

# Supreme Court Board of Certified Court Reporters

Arizona State Courts Building  
1501 West Washington, Phoenix, AZ 85007  
Conference Room CLD1  
10:00 a.m. - 2:30 p.m.

**June 6, 2005**

## Approved Regular Session Minutes

### Members Present:

Judge Lawrence Winthrop  
Judge Jan Kearney  
Kathleen Montalvo  
Jennifer Stadler  
Jean Lea  
Patricia Seguin

### AOC Staff Present:

Rhonda Simmons  
Nancy Swetnam  
Brenda Lee Dominguez  
Nina Preston

### Members Absent:

William E. Druke

### Members Present by Phone:

James Bouley  
Sandra Markham

### Guests:

Jennifer Greene  
Leslie Foldy  
Greg Harris  
Joe Notaro  
Jim Bonley

### Call to Order

The meeting was called to order by Jennifer Stadler at 10:05 a.m.

### Review and Approval of Meeting Minutes

*Regular session minutes of April 11, 2005, and May 9, 2005.*

Judge Lawrence Winthrop requested a correction be made on April 11, 2005 session minutes on page 4 under Consideration of Temporary Extensions. In line 3 the word “physician” should be changed to read “licensed health care provider or counseling professional”.

A **motion** was made by Judge Lawrence Winthrop and second by Kathleen Montalvo to approve the April 11, 2005 minutes as amended. Motion passed. **BCCR-05-050**

A **motion** was made by Judge Lawrence Winthrop and seconded by Kathleen Montalvo to approve the May 9, 2005 minutes. Motion passed. **BCCR-05-051**

## **Recommendations and Board Action**

### *Application for Initial Certification*

The following court reporter requested she be granted Provisional Standard Certification based on staff awaiting the FBI results of her fingerprints. Rhonda Simmons informed the Board the court reporter listed below has passed the Arizona written exam and meets all qualifications for certification, but because the FBI results have not been processed and returned to the Program, she should be granted Provisional Standard Certification at this time.

Christine Sanzone

A **motion** was made by Jean Lea and seconded by Judge Lawrence Winthrop to grant Provisional Standard Certification to the reporter listed above based on all documents provided and because FBI results have not been processed and returned for her. Motion passed. **BCCR-05-052**

Rhonda Simmons reported the following reporters requested they be granted Standard Certification. Leslie Baird was certified through December 31 of last year and she did allow her certification to lapse. Rhonda Simmons informed the Board when Ms. Baird applied for certification this time she did provide 10 hours of continuing education from last year. Rhonda Simmons informed the Board Ms. Baird had not been working as a reporter while she was not certified. Rhonda Simmons informed the Board Kathleen Gilmore's fingerprints have been received by the Program.

Leslie Baird  
Kathleen Gilmore

A **motion** was made by Judge Lawrence Winthrop and seconded by Jean Lea to grant Standard Certification to the reporters listed above based on all documentation provided showing they meet all qualifications for certification. Motion Passed. **BCCR-05-053**

### *Applicants for Conversion*

Rhonda Simmons reported the following reporters requested their certificates be converted from Provisional Standard Certification to Standard Certification based on the Program receiving their fingerprint results with no questions.

Renea Bixby  
Kathryn Lorenz

A **motion** was made by Jean Lea and seconded by Judge Lawrence Winthrop to grant Standard Certification to the reporters listed above based on the Program

receiving their fingerprint results with no questions. Motion Passed. **BCCR-05-054**

### **Continuing Education Issues**

Rhonda Simmons informed the Board Paul Grossman is requesting continuing education credit for teaching the class entitled Demystifying Real-Time Reporting. Rhonda Simmons informed the Board the class is based on setting up equipment and software for real-time reporting and troubleshooting on the job. Rhonda Simmons informed the Board that according to the Code Book we can approve this class for up to two hours for every hour of presentation, but with a limit of 5 hours for faculty. Attendees would receive two hours credit for attending this class based on the class being two hours long.

A **motion** was made by Jean Lea and seconded by Patricia Seguin to grant five hours of continuing education credit to Paul Grossman for teaching Demystifying Real-Time Reporting and two continuing education credits for reporters who attend the class. Motion Passed. **BCCR-05-055**

Jim Bouley excused himself from meeting.

### **Executive Session**

A **motion** was made by Jean Lea and seconded by Judge Lawrence Winthrop to go into Executive Session. Motion Passed. **BCCR-05-056**

### **Executive Session ended**

A **motion** was made by Jean Lea and seconded by Judge Lawrence Winthrop to approve the Executive Session Minutes of April 11, 2005. Motion passed. **BCCR-05-057**

### **Request for Extension**

(During Executive Session, the Board reviewed the confidential records of Reporter #3.)

The Board tabled the discussion on Reporter #3 in order to wait for a response from a message left by program staff.

### **Consideration of Complaints**

(During Executive Session, the Board reviewed the confidential records of reporters who have complaints filed against them.)

A **motion** was made by Jean Lea and seconded by Patricia Seguin regarding that no further investigation is necessary regarding Reporter #12, as identified in Executive Session. Motion passed. **BCCR-05-058**

A **motion** was made by Jean Lea and seconded by Patricia Seguin to issue a Cease and Desist Order to Reporter #13, as identified in Executive Session. Motion passed. **BCCR-05-059**

A **motion** was made by Judge Lawrence Winthrop and seconded by Judge Jan Kearney to issue an advisory letter to Reporter #14 as discussed and identified in Executive Session. Motion passed. **BCCR-05-060**

A **motion** was made by Patricia Seguin and seconded by Judge Jan Kearney to issue a letter regarding proper response procedures to Reporter #15 as identified in Executive Session. Motion passed. **BCCR-05-061**

A **motion** was made by Jean Lea and seconded by Judge Jan Kearney to deviate from the printed agenda per Arizona Code of Judicial Administration § 1-202. Motion passed. **BCCR-05-062**

A **motion** was made by Patricia Seguin and seconded by Kathleen Montalvo to grant an extension of time for Program staff to submit Formal Statement of Charges to Reporter #16 and to appoint a hearing officer in the event Reporter #16 requests a hearing. Motion passed. **BCCR-05-063**

### **Topics for Discussion and Board Action**

#### *Notice of Completion/Probation Termination for Pamela Lohr*

Rhonda Simmons informed the Board Pamela Lohr has complied with all of the terms of her probation as outlined in the Consent Agreement entered into by the Board and Ms. Lohr to include serving a minimum of 5 months of probation, additional continuing education, payment of fines and costs and submitting transcripts. Rhonda Simmons requested the probation provision be lifted and the complaint be administratively closed.

A **motion** was made by Judge Jan Kearney and seconded by Patricia Seguin to terminate probation and close the complaint on Pamela Lohr. Motion passed. **BCCR-05-064**

### **Topics for Discussion and Possible Code Revisions**

#### *State of Arizona Manual of Transcript Procedures – Jennifer Greene*

The Board discussed the State of Arizona Manual of Transcript Procedures as provided by Jennifer Greene for review. The Board agreed to review the manual and present suggestions at the August Board meeting. Jennifer Greene informed the Board the Keeping the Record Committee hopes to submit a final report to the Arizona Judicial Council in December.

Sandra Markham appeared by phone 11:45 a.m.

*Senate Bill 1311 (Letter from Gregory Harris)*

The Board discussed the Timeline for Implementation of SB1311, Chapter 107: Voice Writers. The Board agreed the Arizona Judicial Council should review proposed changes to the code by December 2005. Still in question is what examination will be considered the efficiency exam for voice writers. NVRA is currently in the process of validating their examination. The Board was informed by Joe Notaro the validation process could take up to nine months. Rhonda Simmons requested the Board approve a letter to NCRA requesting voice writers be allowed to take the RPR.

Greg Harris, attorney for Joe Notaro, reported the validation study will produce a report using the accepted principles for exam validation. The Board would be required to determine whether the report meets their expected criteria to become the certification exam. The Board agreed both knowledge and skills need to be validated.

Joe Notaro (heads up the voice writing school in Phoenix) reported that he will provide all documents that the Board requests. Currently, testing for voice writers is done 4 to 5 times a year. This will be changed to twice a year due to the high cost of testing. A private testing firm is handling the administering of the tests. Rhonda Simmons reminded the Board that the nine months for the validation process means the validation process would not be completed prior to when the Board wanted to send changes to the AJC in December 2005.

Jean Lea stated it is her understanding that upon a request from this Board that the NCRA will allow the voice writers to take the RPR. Jean Lea inquired whether Joe Notaro would be willing to accept the RPR as the proficiency examination for voice writers since this is the current standard of the Board to which all reporters so far have been held to. Joe Notaro stated the exam needed to be administered in a voice writer's application and would only be acceptable to him until the NVRA examination is validated. Mr. Notaro informed the Board that NCRA has declined voice writers taking the RPR on two separate occasions in the past. Nina Preston informed that the Board is required to make the recommendation regarding what examination will be the acceptable proficiency exam.

Nancy Swetnam stated that there are steps that have to be taken for a validation; the reality is that the voice writer validation study is not going to be ready for 9 months. We need to build the timeframe here to insure that we can meet the requirement that the voice writers can be certified by January 1, 2007. Nancy Swetnam recommended the Board move forward with making the request to NCRA that voice writers be allowed to take the RPR.

The timeline provided indicates the latest time the Board can recommend changes to the code would be in December 2005 in order for voice writers to have adequate opportunity

to take the May 2006 RPR, which is the last RPR they can take in order to hold certification by January 1, 2007.

Gregg Harris stated they will move ahead with validating the NVRA test and present the findings to the Board when completed.

A **motion** was made by Sandra Markham and seconded by Judge Lawrence Winthrop that a request be made to the NCRA allowing voice writers to take the RPR exam. Motion passed. **BCCR-05-065**

Nancy Swetnam stated if approval is given for voice writers to take the RPR test, that should be incorporated into the recommended code changes at the August Board meeting and processed as soon as possible.

Joe Notaro and Greg Harris left the meeting.

12:05 Jean Lea left the meeting.

## **Program Update**

### *Keeping the Record Committee*

Rhonda Simmons stated the Standards workgroup has hit an iceberg and has been working around that to fix what needs to be fixed legally. The Statutes workgroup is continuing to work on rules and updates that need to be done.

### *Complaints*

Rhonda Simmons reported the Program received 3 complaints in May for a total of 22 open complaints. Rhonda Simmons informed the Board all complaints are now within compliance regarding the 22-month timeline. Rhonda Simmons informed the Board the Program has received more complaints so far in 2005 than in all of the complaints received in 2004.

Judge Jan Kearney left the meeting.

## **Executive Session**

A **motion** was made by Patricia Seguin and seconded by Judge Lawrence Winthrop to go into Executive Session. Motion passed. **BCCR-05-066**

## **Executive Session ended**

A **motion** was made by Patricia Seguin and seconded by Kathleen Montalvo regarding Reporter #3, as identified in Executive Session, to issue a letter advising

them of the information discussed in Executive Session regarding temporary certification. Motion passed. Judge Jan Kearney recused. **BCCR-05-067**

### **Call to Public**

Judge Jan Kearney returned to the meeting.

Sandra Markham left meeting.

Leslie Foldy, ACRA President stated Senate Bill 1311 includes changing the name of the Certified Court Reporter to Certified Reporter. Ms. Foldy stated ACRA would like to try to get that changed back to Certified Court Reporter.

Ms. Foldy also requested the Board provide interpretation of the code by way of publishing complaint summaries for guidance to reporters. Ms. Foldy stated currently many reporters are interpreting the code differently. Rhonda Simmons informed Ms. Foldy that all dismissed complaints remain confidential.

### **Adjournment**

A **motion** was made by Judge Lawrence Winthrop and seconded by Kathleen Montalvo to adjourn. Motion passed. **BCCR-05-068**

The meeting of the Board of Certified Reports adjourned at 2:05 p.m.