

Supreme Court Board of Certified Reporters

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

April 25, 2006

Approved Regular Session Minutes

Members Present:

James Bouley
Jean Lea
Sandra Markham
Patricia Seguin
Jennifer Stadler
Honorable Lawrence Winthrop

AOC Staff Present:

Rhonda Simmons
Nancy Swetnam
Brenda Dominguez
Nina Preston
Kimberly Siddall
Kandace French

Guests:

Joseph Notaro
Michele Balmer
Melinda Vollmer
Doris Zahner
Marilyn Sanchez
Kahryn Nix
Mary Meyer
Linda Hironimus
John Bouley

Members Telephonically Present:

William Druke
Honorable Jan Kearney

Members Absent:

Kathleen Montalvo

CALL TO ORDER

The meeting was called to order by Sandra Markham at 10:02 a.m.

REVIEW AND APPROVAL OF MINUTES

- *Regular Session Minutes of February 13, 2006.*

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to adopt the February 13, 2006 Regular Session minutes. Motion passed. **BCCR-06-055**

- *Executive Session Minutes of February 13, 2006.*

Judge Lawrence Winthrop made a **motion** to adopt the Executive Session Minutes of February 13, 2006 by consensus. **BCCR-06-056**

ADMINISTRATIVE ISSUES

- *Discussion and possible action regarding Board discussion held on April 17, 2001 re: 60% rule.*

The Board discussed whether the 60% rate differential between original and copies of transcripts should apply to only those cases that involve fee agreements or all cases. Program staff will draft proposed language to clarify language in the code that suggests contracts are permitted and report back to the Board at the next meeting. The Board agreed the difference should apply to all cases since fee agreements and contracts are prohibited.

- *Discussion regarding Industrial Commission proceedings and whether a reporter must be certified.*

Program staff requested the matter of whether a reporter must be certified to report Industrial Commission proceedings be deferred to allow more time for research.

A **motion** was made by Patricia Seguin and seconded by Judge Lawrence Winthrop to defer discussion regarding Industrial Commission proceedings and whether a reporter must be certified to allow Program staff to research this matter. Motion passed. **BCCR-06-057**

William Druke joined the meeting telephonically at 10:11 a.m.

Nina Preston and Nancy Swetnam joined the meeting at 10:13 a.m.

CERTIFICATION AND ELIGIBILITY

- *Consideration of requests for continuing education credit.*

Kandace French addressed the Board and provided recommendations and documents regarding the following continuing education requests:

1. “Introduction to Captioning” presented by LegalSpan at various locations and dates – 3 hours requested.
2. “Resolving Your Word Boundary Woes” presented by Deanna Baker at various locations and dates – 3 hours requested.
3. “Article - The Skin” written by JCR – 2 hours requested.
4. “Article - Human Reproduction” written by JCR – 2 hours requested.
5. “Article - In the Beginning” written by JCR – 2 hours requested.
6. “Domestic Violence – Its Affect on the Court” presented by JSEC at various live broadcasts on 3/23/06 – 2 hours requested.

7. "Spanish Immersion Course" presented in Antigua Guatemala from 3/27/2006 through 4/7/2006 – 40 hours requested.
8. "Identity Theft – How Your Computer Puts You at Risk" presented by ASU Downtown in Phoenix, Arizona on 4/19/06 – 1 hour requested.
9. "Strategies for Stroke Prevention" presented by ASU Downtown in Phoenix, Arizona on 4/26/06 – 1 hour requested.
10. "Article – Artistic Endeavors" author Rene Cohen in the JCR magazine – 2 hours requested.
11. "Article – Legal Terminology" author Santo Aurelin in the JCR magazine – 2 hours requested.
12. "Post Traumatic Stress Disorder" presented by Lodestar Family Connection Center in Phoenix, Arizona on 2/23/06 – 2 hours requested.
13. "The Courts and Community: Separate Branches, Balanced Power" presented by ASU Downtown in Phoenix, Arizona on 5/3/06 – 1 hour requested.
14. "Heartland Security: Strategies for Protecting your Heart Against Heart Disease" presented by ASU Downtown in Phoenix, Arizona on 5/4/06 – 1 hour requested.
15. "Be Sensational" presented by ASU Downtown in Phoenix, Arizona on 5/9/06 – 1 hour requested.
16. "Demystifying the Courts: An Overview of the Various Courts and their Unique Functions" presented by ASU Downtown in Phoenix, Arizona on 5/10/06 – 1 hour requested.
17. "Babyhood: The First Year of Life" presented by ASU Downtown in Phoenix, Arizona on 5/11/06 – 1 hour requested.
18. "Specialty Courts: A Look at the Courts; Innovation in Meeting Community Needs" presented by ASU Downtown in Phoenix, Arizona on 5/17/06 – 1 hour requested.
19. "What Do You Mean By That?! Communication Tips, Tools and Techniques for Avoiding Conflict" presented by ASU Downtown in Phoenix, Arizona on 5/18/06 – 1 hour requested.
20. "A Court Services to the Community; Community Service to the Court" presented by ASU Downtown in Phoenix, Arizona on 5/24/06 – 1 hour requested.

A **motion** was made by Judge Lawrence Winthrop and seconded by Jennifer Stadler to approve continuing education credit numbers 1 and 2 as requested; approve numbers 3, 4 and 5 for self study up to 5 hours; approve number 7 for 5 hours; deny numbers 14, 15 and 17 as they do not relate to the practice of reporting; and approve numbers 6, 8, 9, 10, 11, 12, 13, 16, 18, 19 and 20 as requested. Motion passed. **BCCR-06-058**

ADMINISTRATIVE ISSUES (revisit)

- *Review and discussion of proposed revisions of ACJA § 7-206 and § 7-201 and public comment received.*

Nancy Swetnam informed the Board the public comment period has closed and Board will need to make a formal motion regarding § 7-206 and § 7-201 at the May 8, 2006 meeting.

Judge Jan Kearney discussed how many times an individual can take the written exam and if they are limited by § 7-201. Program staff informed the Board § 7-206 allows for unlimited testing with respect to the written exam and prevails over § 7-201.

The Board discussed whether a dismissed complaint is confidential or open to the public. The various options were discussed and the Board agreed a final recommendation needs to be made at the May 8th meeting.

- *Discussion regarding the status of hearings with respect to scheduling.*

Nancy Swetnam informed the Board only one assistant attorney general is assigned to handle certified reporter hearings. Program staff is currently working with the Attorney General's office to set up the hearings as soon as possible.

Judge Lawrence Winthrop left the meeting at 11:30 a.m.

Linda Drake, National Verbatim Reporters Association ("NVRA"), joined the meeting telephonically at 11:30 a.m.

- *Discussion and possible action regarding the National Voice Writers examination, validation and determination of the proficiency exam for certification.*

The Board discussed the NVRA validation report and other material provided. It was discussed whether or not the difficulty level of the NVRA examination is equivalent to the difficulty level of the Registered Professional Reporter ("RPR") examination in fairness to the reporters.

Marilyn Sanchez, National Court Reporters Association, addressed the Board and gave background information on the validation of the RPR. Doris Zahner, PES, addressed the

Board and provided information regarding the job analysis with respect to validation of the RPR examination.

The Board discussed the syllabic density for the voice writer exam versus the syllabic density on the RPR. The Board agreed further analysis is required and requested Program staff provide a recommendation at the next meeting.

Nina Preston was asked by the Board to give an interpretation of A.R.S. § 32-4022 (B)(1) at the next meeting. A.R.S. § 32-4022 (B)(1) covers the examination for certification of reporters.

BREAK – 12:51 p.m.

Nancy Swetnam and Linda Drake left the meeting at 12:51 p.m.

RETURN FROM BREAK – 1:19 p.m.

- *Discussion and possible action regarding proposed consent agreement for Kate Baumgarth.*

The Board discussed the draft Consent Agreement for Kate Baumgarth and agreed to defer action on her application for renewal of Provisional Standard Certification until July 15, 2006.

A **motion** was made by William Druke and seconded by James Bouley to accept the Consent Agreement for Kate Baumgarth. Motion passed. **BCCR-06-059**

CERTIFICATION AND ELIGIBILITY

- *Request for Withdrawal of Request for Hearing from Mary Manning.*

The Board was informed Mary Manning submitted a withdrawal of request for hearing. Ms. Manning has passed all components of the RPR and her certification has been converted to Standard Certification.

A **motion** was made by James Bouley and seconded by Jean Lea to accept Mary Manning's withdrawal of request for a hearing. Motion passed. **BCCR-06-060**

- *Discussion and possible action regarding a request made by Certified Reporter, Royce Conner.*

The Board discussed Royce Conner's request for his Provisional Standard Certification to be converted to Standard Certification due to a medical condition.

A **motion** was made by Patricia Seguin and seconded by James Bouley to deny Royce Conner's request that his Provisional Standard Certification be converted to Standard Certification due to lack of authority by the Board to grant Mr. Conner's request. Motion passed. **BCCR-06-061**

Judge Jan Kearney left the meeting at 1:32 p.m.

- *Discussion and action regarding a request made by John Bouley with respect to using the RPR as the proficiency exam.*

John Bouley addressed the Board regarding his request to use variations of the RPR as the proficiency exam. Mr. Bouley presented the following proposals (1) an individual passes two out of the three components of the RPR and the written examination then they would be granted Standard Certification or (2) an individual remains on Provisional Standard Certification until they have passed all three components and the written examination.

A **motion** was made by Jennifer Stadler and seconded by Patricia Seguin to defer John Bouley's request with respect to using variations of the RPR as the proficiency exam until the May 8, 2006 Board meeting. Motion passed. James Bouldey recused. **BCCR-06-062**

REVIEW OF CERTIFICATION APPLICATIONS

- *Applicants for Initial Standard Certification.*
~ Richard Lenzi

Kimberly Siddall recommended the Board grant Initial Standard Certification to Richard Lenzi.

A **motion** was made by Patricia Seguin and seconded by Jean Lea to grant Initial Standard Certification to Richard Lenzi. Motion passed. **BCCR-06-063**

CALL TO THE PUBLIC

Melinda Vollmer addressed the Board regarding the extension of Provisional Standard Certificates. Ms. Vollmer stated reporters are overworked and stressed, and the loss of any of these reporters would be critical to some courts, especially those in rural areas where the loss of just one reporter would be devastating.

Joe Notaro addressed the Board regarding how the Sign Language Board has various levels of qualifications for interpreters based on their education. Mr. Notaro suggested the Board may want to look at restricting a reporter to only a certain focus of work depending on the number of legs the reporter has passed.

Mary Meyer addressed the Board and suggested each request for Provisional Standard Certification be based on their specific circumstances.

EXECUTIVE SESSION – 1:47 p.m.

A **motion** was made by Jean Lea and seconded by Patricia Seguin to go into Executive Session for advice from legal counsel. Motion passed. **BCCR-06-064**

Patricia Seguin left the meeting at 2:02 p.m. and called in telephonically at 2:05 p.m.

EXECUTIVE SESSION ENDED – 2:05 p.m.

REVIEW AND APPROVAL OF MINUTES

- *Executive Session Minutes of February 13, 2006.*

Judge Duke recommended changes to the Executive Session Minutes for February 13, 2006.

A **motion** was made by William Duke and seconded by James Bouley to adopt the amended February 13, 2006 Executive Session minutes. Motion passed. **BCCR-06-065**

CERTIFICATION AND ELIGIBILITY (revisited)

- *Discussion and action regarding the Hearing Officer's Report and Recommendation with respect to Maria Geare.*

Rhonda Simmons informed the Board Maria Geare has passed another component of the RPR. The Board discussed the Hearing Officer's report and recommendation and noted the Hearing Officer did not find extenuating circumstances exist.

A **motion** was made by Jennifer Stadler and seconded by Jean Lea to defer consideration of Maria Geare's certification until the May 8, 2006 Board meeting and to request Program staff to investigate and verify Ms. Geare has passed another component of the RPR. Motion passed. **BCCR-06-066**

REVIEW OF PENDING COMPLAINTS

- *Review and discussion of complaints: 04-C010, 04-C011, 04-C012, 04-C013, 05-C002, 05-C010.*

The Board reviewed the case summaries with respect to complaint numbers 04-C010, 04-C011, 04-C012, 04-C013, 05-C002, 05-C010.

A **motion** was made by William Druke and seconded by Jean Lea to dismiss complaint number 05-C010 for lack of probable cause. Motion passed. **BCCR-06-67**

A **motion** was made by Jennifer Stadler and seconded by William Druke to dismiss complaint number 04-C011 for lack of probable cause. Motion passed. **BCCR-06-68**

A **motion** was made by Jennifer Stadler and seconded by William Druke to dismiss complaint number 04-C012 for lack of probable cause. Motion passed. **BCCR-06-69**

A **motion** was made by Jennifer Stadler and seconded by Jean Lea to dismiss complaint number 04-C013 for lack of probable cause. Motion passed. **BCCR-06-70**

A **motion** was made by William Druke and seconded by Jean Lea to dismiss complaint number 05-C002 for lack of probable cause. Motion passed. **BCCR-06-71**

A **motion** was made by William Druke and seconded by Jennifer Stadler to dismiss complaint number 04-C010 for lack of probable cause. Motion passed. **BCCR-06-72**

ADMINISTRATIVE ISSUES (revisited)

- *Review and discussion of proposed revisions of ACJA § 7-206 and § 7-201 and public comment received (revisited).*

Williams Druke and Patricia Seguin left the meeting telephonically at 2:16 p.m.

Rhonda Simmons informed the Board of suggested revisions regarding § 7-206. The Board will need to make formal recommendations at the May 8th meeting.

ADJOURNMENT

Meeting adjourned at 2:30 p.m.