

BOARD OF CERTIFIED REPORTERS

Meeting Agenda – Thursday, October 12, 2017

Arizona Supreme Court - 1501 West Washington Street

Phoenix, Arizona 85007 - 10:00 A.M. - Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER G. Allen Sonntag, Chair

1) REVIEW AND APPROVAL OF MINUTES G. Allen Sonntag, Chair

1-A: Review and approval of the regular session minutes for the meeting of August 10, 2017.

2) PENDING COMPLAINTS.....Division Staff

2-A: Review, discussion and possible action regarding request for reconsideration concerning complaint number 15-C005, involving Legalink, Inc.

2-B: Update regarding the status of pending complaints.

3) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff

3-A: Review, discussion and possible action regarding pending initial certification applications for the following applicants:

1. Bryn Dockstader
2. Kelly Rexroat
3. Lisa Steinmeyer

4) RENEWAL CERTIFICATION APPLICATIONS.....Division Staff

4-A: Review, discussion and possible action regarding pending application for renewal of certification for Clark Edwards.

5) ADMINISTRATIVE ISSUES.....*Division Staff*

5-A: *Review, discussion, and possible action regarding the establishment of the 2018 Board meeting schedule.*

CALL TO THE PUBLIC *G. Allen Sonntag, Chair*

ADJOURNMENT *G. Allen Sonntag, Chair*

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review and approval of the regular session minutes for the meeting of August 10, 2017.

Attached for the Board's review are the regular session minutes from the board meeting of August 10, 2017.

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2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding request for reconsideration concerning complaint number 15-C005, involving Legalink, Inc.

On June 8, 2017, the Board revoked the registration of Legalink, Inc, a Merrill Corporation and Legalink, Inc., DTI (collectively “Legalink”). On August 7, 2017, staff received correspondence from Legalink requesting that the Board reconsider its June 8th determination.

Background

Legalink, Inc., a Merrill Corporation was registered as a court reporting firm in Arizona, on September 17, 2014, Registration # R1094, valid to January 31, 2020.

Legalink, Inc., a DTI Company, registered as a court reporting firm in Arizona, Registration # R1135, on August 24, 2015, valid to January 31, 2021.

On August 12, 2015, the Division received a written complaint against Legalink, Inc., Merrill Corporation, and Legalink, Inc., DTI Global, containing the following allegations:

1. Complainant alleges Merrill Corporation and DTI Global are the same entity and conducting business in Arizona without registration.
2. Complainant alleges Legalink, Inc. a DTI Company provided an Affiliate Pricing Sheet showing a contract but filed a Continuing Contract Disclosure indicating there was no contract.

On August 13, 2015, the Division forwarded the complaint to Legalink, Inc. Merrill Corporation. Records indicate that the correspondence was received on August 17, 2015. On or about September 23, 2015, the Division issued a follow-up letter informing that the Division had no record of a response to the complaint.

The Division forwarded the complaint to Legalink, Inc. a DTI Company, on November 23, 2015. Records indicate that the correspondence was received on December 4, 2015.

On January 6, 2016, the Division sent email correspondence to Betsy Adams, for Legalink, Inc., informing that the Division had no record of a response to the complaint and set a response deadline date of no later than end of business January 12, 2016. Ms. Adams replied to the email indicating that Legalink, Inc. had not received correspondence from the Division and, after verifying that the Division had the correct address on file, Ms. Adams requested that the Division resend the complaint to her via email adding, “I am forwarding this onto our legal division

immediately so they can prepare the needed information as you have requested.” The Division sent the complaint on the said date, per Ms. Adams’ request.

On January 20, 2016, the Division sent a follow-up email to Ms. Adams informing her that Legalink, Inc.’s written response to the complaint exceeded the 30-day requirement set out in ACJA and that her response to this matter was required immediately.

On or about March 25, 2016, the Division sent a formal letter to Legalink, Inc., c/o Ms. Adams, followed by an email informing her that the Division had no record of a response from Legalink, Inc.

On or about March 25, 2016, the Division sent a formal letter to Merrill Corporation, followed by an email to the contact listed on the Division’s records, informing that the Division had no record of a response from Merrill Corporation. The email returned as undeliverable. To date, the Division has no record of receiving any correspondence from anyone representing Merrill Corporation.

Legalink, Inc., Merrill Corporation and Legalink, Inc., a DTI Company, failed to provide a response to the complaint as required by ACJA. The lack of cooperation resulted in the Division’s inability to complete the investigation. Accordingly, the following additional allegations were included in the complaint:

1. Merrill Corporation, failed to respond to the complaint, in violation of ACJA §§ 7-201(F)(4) and 7-201(H)(3)(c)(1).
2. Legalink, Inc., a DTI Company, failed to respond to the complaint, in violation of ACJA §§ 7-201(F)(4) and 7-201(H)(3)(c)(1).

On May 25, 2016, Probable Cause Evaluator Baumstark entered a finding probable cause exists as to two allegations related to failure to respond to the complaint and may or may not exist as to the other two allegations, as detailed in the Investigation Summary and Allegation Analysis Report.

This matter was scheduled for consideration at the June 14, 2016 Board meeting.

On June 13, 2016 the day before the scheduled June 14, 2016 Board meeting, Jeff Jacobs, attorney for Legalink, Inc., contacted the Division indicating that he just received notice that the Board was scheduled to meet to consider action relating to the complaint. He stated that he understood that Legalink, Inc. had responded to the complaint several months ago and he was in the process of tracking down that documentation. Mr. Jacobs requested that the Board postpone its consideration of the complaint until he could track down the response to the complaint.

On June 13, 2016, the Division requested from Mr. Jacobs and Legalink, Inc., evidence that a response to the complaint was submitted to the Division.

On June 28, 2016, the Division sent Legalink, Inc., c/o Mr. Jacobs, a letter notifying him that, to date, the Division had no record of a response to the complaint nor of any evidence verifying that Legalink, Inc., previously submitted a response to the Division. In addition to the referenced letter, the Division sent Mr. Jacobs an email and attached a copy of the forthcoming letter.

The Division received no communication from Mr. Jacobs or any representative of the collective Legalink responding to the complaint and in due course the Board issued its June 8th formal order.

Legalink's August 7th Request

Legalink's August 7th request acknowledges that Legalink failed to respond to the complaint and further requests reconsideration of the Board's June 8th order and asks that the Board vacate that order and instead suspend Legalink's certification for a time sufficient to investigate the allegations of the complaint.

Legalink represents that the failure to respond to the complaint was the inappropriate act of an employee who has been since disciplined.

Legalink notes that A.R.S. § 32-4042 allows for the application of reinstatement.

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2) **PENDING COMPLAINTS**

2-B: *Update regarding the status of pending complaints.*

As of October 5, 2017, there is currently one open complaint.

CERTIFIED REPORTER COMPLAINTS
COURTOOLS MEASURE 4
AGE OF PENDING CASELOAD
Shaded Areas Represent Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	0		
5-9	1	100%	100%
10-14	0		
15-19	0		
20-22	0		
23-35			
36-50			
Over 50			
Total	1	100%	100%

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: *Review, discussion and possible action regarding pending initial certification applications for the following applicants:*

The following applicants have applied for initial Court Reporter certification. The applicants successfully passed the court reporter program's examination and have submitted completed applications demonstrating that they meet the minimum education requirements and have provided proof of passing the RPR or the CVR.

The Division recommends approval of initial certified reporter certification for the following applicants:

1. Bryn Dockstader
2. Kelly Rexroat

3. Lisa Steinmeyer applied for initial Court Reporter certification. Ms. Steinmeyer successfully passed the court reporter program's examination and has submitted a completed application demonstrating that she meets the minimum education requirements and has provided proof of passing the RPR or the CVR. Ms. Steinmeyer has notified the Division that she has applied and interviewed for a position with Yavapai County. As such, Ms. Steinmeyer is a candidate for conditional initial certification pursuant to ACJA § 7-206(E)(4).

The Division recommends approval of initial conditional certification for Lisa Steinmeyer.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: *Review, discussion and possible action regarding pending application for renewal of certification for Clark Edwards.*

Clark Edwards has submitted an application for renewal of standard certification. Mr. Edwards failed to disclose a 2016 Class C Misdemeanor conviction that occurred in Salt Lake City, Utah. Mr. Edwards was initially charged for “failure to register or expired vehicle registration infraction.” During the proceedings on two occasions Mr. Clark failed to appear and the charge of “Willfully Failing to Appear” was entered to which he was found guilty and sentenced to a fine of \$300.00. Mr. Edwards stated that he had paid the fine in its entirety. Mr. Edwards further stated, “It was wrong for me not to appear and provide evidence that the car had now been registered and pay the fines resulting from the citation.” I allowed fears of having to pay the fine and other feelings to prevent me from taking care of the matter timely.”

During a subsequent review of Mr. Edwards’ application it was further discovered that he had been charged with a traffic infraction/misdemeanor on December 24, 2015. A plea of no contest was entered by Mr. Edwards and it was dismissed with prejudice in December 8, 2016. What Division finds troubling and of concern is that, in this specific case, Mr. Edwards had also failed to appear. Mr. Edwards was not formally charged for failing to appear in this case but is demonstrating a pattern of non-compliance with court orders.

Staff recommends the renewal of certified reporter certification for Clark Edwards with non-disclosure language and additional cautionary language that emphasizes the importance of complying with court orders.

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5) ADMINISTRATIVE ISSUES

5-A: Review, discussion, and possible action regarding the establishment of the 2018 Board meeting schedule.

The Board of Certified Reporters is asked to consider and approve the 2018 meeting calendar.

Therefore, it is recommended the 2018 meeting calendar be set as follows:

February 1, 2018
April 12, 2018
June 7, 2018
August 9, 2018
October 11, 2018
December 6, 2018