

Supreme Court Board of Certified Court Reporters

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room CLD1
12:00 p.m. - 1:00 p.m.

February 2, 2005
Telephonic Minutes

Members Present by Phone:

William E. Druke
Sandra Markham
Jennifer Stadler
Jean Lea
Judge Jan Kearney
Kathleen Montalvo

AOC Staff Present:

Rhonda Simmons
Lauren Hargrave
Nancy Swetnam

Members Absent:

James Bouley

Members Present:

Judge Lawrence Winthrop
Patricia Seguin

Guests:

Leslie Foldy

Call to Order

The meeting was called to order by Jennifer Stadler at 12:02 p.m.

Rhonda Simmons welcomed the three newly appointed members of the Board: Judge Lawrence Winthrop, Court of Appeals designee for the Board; Patricia Seguin, Chief Justice designee; Kathleen Montalvo, Public Members. Rhonda Simmons informed the Board Judge Jan Kearney has been reappointed to the Board for a second term.

Jean Lea joined the meeting.

Discussion and Board Recommendation on SB 1311

Rhonda Simmons informed the Board SB 1311 was scheduled to go to the Senate Government Committee for approval tomorrow; however, Rhonda Simmons has been informed the meeting was postponed. The Board discussed SB 1311 to determine their position for formal drafting.

William E. Druke, Nancy Swetnam and Leslie Foldy joined the meeting.

The Board discussed the fact that the Keeping the Record Committee is looking at the same issue and until Keeping the Record has an opportunity to finish its work, there will be many inconsistent provisions. The Committee is trying to have a coordinated approach to the issues brought up in SB 1311. All the provisions being proposed will be effective by the Committee and may ultimately be a duplication of effort.

The Board requested background as to how SB 1311 was started. Nancy Swetnam reported that Joe Notaro, owner of a voice writer school in Arizona, has been attending the Committee meetings and would like to have voice writers certified consistent with the current court reporter certification. Mr. Notaro maintains that voice writers want equal certification with stenographic court reporters; specifically, voice writers would like to be hired by the Superior Court. Mr. Notaro has hired the firm of Lewis and Rocca to lobby his proposal. Ms. Swetnam reported that she was part of a meeting at the legislature and, as drafted, the proposal contains problems which would affect the program and certification. For example, there are changes being proposed regarding the Board makeup, striking the requirement that official court reporters be on the Board. Additionally, there are other statutory changes being proposed, which may have unintended consequences.

The Board discussed the possibility that SB 1311 may be presented as something which will save the courts money and provide a window of opportunity into the new modern age. The Board also discussed whether SB 1311 is premature and not cost effective. The Standards Section of the Keeping of the Records Committee has met multiple times and has reviewed these issues and is continuing to work with the language of SB 1311

The Board discussed waiting until the Committee has finished with its work so there is a reasonable basis for making changes in the proposed statute. However, the Board should be prepared to accept a reasonable alternative.

Meetings for the Committee are projected for the remainder of 2005. Mr. Notaro has been attending and participating in the meetings regularly. The Committee is working on a comprehensive package to present to the legislature after all issues are determined.

Sandra Markham joined the meeting.
Judge Jan Kearney left the meeting.

The Board discussed the effective date of the SB 1311, if passed and timelines. The Board discussed the cost of validating an exam and determined that validation can cost anywhere from \$8,000 to \$20,000.

The Board discussed the definition of voice writing as defined in SB 1311. The Board agreed that, as proposed, the definition would mean anyone could dictate the proceeding into a tape recorder. The Board also discussed technology requirements for voice writers.

Currently Arkansas, Louisiana, Georgia, Michigan, Missouri, and Texas have voice writer certification. It is unknown what they require with regards to proficiency. But, if Texas has a developed proficiency exam which has been independently validated, the Board discussed the possibility of using that exam for certification proficiency. The Board discussed other testing possibilities.

A **motion** was made by William Druke and seconded by Patricia Seguin that staff draft Board Comment recommending the following two positions to the Arizona Judicial Council:

1. The Board would strongly support waiting until the Keeping the Record Committee concludes its work before any legislation is adopted or considered.
2. If the legislature proceeds with the proposed or alternative legislation, that the alternative legislation

be limited to the statute which concerns the certification of court reporters, Chapter 32, and that the proposed changes be modified to allow the Arizona Supreme Court to determine the proficiency test necessary to become a certified voice writer. Additionally, the definition of voice writing should strike the word either, and place a period after the word text.

Motion passed. **BCCR-05-004**

Call to the Public

There was no response.

Adjournment

A **motion** was made by Judge Lawrence Winthrop and duly seconded to adjourn. Motion passed.
BCCR-05-005

The meeting of the Board of Certified Court Reporters adjourned at 12:25 p.m.