

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.

May 27, 2004
Approved Minutes

Members Present By Phone:

Sandra Markham
James Bouley
Judge Jan Kearney
Jennifer Stadler
William Duke

AOC Staff Present:

Rhonda Simmons
Lauren Hargrave
Nina Preston
Nancy Swetnam

Members Absent:

Jean Lea
Sylvia Brandfon
Judge Philip Hall

Members Present:

Douglas Brooks

Call to Order

The meeting was called to order by Sandra Markham at 12:15 p.m.

Topics for Discussion and Possible Code Revisions

Public Comment/Code Revision

Rhonda Simmons introduced public comment regarding the proposed Code revisions. Ms. Simmons received correspondence from Adam Gage regarding grandfathering. The Board discussed the history behind the reasons for not allowing grandfathering. Nancy Swetnam explained the Justices were adamant that grandfathering would not be acceptable to insure a level competency. The Board agreed individuals who are requesting the Board considering allowing grandfathering should be informed the issue has been introduced to the court in the past and has been rejected.

Ms. Simmons received correspondence from Mary Meyer supporting the proposed Code revisions.

Barbara Shepherd sent Ms. Simmons correspondence with recommendations of grandfathering. Additionally, Ms. Shepherd proposed allowing certification to continue if the certificate holder has not passed the RPR if they provide the Board with written recommendations from two superior court judges. Ms. Shepherd also suggested the Board consider allowing reporters who continue to take the RPR the ability to request indefinite one-year extensions. The Board discussed Ms. Shepherd's correspondence and agreed that is another way to grandfather court reporters, which has been discussed and rejected in the past.

W. Bert Lundy submitted comment requesting the Board consider grandfathering.

Joyce Shipp submitted comment requesting the Board consider grandfathering.

Josie Roper submitted comment opposing the revision that allows court reporters with Provisional Standard Certification another year to pass the RPR. The Board discussed Ms. Roper's comments regarding uncertified individuals recording and Ms. Simmons reported the program investigates reported matters and will continue to do so if specific individuals are brought to the program's attention.

David Lundy submitted comment regarding "Use of Designation" stating it may be unnecessary to authorize the use of designation and then to require use of designation. The Board discussed this issue and agreed the two sections referred to in his public comment are different and it should remain unchanged. Mr. Lundy also had concerns regarding the pro bono section of the Code. The Board discussed whether official court reporters should be permitted to provide pro bono services. The Board discussed the appearance of impropriety with regards to pro bono if the other party involved is unaware. The Board agreed official court reporters may provide pro bono services if the pro bono services are requested through a qualified legal assistance organization providing free legal services to the indigent as provided in the revision. The Board agreed the Code should read as follows:

Standard 2(e) written: COURT REPORTERS PROVIDING PRO BONO SERVICES PURSUANT TO THIS SUBSECTION SHALL DISCLOSE THE PRO BONO SERVICE TO ALL PARTIES IN THE CASE.

Standard 3(f) to be changed to 3(a) and written: 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.

G.M. Byrnes submitted comment requesting the Board consider grandfathering.

Leslie Baird submitted public comment opposing extending the Provisional Standard Certification deadline.

Michael Jarvis submitted comment requesting the Board clarify the contracting language of the Code. Mr. Jarvis stated the provisions, as written, are not clear as to what may be a violation of the contracting provision. The Board discussed Mr. Jarvis's comments and agreed the Code should read as follows:

Standard 6(f) written: 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.

Additionally, the Board made the following changes to the proposed Code changes:

Page 1: Definition of CERTIFICATE HOLDER should be changed to a definition of CERTIFICATE only.

Page 4: TO STANDARD, PROVISIONAL AND TEMPORARY CERTIFICATES PURSUANT TO SEC. 13. LAWS 1999, CHAPTER 335.

Page 21: 5(a)(3) is removed in its entirety.

A **motion** was made by William Druke and seconded by Douglas Brooks to approve the Draft Code Section as discussed and adopted during the meeting and submit the amended Draft Code Section to AJC. **BCCR-04-055**

Call to the Public

There was no response from the public.

Adjournment

A **motion** was made by Jennifer Stadler and seconded by Judge Jan Kearney to adjourn. Motion passed. **BCCR-04-056**

The meeting of the Board of Certified Court Reporters adjourned at 1:22 p.m.