

Supreme Court Board of Certified Reporters

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room 119
10:00 a.m. - 2:00 p.m.

August 14, 2006

Approved Regular Session Minutes

Members Present:

Kathleen Montalvo
Jennifer Stadler
Judge Lawrence Winthrop
Judge Jan Kearney

AOC Staff Present:

Rhonda Simmons
Nina Preston
Kandace French
Kim Siddall
Dara Fonseth
Linda Ferelli
Members Absent:
James Bouley
Jean Lea

Guests:

John Bouley
Lydia Elias
Donald Newcomer
Linda Hironimus

Members Telephonically Present:

William Druke
Sandra Markham
Patricia Seguin

Guests Telephonically Present:

CALL TO ORDER

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

1) REVIEW AND APPROVAL OF MEETING MINUTES

1-A Regular and Executive Session Minutes for the meeting of June 5, 2006.

Judge Jan Kearney requested on the June 5, 2006, minutes, page 3 of 5, the very first motion where it reads “due to,” should be changed to “because” for readability purposes.

William Druke made a recommendation that on page 4 of 5 of the June 5, 2006, minutes CVR should be spelled out initially and then shown in parenthesis, i.e., Certified Verbatim Reporter. (CVR). On the same page, under 2-A, second sentence, “Staff recommended this “drafted” should be “draft.” And at the end of the motion,forwarded to the Arizona Judicial Council for recommendation to the “Chief Justice,” should be “Supreme Court.”

Judge Kearney suggested changing language on Page 5 where it states in the last sentence of motion BCCR-06-099, “Judge Jan Kearney opposed as reason previously stated.” Should be changed to read, “Judge Jan Kearney opposed for reasons stated in detail in a previous meeting.”

A **motion** was made by William Druke and seconded by Judge Kearney to approve as amended the Regular Session Minutes for June 5, 2006. Motion passed. **BCCR-06-106.**

1-B Regular and Executive Session Minutes for the meeting of July 10, 2006.

A **motion** was made by Judge Winthrop and seconded by Judge Kearney to adopt the Regular Session Minutes for July 10, 2006. Motion passed. **BCCR-06-107.**

A **motion** was made by Jennifer Stadler and seconded by Kathleen Montalvo to adopt the July 10, 2006, Executive Session Minutes. Motion passed. **BCCR-06-108.**

2) ADMINISTRATIVE ISSUES

2-A Update regarding proposed revisions of ACJA 7-206 and the recommendations of the Arizona Judicial Council including an update of the current status of §7-201.

Rhonda Simmons informed the Board the Arizona Judicial Council did not recommend the approval of extended provisional standard certificates. Rhonda Simmons also informed the Board that the Arizona Judicial Council recommended that a reporter could provide additional copies of transcripts to parties at reduced rates only after an initial copy is purchased at the original copy rate provided to all parties ordering copies.

John Bouley addressed the board with his remarks stating his disappointment in the Arizona Judicial Council's recommendations with respect to provisional standard certification.

Nina Preston, legal counsel, advised the board that the review of §7-201 involves an extensive review and is then presented in a memorandum to the Chief Justice.

3) CERTIFICATION AND ELIGIBILITY

3-A Discussion and possible action regarding request of Sandra Brice

Rhonda Simmons informed the Board that it previously approved Sandra Brice's temporary certificate through July 10, 2006 and on July 11, 2006, Ms. Brice requested an extension of her temporary certification and then again on July 14, 2006 after her certification had lapsed.

Judge Kearney suggested the Board address the Hearing Officer's Report and Recommendation with respect to Lydia Elias prior to discussing Ms. Brice's request.

Lydia Elias addressed the Board stating she has documentation that she has taken all administrations of the RPR which is contrary to the Hearing Officer's Report and Recommendation.

John Bouley addressed the Board stating he believes Ms. Elias is a competent court reporter.

Linda Hironimus addressed the Board stating she was disappointed in the Arizona Judicial Council.

A **motion** was made by William Druke and seconded by Judge Kearney to go into Executive Session. Motion passed. **BCCR-06-109.**

EXECUTIVE SESSION STARTED– 11:05a.m.

EXECUTIVE SESSION ENDED – 11:25 a.m.

Rhonda Simmons informed the Board Ms. Brice was notified in January that her certificate was good through July 10, 2006. Sandy Markham asked if Ms. Brice had sent any documentation since January, and Rhonda responded that Ms. Brice did not.

A **motion** was made by Judge Winthrop and seconded by William Druke to deny herms. Brice's request because she has not presented any evidence demonstrating extenuating circumstances and secondly because her request was untimely. Motion passed. **BCCR-06-110.**

3-B Discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Lydia Elias.

A **motion** was made by Judge Kearney, and seconded by Judge Winthrop, that the Board take this matter under advisement and that the legal advisor be requested to draft a proposed decision to the Board consistent with the Board's discussion in Executive Session for review by the Board and further discussion at the October meeting. Motion passed. **BCCR-06-111.**

Judge Winthrop asked staff to investigate whether Ms. Elias' exam results from all RPR administrations were in the certification file to determine whether that finding of fact by the hearing officer was accurate. Judge Winthrop also stated that reporters may wish to pursue the introduction of an alternative demonstration of proficiency to the supreme court for approval.

3-C Review of pending requests for continuing education credit approval.

Kandance French discussed the packet on continuing education that was recommended to the Board, items 1-16. She then passed out two additional items (17 and 18) to be considered.

A **motion** was made by Judge Winthrop, and seconded by Judge Kearney to approve the continuing education requests as recommended with the exceptions of No. 4, because it does not apply under the current policy, No. 16, because it is requesting

approval in advance without seeing a description of the course. Motion passed. **BCCR-06-112.**

A **motion** was made by Judge Winthrop, and seconded by Jennifer Stadler, to adopt the Executive Session minutes of June 5, 2006. Motion passed. **BCCR-06-113.**

4) REVIEW OF PENDING COMPLAINTS

4-A Review and discussion of complaints: 05-C011 and 05-C012.

A **motion** was made by William Druke and seconded by Judge Kearney, to dismiss both complaints for lack of probable cause. Motion passed. **BCCR-06-114.**

5) REVIEW OF CERTIFICATION APPLICATIONS

5-A Applicants for Initial Standard Certification – Haley Westra

The Board was informed by Kimberly Siddall that Ms. Westra has passed the Arizona Written exam, the RPR and meets all other qualifications for certification including the fingerprint background check. Ms. Siddall recommended Ms. Westra be granted standard certification.

A **motion** was made by Judge Kearney and seconded by Kathleen Montalvo to grant standard certification to Haley Westra based on her having passed the RPR, the Arizona Written exam and meeting all other qualifications for standard certification including the fingerprint background check. Motion passed. **BCCR-06-115.**

5-B Applicant for Fingerprint Conversion – Amy Blosser

Ms. Siddall informed the Board Ms. Blosser's fingerprints have been unreadable. Ms. Blosser has cooperated with the program in providing additional sets of fingerprints, but neither set has been readable. Ms. Blosser has signed the 5.9.3 Written Statement indicating she has disclosed everything to the Board on her application. Ms. Siddall recommended the Board convert Ms. Blosser's provisional standard certification to standard certification.

A **motion** was made by William Druke and seconded by Jennifer Stadler to convert Ms. Blosser's provisional standard certification to standard certification. Motion passed. **BCCR-06-116.**

CALL TO THE PUBLIC

Lydia Elias provided documentation to Ms. Simmons during the meeting indicating she has taken all RPR administrations afforded to her.

Linda Hironimus questioned why transcriptionists are not required to be certified.

John Bouley addressed the Board with respect to electronic recording of proceedings stating court reporters introduced realtime technology and are not fighting technology in the courtrooms. Mr. Bouley stated he believes many people are not satisfied with an electronic record.

ADJOURNMENT

A **motion** was made by Judge Lawrence Winthrop and seconded by Judge Jan Kearney to adjourn. Motion passed. **BCCR-06-117.**

The meeting of the Board of Certified Reporters adjourned at 11:40 p.m.

/lkf