transcripts the reporter is preparing in which a court has granted an extension of time; and
  - (2) The presiding superior court judge or designee has authorized the reporter to take annual leave during the time the freelance work is scheduled unless:
    - (a) The freelance work is scheduled during hours the court is not open for business;  
or
    - (b) The presiding superior court judge or designee has granted the reporter time off in compensation for overtime previously worked.
- b. A certified reporter shall never purport to speak or act for a judge regarding judicial matters.
- c. A certified reporter shall not express an opinion as to how a case should be decided or what verdict a jury will return.

#### 6. Performance in Accordance with Law.

- a. A certified reporter shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.
- b. A certified reporter shall perform the duties of the profession using only the method of reporting the applicant used to obtain certification.

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

1. Initial Certification Fees.

a. <u>Initial Certification for Two Year Certification Period</u>	\$ <del>450.00</del> <u>220.00</u>
<u>(1) For certification expiring more than one year after application date</u>	\$450.00
<u>(2) For certification expiring less than one year after application date</u>	\$225.00

b. Fingerprint Processing

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

2. Examination Fee for the Arizona Written Test

a. Applicants for Initial Certification \$ 50.00

b. Reexaminations \$ 50.00

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

c. Reregistration for Examination \$ 50.00

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

3. Renewal Certification Fees.

a. ~~Annual~~ Certification Renewal \$400.00 ~~\$200.00~~

b. Inactive Status \$100.00

c. Late Renewal \$ 50.00

d. Delinquent Continuing Education \$100.00 ~~\$ 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.)

**L. Continuing Education Policy.**

1. Purpose.

- a. Reporting is integrally related to the prompt, effective and impartial operation of the judicial system. Certified reporters are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education is one means to ensure a certified reporter maintains continuing competence in the field of reporting after certification is obtained. Continuing education also provides opportunities for certified reporters to keep abreast of changes in the reporting and legal professions and the Arizona judicial system.
- b. Pursuant to A.R.S. § 32-4005(B) and ACJA § 7-201(D), the board shall make recommendations to the supreme court regarding rules and procedures to implement the provisions of certification of reporters, including continuing education. This subsection is intended to provide direction to certified reporters to ensure compliance with the statutes and continuing education requirements, and to provide for equitable application and enforcement of the continuing education requirements.

2. Applicability.

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

3. Responsibilities of Certified Reporters.

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

division staff.

- b. Upon request of the board or division staff, a certified reporter shall provide any additional information required by the board or division staff when reviewing continuing education applications and documentation.
- c. Continuing education not recognized for credit upon board review does not in any way relieve the certified reporter of the responsibility to complete the required hours of continuing education.

4. Authorized Continuing Education Activities.

- a. Continuing education is designed to provide an understanding of current developments, skills or procedures related to the practice of reporting. Continuing education shall address the areas of proficiency, competency and performance of stenographic or voice written reporting and impart knowledge and understanding of the profession of reporting, the Arizona judiciary and the legal process and increase the participant's understanding of the responsibilities of a certified reporter and the reporter's impact on the judicial process. The certified reporter shall complete the continuing education requirements in one or more of the following subject areas:
  - (1) English, including grammar and punctuation, vocabulary and etymology, proofreading and editing and regional and minority dialects, colloquialisms and commonly heard slang.
  - (2) Medical terminology presented by subject matter experts on terminology and concepts commonly encountered by certified reporters including Greek and Latin roots, homonyms and sound-alikes, abbreviations, pharmacy, anatomy and physiology and specialized medical fields, (for example, neurology, dentistry, radiology, forensic medicine).
  - (3) Legal terminology presented by subject matter experts on terminology and concepts commonly encountered by certified reporters including etymology, substantive law, procedural law, various subdivisions of law (for example, criminal, domestic, juvenile, civil) and how cases are processed and argued.
  - (4) Other technical subjects presented by subject matter experts with emphasis on terminology and concepts commonly encountered by certified reporters (for example, accident reconstruction, chemistry, construction, workman's compensation, products liability).
  - (5) Reporting technology including computer-aided transcription (CAT) skills: CAT equipment, hardware and software, DOS, ASCII and compressed transcript; computer skills including word processing, spreadsheets, database applications, windows and internet applications; equipment maintenance and computer-integrated courtrooms.
  - (6) Realtime reporting including writing for realtime, communicating with the hearing impaired, working with an interpreter, the Americans with Disabilities Act and

realtime certification.

- (7) Certification tests, including the Registered Merit Reporter, Registered Diplomat Reporter, Certified Realtime Reporter, Certified Manager of Reporting Services and Certificate of Merit and Realtime Verbatim Reporter. A certified reporter may receive continuing education credit for these activities in accordance with the standards established by the NCRA and the NVRA.
  - (8) Ethics for certified reporters and court employees, including cooperation with lawyers, judges, court staff, and fellow certified reporters, professional attire, courtesy and impartiality to all litigants, information verses legal advice and public relations.
  - (9) The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, and Arizona tribal court system; resource materials including the Arizona Revised Statutes, Arizona Rules of Court, case law and administrative orders and rules; and current issues in the Arizona court system.
  - (10) Role and responsibilities of certified reporters, including the statutes and ACJA §§ 7-201 and -206 for certified reporters.
  - (11) Writing and editing skills including transcript style and setups, appropriate editing, scoping, scanning and printing, writing for a note reader, scopist or editor; indexing of witnesses and exhibits and transcript formats.
  - (12) Research skills including utilizing reference materials and libraries and research techniques.
  - (13) Management issues including public relations and customer service; accounting, ergonomics, time management and office management.
- b. Conferences. A certified reporter may receive continuing education credit for attendance at a conference relevant to the profession of reporting. A certified reporter may receive 100 percent of the continuing education credits for attendance at the conference, if the conference is directly related to the reporting profession. Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.
- c. University, College and Other Educational Institution Courses. A certified reporter may receive continuing education credit for a course provided by a university, college or other institutionally accredited educational program if the reporter successfully completes the course with a grade of "C" or better or a "pass" on a pass/fail system. A certified reporter may receive continuing education credit if the course is relevant to the reporting profession and may receive credit up to two times the number of credit hours awarded by the educational institution. The maximum total hours of continuing education credits earned from educational course work shall not exceed 50 percent of the total number of continuing education hours required for renewal.
- d. Authoring or Coauthoring Articles. A certified reporter may receive continuing education credit for authoring or coauthoring an article directly related to reporting, if

- the article is published in a state or nationally recognized professional journal of court reporting or law and if the article is a minimum of 1,000 words in length. A certified reporter may receive a maximum of three hours of continuing education credit for authoring an article or articles during a renewal period. A certified reporter shall not receive continuing education credit for the same article published in more than one publication or republished in the same publication in later editions.
- e. Self Study. A certified reporter may receive continuing education credit for self study activities, including video and audio tapes, and other methods of independent learning. A certified reporter shall not receive continuing education credit for simply reading books, seminar or other printed materials. ~~Except for NCRA courses,~~ the maximum hours of continuing education credits earned in a self study format shall not exceed 50 percent of the total number of continuing education hours required for renewal. However, if the self study activities are NCRA courses, a court reporter may receive up to 100 percent of the total number of continuing education hours required for renewal.
  - f. Serving as Faculty. A certified reporter may receive continuing education credit for serving as an instructor, speaker, panel member or faculty of a continuing education seminar directly related to the profession of reporting. A certified reporter may receive continuing education credit for the actual presentation time and up to two hours of preparation time for each hour of presentation. The maximum hours of continuing education credits earned as faculty credit shall not exceed 50 percent of the total number of continuing education hours required for renewal and a certified reporter shall not receive duplicate credit for repeating a presentation during the certificate period.
- 5. Minimum Time. Each continuing education activity shall consist of at least 30 minutes of “actual clock time” spent by a certified reporter in actual attendance at and completion of an approved continuing education activity. “Actual clock time” includes the total number of hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the first 30 minutes of a continuing education activity, credit shall be recognized in fifteen minute increments.
  - 6. Maximum Credit. Unless the board otherwise determines a continuing education activity is directly related to the reporting profession, a certified reporter shall not receive more than 50 percent of the credit requirement for the certificate period through one activity.
  - 7. Non-Qualifying Activities.
    - a. The following activities, regardless of whether or not the activity is approved for COJET credit, shall not qualify for continuing education credit for certified reporters:
      - (1) Programs completed for qualification for initial certification;

- (2) Programs with a primary focus on teaching nonverbal skills that are not directly related to reporting;
  - (3) Attendance or participation at professional or association business meetings, general sessions, elections, policymaking sessions or program/employee orientation;
  - (4) Serving on committees or councils or as an officer in a professional organization;
  - (5) Activities completed as required by the board as part of a disciplinary action; and
  - (6) Mentoring activities by a certified reporter.
- b. Repeat of an Activity. Continuing education activities repeated during a certificate period do not qualify for credited duplicate hours.
  - c. If a certified reporter attends part, but not all of a continuing education activity, the certified reporter is not eligible to claim partial credit.
8. Documentation of Attendance or Completion. When attending or completing a continuing education activity, each certified reporter shall obtain documentation of attendance or completion from the sponsoring entity. At a minimum, the proposal shall include the:
- a. name of the sponsor;
  - b. name of the participant;
  - c. topic of the subject matter;
  - d. number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
  - e. date and place of the program; and
  - f. signature of the sponsor, or an official document from the sponsoring entity.
9. Compliance and Non-Compliance.
- a. Affidavit of Compliance. A certified reporter shall submit an affidavit of continuing education compliance when applying for renewal of certification. The certified reporter shall submit the affidavit in the format provided by division staff. The board and division staff may request documentation or additional information from a certified reporter applying for renewal to verify compliance with the continuing education requirements. If the certified reporter fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and deny renewal of certification.

- b. Proration of Continuing Education Requirement. A certified reporter whose certificate expires less than six months from the effective date of certification shall complete no less than five hours of continuing education credit during the balance of the certification period. In subsequent certification periods, the certified reporter shall complete the annual ten hour continuing education requirement. Proration of the continuing education requirement does not apply to certified reporters who previously held certification and allowed their certification to lapse. A certified reporter who attends approved continuing education prior to the date of their initial certification, but within the certification renewal period may claim these continuing education hours as fulfilling the continuing education requirements for their first renewal of certification provided the continuing education meets all provisions of subsection L.
- c. Extension of Continuing Education Requirements. A certified reporter seeking renewal of certification who has not fully complied with the continuing education requirement may request an extension of the requirement under the following conditions:
- (1) The certified reporter submits a notarized written statement to the board, explaining the facts regarding non-compliance and requesting an extension of the requirements no later than the November 15th preceding the ~~December~~ February 28<sup>th</sup> ~~31<sup>st</sup>~~ expiration of the certificate. Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days for the certified reporter to complete the continuing education requirement.
  - (2) The board shall determine whether extenuating circumstances exist. In reviewing the request, the board shall consider if the certified reporter has been unable to devote sufficient hours to fulfill the requirements during the certificate period because of:
    - (a) full-time service in the armed forces of the United States during a substantial part of the certificate period;
    - (b) an incapacitating illness documented by a statement from a currently licensed physician;
    - (c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician; or
    - (d) any other special circumstances the board deems appropriate.
  - (3) A certified reporter whose certificate has been suspended or revoked by the board is not eligible to request an extension of the continuing education requirement.
- d. Random Audits of Compliance. During each renewal review period, the board shall request division staff to randomly select a specified number of certified reporters to demonstrate continuing education compliance through submission of proof of continuing education participation. Refusal or failure to respond to a board or division staff request for continuing education compliance documentation may result in denial of renewal of certification or disciplinary action pursuant to ACJA § 7-201(H) and this section.

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

- (1) Assessment of the delinquent continuing education fee;
- (2) Denial of renewal of certification; and
- (3) Disciplinary action pursuant to ACJA § 7-201(H) and this section.

10. Board Decision Regarding Continuing Education Credits.

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

- (1) Recognize compliance by the certified reporter with the continuing education requirement;
- (2) Require additional information from the certified reporter seeking renewal before making a decision;
- (3) Recognize partial compliance with the requirement and order remedial measures; and
- (4) Enter a finding of non-compliance.

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

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

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

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

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

- a. Title page;

- b. Table of contents and index page;
  - c. Appearance page; and
  - d. Certificate page.
2. Title Page.
- a. Court Proceedings. The title page shall contain:
    - (1) Case caption;
    - (2) The type of proceedings: grand jury, jury trial, type of motion, etc.;
    - (3) The date of proceedings;
    - (4) The city and state where the proceedings were held;
    - (5) The name of the judicial officer;
    - (6) The name of the certified reporter, title (“certified reporter” or “CR”) and certificate number;
    - (7) A clear indication that a transcript is a partial transcript or excerpt; and
    - (8) Other applicable information.
  - b. Depositions and Other Non-court Proceedings. The title page shall contain:
    - (1) Case caption;
    - (2) The type of proceedings: deposition, sworn statement, unsworn statement, etc.;
    - (3) The date of the proceedings;
    - (4) The city and state where the proceedings were held;
    - (5) The name of the certified reporter, title (“certified reporter” or “CR”) and certificate number; and
    - (6) Other applicable information: excerpts, volume number.
  - c. Index Page.
    - (1) Court Proceedings. The index page, if applicable shall:
      - (a) Begin on a separate page;
      - (b) Show each witness name typed on the index page as it appears in the transcript: middle initial, no middle initial, full name, Jr., etc.;
      - (c) Indicate for each witness the page numbers of direct, cross, and redirect examination, etc.;
      - (d) Show other important events and the page number they occur: jury selection, opening statements, closing arguments, verdict, etc.; and
      - (e) Identify when exhibits are marked or introduced, admitted or excluded.
    - (2) Depositions and Other Non-court Proceedings. The index page shall:
      - (a) Begin on a separate page;

- (b) Show the witness name typed on the index page as it appears in the transcript: middle initial, no middle initial, full name, Jr., etc.;
- (c) Indicate for each witness the page numbers of examination by each attorney or party;
- (d) Show other important events and the page number they occur; and
- (e) Identify when exhibits are marked or identified.

d. Appearance Page.

- (1) Court Proceedings. The appearance page shall:
  - (a) Begin on a separate page;
  - (b) Indicate the name of the attorneys and which party they represent. Attorney addresses may be included;
  - (c) Indicate parties appearing in propria persona; and
  - (d) Indicate the names of the grand jurors present.
- (2) Depositions and Other Non-Court Proceedings. The appearance page shall:
  - (a) Begin on a separate page;
  - (b) Identify the location where proceedings took place;
  - (c) Indicate the time the proceedings began;
  - (d) Indicate the name and address of the attorneys and which party they represent;
  - (e) Indicate parties appearing in propria persona; and
  - (f) Indicate all other individuals present in the room during the proceedings: videographers, interpreters, etc.

e. Certificate Page.

- (1) Court Proceedings. The certificate page shall:
  - (a) Begin on a separate page;
  - (b) Contain language indicating the transcript is a full, true and accurate record of the proceeding;
  - (c) Be signed and dated by the certified reporter; and
  - (d) Include the reporter's certificate number.
- (2) Depositions and Other Non-Court Proceedings. The certificate page shall:
  - (a) Begin on a separate page;
  - (b) Contain language indicating the transcript is a full, true and accurate record of the proceeding;
  - (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.