

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF)
JUDICIAL ADMINISTRATION § 7-206:)
COURT REPORTER CERTIFICATION)
)
)
)
)
)
_____)

Administrative Order
No. 2004 - 58
(Affecting Administrative
Order Nos. 2001-38 and
2002-104)

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on June 21, 2004 and having been approved and recommended for adoption,

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

IT IS ORDERED that Arizona Code of Judicial Administration § 7-206 is amended as indicated on the attached document. All other provisions of § 7-206, as originally adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that Arizona Code of Judicial Administration § 7-207 is repealed.

Dated this 21st day of July, 2004.

CHARLES E. JONES
Chief Justice

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

A. Definitions. 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 same as provided by A.R.S. § 32-4002(1), that is:~~ “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 ~~the same as provided by A.R.S. § 32-4002(4), that is:~~ “Certify means “board authorization to engage in activities regulated by the board” AS PROVIDED IN A.R.S. § 32-4002(4).

“Certification” means ~~the same as provided by A.R.S. § 32-4002(2), that is:~~ “Certification” means “a standard certificate that is issued by the board to a person who meets the requirements of sections 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(5)(b) OF THIS SECTION.

“Certified court reporter” means ~~the same as provided by A.R.S. § 32-4002(3), that is:~~ “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” 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.

~~“Days” means the same as provided by Arizona Rules of Civil Procedure, that is: the computation of days is as follows: if “. . . less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation . . .” and if “. . . 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation.”~~

“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 ~~administrative office~~ 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 CODE 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 ~~CODE~~ 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. ~~INCLUDING ANY PENDING INVESTIGATION OR DISCIPLINARY ACTION.~~

“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 ~~CODE~~ 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 ~~administrative~~ director to administer the program.

“Report” means ~~the same as provided by A.R.S. § 32-4002(5), that is:~~ “Report” means “to stenographically 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 ~~Rules of 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 RENEWED PURSUANT TO SEC. 13. LAWS 1999, CHAPTER 335, AND SUBSECTION G(5)(a).

“VALID” MEANS A CERTIFICATE CURRENTLY IN EFFECT, ISSUED AND SIGNED BY THE AUTHORIZED STAFF OR BOARD MEMBER AND NOT SUSPENDED OR REVOKED.

“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. This ~~code~~ 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, CHAPTER 335. 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. A.R.S. § 32-4001 provides: “This chapter does not apply to persons, entities or courts that use nonstenographic means of recording. This chapter does not limit the contempt powers of the court or the authority of the court to discipline court employees.” ~~Reference Code Section ACJA § 7 207: Court Reporter Temporary Certification for provisions regarding temporary certification of court reporters.~~

C. Purpose. A.R.S. § 32-4003(A) provides: “Beginning July 1, 2000, a person shall not engage in the stenographic reporting of proceedings in any court in this state and shall not take 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 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 ~~code~~ section. ~~unless exempt pursuant to subsection E(3)(c) of this code section.~~ The 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 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.

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 administrative 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:

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:
- 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. ROLE AND RESPONSIBILITIES OF THE PROGRAM COORDINATOR. The ~~administrative~~ 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. PURSUANT TO A.R.S. § 32-4004: ~~establishes the board and authorizes the chief justice to appoint members for specified terms~~
 - 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 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 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.

b. DUTIES. A.R.S. § 32-4005(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. ~~Qualifications~~ ELIGIBILITY for Application.

a. A.R.S. § 32-4021(A) provides:

A. An applicant for standard certification . . . 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 reporters in this state
- b. AN APPLICANT SHALL PROVIDE PROOF OF PASSING THE REGISTERED PROFESSIONAL REPORTER’S EXAMINATION (RPR) AND SHALL ALSO PASS THE ARIZONA WRITTEN EXAMINATION PURSUANT TO SUBSECTION E(3)(b).
2. ~~Procedures for~~ Application for Initial STANDARD Certification.
- 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: “. . . the fees established pursuant to section 32-4008.” The program coordinator shall collect in advance the fees specified in the fee schedule. 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 section 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 ~~code~~ section.

3. Examination.

a. Admittance to 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 an 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 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 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 ~~for certification~~ TO TAKE THE ARIZONA WRITTEN TEST based on graduation from a court reporting school pursuant to subsection E(3)(a)(1)(A)(2) ~~of this code section~~ 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.

b. Procedures for Examination.

(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 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), is the approved proficiency examination to meet the MINIMUM proficiency examination requirements of A.R.S. § 32-4022(B)(1).

(3) 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) A.R.S. § 32-4022 provides:

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."

~~e. Exemption from the Proficiency Examination.~~

~~(1) A.R.S. §32-4022(E) provides:~~

~~E. An applicant who has passed a national court reporters association's registered professional reporter examination or a national court reporters association's registered merit reporter examination and the test prescribed by subsection b, paragraph 2 may apply for certification without taking and passing the examination prescribed by subsection b, paragraph 1 if the applicant submits all of the following:~~

~~1. Proof that the applicant currently holds a current national court reporters association's registered professional reporter or registered merit reporter designation.~~

~~2. A copy of the applicant's national court reporters association's registered professional reporter or registered merit reporter certificate.~~

~~(2) Pursuant to A.R.S. § 32-4022(B)(1), an applicant may request and the board may grant, an exemption from the proficiency examination requirements of subsection E(3)(b)(1) of this code section if the applicant:~~

~~(a) Previously passed the RPR or certificate of proficiency examination and holds a valid Arizona temporary certificate at the time of application, or previously passed the RPR or certificate of proficiency examination and can provide documentation, to the satisfaction of the board, of sufficient experience as a court reporter and continuing education credits to maintain proficiency as a court reporter; and~~

~~(b) Meets all other provisions of this code section, including passing the Arizona written test EXAMINATION requirement of subsection E(3)(b)(1) of this code section.~~

4. Decision Regarding Certification.

a. APPROVAL OF INITIAL STANDARD CERTIFICATION. 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 code 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.

c. Denial of INITIAL STANDARD Certification.

(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 ~~code~~ 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 ~~code~~ section, on the decision to deny certification ~~or renewal~~ BY FILING ~~IF~~ A WRITTEN REQUEST ~~is received~~ 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 ~~CODE~~ 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 ~~CODE~~ 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.

1. Code of Conduct. Each certified court reporter shall adhere to the code of conduct incorporated in this ~~code~~ section and adopted by the supreme court, pursuant to this ~~code~~ section and A.R.S. § 32-4005.
2. Identification. A.R.S. § 32-4003(C) provides: "Beginning July 1, 2000, a certified court reporter shall include the title "certified court reporter" 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 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 STENOGRAPHIC 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 ~~in name, or address~~ within 30 THIRTY days after the change occurs." The certificate holder shall ~~send this notice to the program coordinator~~ PROVIDE THIS NOTICE IN WRITING, BY UNITED STATES MAIL, FACSIMILE OR EMAIL, TO THE PROGRAM COORDINATOR.
9. Voluntary RESIGNATION. ~~Surrender.~~ ~~An applicant~~ CERTIFICATE HOLDER may voluntarily ~~surrender~~ RESIGN a certificate; however, this ~~surrender~~ 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 ~~code~~ section. The board shall, within 120 days of the voluntary ~~surrender~~ RESIGNATION of the certification, either INITIATE A DISCIPLINARY ACTION ~~file a notice of hearing regarding a complaint and disciplinary action,~~ or accept the ~~surrender~~ 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 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.

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 ~~certifications~~ 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. The board shall treat any renewal application postmarked after the established deadline as a new application.~~

- 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 and documentation by the renewal application deadline established by the board to remain eligible to serve as a court 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 OF APPENDIX D REGARDING CONTINUING EDUCATION.
 4. ADDITIONAL INFORMATION. The board may, before granting a renewal of certification, require additional information which is reasonably necessary to determine if the applicant continues to meet the qualifications specified in this code section. This may include background information, fingerprinting or a signed affidavit.
 5. TYPES OF CERTIFICATES.
 - a. TEMPORARY CERTIFICATE.
 - (1) PURSUANT TO SEC. 13. LAWS 1999, CHAPTER 335, SECTION 3(B), “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.” ~~In addition to the provisions of subsection E(3)(c)(2) of this code section, and pursuant to A.R.S. § 32-4022(B)(1),~~ An applicant may request and the board may grant RENEWAL OF A TEMPORARY a provisional standard certificate to an applicant 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(5)(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) ~~The applicant:~~ Holds a valid provisional standard certificate;

(i) ~~Holds a valid Arizona temporary certificate or can provide documentation, to the satisfaction of the board, of sufficient experience as a court reporter and continuing education credits to maintain proficiency as a court reporter;~~

(b) ~~(ii)~~ Has passed ONE OR two of the three required SKT components and the WKT test of the RPR examination; and

(c) ~~(iii)~~ Meets all other requirements for RENEWAL certification.

(d) An applicant granted a provisional STANDARD certificate shall take and complete PASS the REMAINING ~~third and final~~ skills component(s) SKT COMPONENTS of the RPR examination BY DECEMBER 31, 2005 AND SHALL PROVIDE DOCUMENTATION TO THE BOARD BY JANUARY 31, 2006. ~~within twelve months OF BEING GRANTED PROVISIONAL —STANDARD CERTIFICATION.~~

(e) The board shall not grant an applicant who does not complete the REMAINING ~~third skills component~~ 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(b)(1)–G(5)(a)(2), E(3)(c)(2) and E(3)(c)(3) of this code section and pursuant to A.R.S. § 32-4022(b)(1)~~, an applicant may request THEIR CERTIFICATE BE RENEWED BY CONVERSION TO A PROVISIONAL STANDARD CERTIFICATE and the board may grant a provisional standard certificate ~~to an applicant~~ if the applicant meets all of the following conditions:

(a) ~~The applicant:~~ 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.

~~(i) has practiced as a court reporter for the three year period immediately preceding application for standard certification;~~

~~(ii) Has passed at least one of the three required skill components (SKT) and the written knowledge (WKT) test of the RPR examination by December 31,~~

2002 and provides documentation of this to the board by January 15, 2003;
and

~~—(iii) Meets all other requirements for certification.~~

~~(b) The applicant shall pass the remaining two skill components (SKT) of the RPR examination by June 30, 2004 and provide documentation of this to the board by the application date established by the board for renewal of certificates expiring on December 31, 2004.~~

~~(e) 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. complete the final skill components (SKT) of the RPR examination AND SHOW PROOF TO THE BOARD by June 30, 2004 JANUARY 31, 2005 any form of standard certification until all requirements are met.~~

~~(3) In addition to the provisions of subsection E(3)(c)(2), E(3)(c)(3) and E(3)(c)(4) of this code section and pursuant to Laws 2000, Chapter 41, Section 13, an applicant may request and the board may grant a provisional temporary certificate, for the period of January 1, 2003 through January 31, 2003, to an applicant if the applicant meets all of the following conditions:~~

~~(a) The applicant:~~

~~(i) Has practiced as a court reporter for the three year period immediately preceding application for standard certification;~~

~~(ii) Cannot provide documentation of passing at least one of the three required skill components and the written knowledge test of the RPR examination for review by the board prior to expiration of the reporter's temporary certificate on December 31, 2002;~~

~~—(iii) Registered and took the November 2002 administration of the RPR examination and can provide satisfactory documentation of this to the board; and~~

~~—(iv) Meets all other requirements for standard certification.~~

~~(b) The applicant shall pass, at a minimum, one of the three skills legs and the written component of the RPR and provide documentation of this to the board by January 15, 2003.~~

~~(c) The board shall not grant an applicant who does not meet the requirements of subsection e(3)(c)5(b) by January 15, 2003 any form of temporary or standard certification until all requirements 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.

6. Decision Regarding Renewal.

- 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 subsection ~~E(3)(e)~~ E(4)(c) of this ~~code~~ section.
- c. The board shall promptly notify qualified applicants IN WRITING of the renewal of their certification~~ion~~E in accordance with this ~~code~~ 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 ~~certification~~, in accordance with this ~~code~~ 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 ~~code~~ section, on the decision to deny renewal ~~if~~ BY FILING a written request ~~is received~~ 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(9) through H(20) and H(23)~~ H(10) THROUGH H(23), H(25) AND H(27) of this ~~code~~ section apply regarding the procedures for the hearing and appeal.

H. Complaints, Investigation, Hearings and Disciplinary Action.

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 ~~code~~ 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. ~~The~~ 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) ~~Willful~~ Violation of or ~~willful~~ noncompliance with applicable laws, ~~or~~ a court order, ~~or~~ an order of the board, or any provision of Arizona Rules of Court or this ~~code~~ section; OR
- (2) Failure to perform any duty to discharge any obligation required by LAW OR this ~~code~~ 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.
 8. The court has ordered treatment for a certified court reporter pursuant to Title 36 or has found a certified court reporter to be incapacitated pursuant to Title 14.
- d. The board shall dispose of a complaint by dismissal or imposition of one or more informal or formal sanctions, as provided by this ~~code~~ section.
- e. The expiration provisions described in subsection G ~~of this code section~~ do not affect the right of the board to investigate and take disciplinary action regarding the certification of a certificate holder if a complaint or investigation is pending prior to the expiration date. Non-renewal of the certification by the certificate holder does not affect this provision.
2. Initial Screening. The board THROUGH THE PROGRAM COORDINATOR shall CONDUCT AN INITIAL SCREENING TO determine if the complaint warrants further

investigation and evaluation. If the board determines the complaint is outside the jurisdiction of Title 32, Chapter 40, Arizona Revised Statutes and this Code section, the board shall dismiss the complaint. The board may refer the complaint to another state agency or entity with jurisdiction, if appropriate.

3. PRELIMINARY INVESTIGATION AND RECOMMENDATION.

- a. Preliminary Investigation. The program coordinator ~~at the direction of the board,~~ shall conduct a prompt, discreet and confidential investigation of the complaint and timely report the findings to the board. THE PROGRAM COORDINATOR, UPON APPROVAL OF THE BOARD, MAY DESIGNATE ONE OR MORE QUALIFIED PERSONS TO SERVE AS INVESTIGATORS TO ASSIST IN THE INVESTIGATION. AN INVESTIGATION IS NOT A PREREQUISITE TO DISCIPLINARY PROCEEDINGS UNDER THIS SECTION IF PROBABLE CAUSE CAN BE DETERMINED WITHOUT AN INVESTIGATION.
- b. ~~Request For~~ Response From Certificate Holder. The board shall ~~deliver~~ SEND the complaint to the certificate holder within a reasonable period of time after commencement of the investigation and shall ~~request~~ REQUIRE the certificate holder TO provide a written response WITHIN 20 DAYS OF RECEIPT OF THE COMPLAINT. The board shall not proceed with disciplinary action under this ~~code~~ section without providing this notice and the opportunity to respond, EXCEPT FOR EMERGENCY SUMMARY SUSPENSIONS PURSUANT TO SUBSECTION H(5). FAILURE BY THE CERTIFICATE HOLDER TO RESPOND SHALL NOT PREVENT THE PROGRAM COORDINATOR FROM PROCEEDING WITH AN INVESTIGATION AND RECOMMENDATION TO THE BOARD.
- c. PREPARATION OF STAFF RECOMMENDATIONS. UPON COMPLETION OF THE PRELIMINARY INVESTIGATION, THE PROGRAM COORDINATOR SHALL PREPARE A WRITTEN SUMMARY OF THE INVESTIGATION RESULTS FOR REVIEW BY THE PROBABLE CAUSE PANELIST. THE SUMMARY SHALL INCLUDE STAFF RECOMMENDATIONS FOR DISPOSITION OF ANY ALLEGED VIOLATIONS.

4. PROBABLE CAUSE REVIEW. Upon completion of the investigation, ~~the board may:~~

- a. THE DEPUTY DIRECTOR, ACTING IN THE CAPACITY OF A PROBABLE CAUSE PANELIST, SHALL REVIEW THE WRITTEN CASE SUMMARY. THE DEPUTY DIRECTOR MAY AGREE OR DISAGREE WITH THE RECOMMENDATIONS CONTAINED IN THE WRITTEN CASE SUMMARY AND MAY DO ONE OR MORE OF THE 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 constitute WARRANT formal charges, and request staff prepare A STATEMENT OF CHARGES AND the notice of right to hearing and proceed as provided in subsection H(9) ~~of this code section.~~
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 ~~code~~ 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 ~~code~~ 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 ~~reasonable~~ PROBABLE cause to believe the certificate holder has committed misconduct under this ~~code~~ section and the complaint is not appropriate for resolution by informal discipline. The board may, upon commencement of formal proceedings, select a ~~presiding~~ hearing officer, pursuant to subsection H(14) of this ~~code~~ 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 ~~code~~ section. This notice shall comply with the provisions of subsection H(16) ~~of this code section~~. 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 ~~presiding~~ hearing officer. At the direction of the board, the board chair or the program coordinator may select a ~~presiding~~ 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 ~~code~~ section, or upon written demand by a person entitled to a hearing, pursuant to this ~~code~~ section. The board may request the ~~presiding~~ judge of the superior court in the county where the alleged violation took place, if applicable, supply the appointed ~~presiding~~ hearing officer, a hearing room and any other necessary resources.
15. Time Line For Hearing. The ~~presiding~~ hearing officer shall ~~HOLD~~ ~~ensure~~ the hearing is ~~held~~ within 45 days of receipt of AN APPLICANT'S OR CERTIFICATE HOLDER'S the REQUEST FOR HEARING, ~~if the request is made by an applicant,~~ unless postponed by mutual consent for good cause. ~~If the request is from the board, the presiding hearing officer shall ensure the hearing is held as soon as practical at the discretion of the presiding hearing officer but no SOONER less than fifteen days after notice, as required by subsection H(12).~~
16. Notice of Hearing. The HEARING OFFICER ~~board~~ 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 ~~code~~ 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 ~~registrant~~ 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 ~~presiding~~ 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 ~~presiding~~ hearing officer may determine the proceeding against the party and admit one or more of the assertions contained in the notice. The ~~presiding~~ hearing officer shall determine ~~that~~ 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 ~~presiding~~ 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 ~~presiding~~ hearing officer, the board and all parties to the proceeding.

18. Discovery.

- a. No discovery is permitted, except as provided in this ~~code~~ section, unless mutually agreed to by the parties or permitted by the ~~presiding~~ hearing officer.
- b. The ~~presiding~~ 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 ~~presiding~~ hearing officer, on the ~~presiding~~ 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 ~~presiding~~ 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 ~~presiding~~ 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.
- c. Subpoenas shall be served as prescribed by the Arizona Rules of Civil Procedure.
- d. The ~~presiding~~ 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 ~~presiding~~ hearing officer may order a pre-hearing conference at the request of any party or on the ~~presiding~~ 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 ~~presiding~~ hearing officer shall preside over the hearing. The ~~presiding~~ 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 ~~presiding~~ 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 ~~code~~ section.
 - (3) All persons appearing before a board or ~~presiding~~ hearing officer in any proceeding shall conform to the conduct expected in the Arizona Superior Court.
- c. Conduct of Hearing.
 - (1) The ~~presiding~~ hearing officer may conduct the hearing in an informal manner and without adherence to the rules of pleading or evidence. The ~~presiding~~ 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 ~~presiding~~ 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 ~~presiding~~ 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 ~~presiding~~ 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 ~~competent~~ 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 ~~presiding~~ 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 ~~presiding~~ hearing officer shall ensure the proceedings are recorded as described in subsection H(21)(d)(1).

22. Recommendations of ~~Presiding~~ Hearing Officer. If applicable, the ~~presiding~~ 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 ~~presiding~~ 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 ~~presiding~~ 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 ~~presiding~~ 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 A 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 ~~presiding~~ 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 ~~an~~ 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 CODE SECTION. ~~in what manner and to what extent the failure~~

~~or violation is found and any sanctions pursuant to this code 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 ~~code~~ 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.

Section 7-206: Court Reporter Standard Certification
Appendix A
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 reporter shall avoid impropriety and the appearance of impropriety in all 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 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 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 reporter shall be alert to situations that are conflicts of interest OR that may give the appearance of a conflict of interest or create an appearance of partiality.
- e. A court 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 ~~impartiality~~ PARTIALITY.
- f. A court reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of court reporting. A court 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.

Standard 2. Professionalism.

- a. A court reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the court reporter by the court or any of the parties in the proceeding.
- b. A court reporter shall be truthful and accurate when advertising or representing the court reporter's qualifications, skills, abilities, or the services provided.
- c. A court reporter shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.

- d. A court 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 REPORTERS, COURT REPORTERS ARE ENCOURAGED TO PROVIDE PRO BONO SERVICES, WHEN REQUESTED THROUGH QUALIFIED LEGAL ASSISTANCE ORGANIZATIONS PROVIDING FREE LEGAL SERVICES TO THE INDIGENT. COURT REPORTERS PROVIDING PRO BONO SERVICES PURSUANT TO THIS SUBSECTION SHALL DISCLOSE THE PRO BONO SERVICE TO ALL PARTIES IN THE CASE.

Standard 3. Fees and Services.

- a. EXCEPT AS PROVIDED IN STANDARD 2(e), a court 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 the same price for a copy of a transcript for like services performed in an action. A COURT REPORTER MAY PROVIDE SERVICES ON A PRO BONO BASIS AS PROVIDED IN THIS SECTION.
- b. A court reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to all parties or their attorneys. A COURT REPORTER SHALL MAINTAIN AN ACCURATE ACCOUNT OF SERVICES RENDERED.
- c. A court 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 court 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 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 reporter shall take full and accurate stenographic notes of any proceeding and shall not wilfully alter the stenographic notes.
- b. A court reporter shall accurately transcribe verbatim any stenographic notes taken at any proceeding and shall not wilfully alter the transcript.
- c. A court reporter shall provide a transcript to a client or court in a timely manner. The court reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A court reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A court reporter shall provide immediate notification of delays.
- d. A court 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 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 reporter shall decline an assignment when the court reporter’s abilities are inadequate.
- f. A court reporter shall prepare the record in accordance with applicable laws, rules or court order.
- g. A court reporter shall preserve the stenographic 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 reporter shall never purport to speak or act for a judge regarding judicial matters.
- c. A court 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 reporter shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.
- b. Contracts covering court reporter services having a fixed period of time, minimum or otherwise, between persons holding certificates under this ~~code~~ 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.
- c. 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 ~~code~~ 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 ~~code~~ 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.

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

Pursuant to A.R.S. § 32-4008, the Arizona 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 reporters.

A. Initial Certification.

- | | |
|---|----------|
| 1. Initial Certification Fee | \$200.00 |
| 2. Fingerprint Processing Fee
(Rate as set by Arizona law and subject to change) | \$ 24.00 |

B. Renewal Certification.

- | | |
|--|----------|
| 1. Annual Certification Renewal Fee
(All certificates expire on December 31st of each year) | \$200.00 |
| 2. INACTIVE FEE | \$100.00 |
| 3. LATE RENEWAL FEE | \$ 50.00 |

C. Examination Fee for the Arizona Written Examination-TEST.

- | | |
|---|--------------------|
| 1. Certified Reporters | \$ 0.00 |
| (No fee is required for reporters who hold a valid Arizona temporary certificate at the time of application for examination.) | |
| 1. Noncertified Reporters APPLICANTS FOR INITIAL CERTIFICATION
(For applicants who do not hold a valid Arizona temporary certificate at the time of application for examination.) | \$ 25.00 |
| 2. Reexaminations
(For any applicant who did not pass the examination on the first attempt. The \$25.00 fee applies to each reexamination.) | \$ 25.00 |
| 3. Reregistration
(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.) | \$ 25.00 |

Section 7-206: Court Reporter Standard Certification
Appendix C
Arizona Transcript Format Guidelines

Transcripts filed by certified court reporters in courts in the State of Arizona shall conform to the following guidelines:

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-hand AND RIGHT-HAND margins OF ~~set at~~ no more than TWO AND ONE-EIGHTHS ~~one and three-quarter~~ inches;
4. ~~Right hand margin set at no more than three-eighths inch;~~
4. ~~5.~~Each question and answer to begin on a separate line;
5. ~~6.~~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. ~~7.~~Carry-over q and a lines to begin at the left-hand margin;
7. ~~8.~~Colloquy material to begin no more than fifteen spaces from the left-hand margin, with carryover colloquy to the left-hand margin;
8. ~~9.~~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. ~~10.~~Parenteticals 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.

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

A. Purpose.

1. Court reporting is integrally related to the prompt, effective and impartial operation of the judicial system. Stenographic reporters are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education (~~CE~~) is one means to ensure a certified reporter maintains continuing competence in the field of court reporting after certification is obtained. It also provides opportunities for court reporters to keep abreast of changes in the court reporting and legal professions and the Arizona judicial system.
2. Pursuant to A.R.S. § 32-4005(B) and SUBSECTION D(5)(b), ~~{Court Reporter Standard Certification,}~~ the board shall make recommendations to the supreme court regarding policies and procedures to implement the provisions of certification of court reporters, including continuing education. These policies are intended to provide direction to certified court reporters to ensure compliance with the statutes regarding continuing education credits, and to provide for equitable application and enforcement of the continuing education requirements.

B. Applicability.

1. Pursuant to A.R.S. § 32-4023(D) and THIS SECTION, ~~the ACJA 7-206(G)(3) {Court Reporter Standard Certification}~~ 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.

C. Responsibilities of Certified Court Reporters.

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.
2. Upon request, each certified court reporter shall provide any additional information required by the board when reviewing CONTINUING EDUCATION applications and

documentation.

3. 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.

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.
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 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, CONTINUING EDUCATION activity shall include one or more of the following subjects:
 - a. English, including grammar and punctuation, vocabulary and etymology, proofreading and editing and regional and minority dialects, colloquialisms and commonly heard slang.
 - b. Medical terminology presented by subject matter experts on terminology and concepts commonly encountered by stenographic 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).
 - c. Legal terminology presented by subject matter experts on terminology and concepts commonly encountered by stenographic reporters including etymology, substantive law, procedural law, various subdivisions of law (for example, criminal, domestic, juvenile, civil, etc.) and how cases are processed and argued.

- d. Other technical subjects presented by subject matter experts with emphasis on terminology and concepts commonly encountered by stenographic reporters (for example, accident reconstruction, chemistry, construction, workman's compensation, products liability, ~~etc.~~).
- 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.
- f. Realtime reporting including writing for realtime, communicating with the hearing impaired, working with an interpreter, Americans with Disabilities Act and realtime certification.
- g. Certification tests, including the Registered Merit Reporter, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Manager of Reporting Services. The board shall grant credit in accordance with the standards established by the NCRA.
- h. Ethics for court reporters and court employees, including cooperation with lawyers, judges and fellow court reporters, professional attire, courtesy and impartiality to all litigants, information vs. legal advice and public relations.
- i. The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, Arizona tribal court system, resource materials including Arizona Revised STATUTES ~~Statutes~~, Arizona Rules of Court, case law and administrative orders and rules; and current issues in the Arizona court system.
- j. Role and responsibilities of the certified court reporter including the ACJA for court reporters.
- 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.
- l. Research skills including utilizing reference materials and libraries and research techniques.
- m. Management issues including public relations and customer service; accounting, 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); ~~and~~
 - 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 ~~for~~ 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.
5. Serving as Faculty. Subject to board review and approval, a certified court reporter may receive CONTINUING EDUCATION credit for serving as faculty, an instructor, speaker or panel member of a board approved CONTINUING EDUCATION seminar directly related to the profession of court reporting. The board MAY ~~will~~ grant CONTINUING EDUCATION credit for the actual presentation time, plus actual preparation time up to two hours for each hour of presentation time. The board MAY ~~will~~ 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. A reporter may receive CONTINUING EDUCATION credit for actual presentation time for duplicate programs presented in subsequent renewals periods; but will not be granted CONTINUING EDUCATION credit for preparation time for those programs.
6. Authoring or Coauthoring Articles. Subject to board review and approval, 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 words in length. A maximum of one hour of CONTINUING EDUCATION credit may be earned for authoring an article or articles in any one renewal period. The board must approve the published article for the author to receive CONTINUING EDUCATION credit. The board shall not grant credit for the same article published in more than one publication or republished in the same publication in later editions.
7. University, College and Other Educational Institution Courses. Subject to board review and approval, a certified court reporter may receive CONTINUING EDUCATION credit for a course provided by a university, college or other educational institution 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 the course for CONTINUING EDUCATION credit upon

documentation from the requesting reporter the course is relevant to the profession of court reporting. Courses approved by the board ~~will~~ MAY be awarded credit by multiplying the number of credit hours awarded by the educational institution by two, however, the maximum total of CONTINUING EDUCATION credits for completion of courses pursuant to this subsection shall not exceed 50 percent of the total number of CONTINUING EDUCATION hours required for the renewal period.

8. Self Study. Subject to board review and approval, a certified court reporter may receive CONTINUING EDUCATION credit for self study, including correspondence courses, procedure manuals, video and audio tapes, on-line computer seminars, POLICE AND FIRE RIDE-ALONGS and other methods of independent learning. The self study SHALL ~~must~~ be from an approved program and written materials SHALL ~~must~~ accompany all self-study activities. The board ~~will~~ SHALL not grant 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 ~~must~~ 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.
9. Mentoring Activities. The board shall not grant credit for mentoring activities.
10. Minimum time. Each CONTINUING EDUCATION activity shall consist of at least 30 minutes of "actual clock time" spent by a registrant in actual attendance at and completion of an approved CONTINUING EDUCATION activity. "Actual clock time" is the total hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the initial 30 minutes of CONTINUING EDUCATION activity, credit ~~may~~ SHALL be given in fifteen minute increments. A reporter may not use additional earned CONTINUING EDUCATION credits for subsequent renewal periods.
11. Maximum Credit. Unless the board has determined the CONTINUING EDUCATION activity is directly related to the court reporting profession, a reporter may not receive more than 50 percent of the credit requirement for the renewal 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.
12. Conferences. Reporters may request CONTINUING EDUCATION credit for attendance at a conference relevant to the profession of court reporting. Subject to board review and

approval, a 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.

13. Proration of CONTINUING EDUCATION. Reporters who are initially certified on or after July 1st of the calendar year shall complete a total of five hours of CONTINUING EDUCATION credit for that first certification period. In subsequent certification periods, the reporter must meet the ten CONTINUING EDUCATION hour requirement. This proration of CONTINUING EDUCATION credits does not apply to reporters who previously held certification, allowed the 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.
14. Repeat of an Activity. 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.
15. Documentation of Attendance or Completion. When attending or completing a CONTINUING EDUCATION activity, each reporter shall obtain documentation of attendance or completion from the sponsoring entity.
 - a. At a minimum, this documentation shall include the:
 - (1) name of the sponsor;
 - (2) name of the participant;
 - (3) topic of the subject matter;
 - (4) number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
 - (5) date and place of the program;
 - (6) signature of the sponsor, or the documentation shall be an official document of the sponsoring entity; for example, a college grade report; official report from NCRA; etc.; 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.
 - c. Reporters requesting CONTINUING EDUCATION credit for self study shall submit

documentation of completion on a form approved and provided by the board.

E. Non-Qualifying Activities.

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

F. Board Decision Regarding Continuing Education Credits.

1. Upon a review of 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.
2. 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. An individual may appeal the board's decision by submitting an appeal, in writing, within fifteen days of notification of the board's decision and may request in the appeal, to appear before the board at a regularly scheduled board meeting.
3. 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. The board shall make the decision on the appeal in writing. The decision is final and binding.

G. Compliance and Non-Compliance.

1. The board may request additional information from an applicant for renewal of certification to verify compliance with the continuing education requirements. If the applicant fails to provide the requested information, the board may automatically deny the CONTINUING EDUCATION credit.
2. Pursuant to ~~the ACJA 7-206~~ SUBSECTION H(1)(c)(1) and (3); a certified court reporter who fails to meet the CONTINUING EDUCATION requirement, falsifies CONTINUING EDUCATION documents, 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. A delinquent CONTINUING EDUCATION compliance fee of \$ 25.00;
 - b. Denial of renewal of certification; or
 - c. Disciplinary action.
3. In addition to the provisions of subsection 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.
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 ~~determined~~ 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.