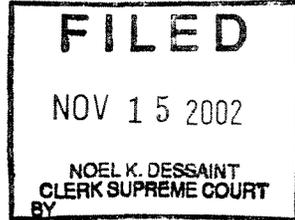


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
ARIZONA CODE OF JUDICIAL)
ADMINISTRATION §7-206:)
COURT REPORTER STANDARD)
CERTIFICATION)
_____)

Administrative Order
No. 2002- 104
(Affecting Administrative
Order Nos. 2001-39 and 2002-24)

The above captioned provision came before the Arizona Judicial Council on October 17, 2002 and has been recommended for adoption.

Arizona Revised Statutes, Title 32, Chapter 40, establishes temporary and standard certification for court reporters and specifies the Board of Certified Court Reporters ("Board") shall recommend and the Supreme Court will adopt rules to implement and enforce these statutory provisions. Further, the law specifies that, absent extenuating circumstances, the Board may not extend temporary certificates beyond December 31, 2002. Accordingly, on March 29, 2001, the Court adopted Arizona Code of Judicial Administration §7-206: Court Reporter Standard Certification and §7-207: Court Reporter Temporary Certification. Both code sections took effect on April 2, 2001. Code Section 7-206 requires that as part of the qualifications for standard certification, a reporter must pass the Registered Professional Reporter (RPR) examination, testing the reporter's proficiency. The code section further provides that reporters must pass at least part of the RPR by June 30, 2002 and that after December 31, 2002, reporters who do not meet these qualifications may not hold any form of certification and may not serve as court reporters.

It has come to the attention of the Court there are a number of court reporters who are not currently eligible for standard certification but have taken the November 2, 2002 RPR exam. The results of this nationally administered examination will not be available until after December 31, 2002. Court reporting is integrally related to the prompt, effective and impartial operation of the judicial system and it is necessary to ensure there is an adequate pool of court reporters. The amendments to §7-206 address this issue by granting the Board authority, due to these extenuating circumstances, to extend the temporary certification of this group of reporters until January 31, 2003. This will provide sufficient time for the reporters to receive and submit the results of the November 2, 2002 RPR examination for consideration for standard certification.

The statutory provisions for certification of court reporters also require all certified reporters to complete ten hours of continuing education each calendar year. The amendments to §7-206 add Appendix D to establish policies and procedures regarding continuing education.

Administrative Order No. 2002-24, adopted March 25, 2002, implemented changes to Appendix B, the Certification Fee Schedule. Effective January 1, 2003, the fee charged by the

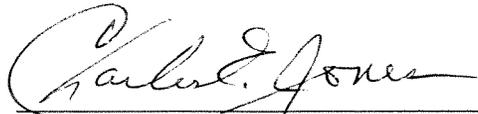
Federal Bureau of Investigations for fingerprinting applicants for certification is increasing and therefore, a further amendment to the fee schedule is required.

The amendments to §7-206 also include technical changes to conform the language to the format required for the Arizona Code of Judicial Administration.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and Arizona Revised Statutes, Title 32, Chapter 40,

IT IS ORDERED that Arizona Code of Judicial Administration §7-206 is amended by replacing it with the attached.

Dated this 15th day of November, 2002.



CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-206: Court Reporter Standard Certification

A. Definitions.

“Board” means the same as provided by A.R.S. §32-4002(1), that is: “Board” means the board of certified court reporters.”

“Certify” means the same as provided by A.R.S. §32-4002(4), that is: “Certify” means board authorization to engage in activities regulated by the board.”

“Certification” means the same as provided by A.R.S. §32-4002(2), that is: “Certification” means a standard certificate that is issued by the board to a person who meets the requirements of sections 32-4021 and 32-4022 and does not include a temporary certificate.”

“Certified court reporter” means the same as provided by A.R.S. §32-4002(3), that is: “Certified court reporter” means a person who is certified by the board and who records and transcribes a verbatim record in any sworn proceeding by means of written symbols or abbreviations in shorthand or machine writing.”

“Chapter” means Title 32, Chapter 40, Board of Certified Court Reporters, Arizona Revised Statutes.

“Code section” means the referenced provision of the Arizona Code of Judicial Administration.

“Days” means the same as provided by Arizona Rules of Civil Procedure, that is: the computation of days is as follows: if “. . . less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation . . .” and if “. . . 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation.”

“Director” means the director of the administrative office, Arizona Supreme Court, or the director’s designee.

“Program coordinator” means the staff appointed by the administrative director to administer the program.

“Report” means the same as provided by A.R.S. §32-4002(5), that is: “Report” means to stenographically record and transcribe sworn proceedings.”

“Rules of court” means the Arizona Rules of Court.

“Section” means the referenced provisions of the Arizona Revised Statutes.

“Supreme Court” means the Arizona Supreme Court.

B. Applicability. This code section applies to the standard certification of court reporters pursuant to Arizona Revised Statutes, Title 32, Chapter 40 and addresses all components of the certification process including application, fees, criteria for approval or denial of certification, resolution of complaints concerning certified court reporters and the discipline and administrative hearing process. A.R.S. §32-4001 provides: “This chapter does not apply to persons, entities or courts that use nonstenographic means of recording. This chapter does not limit the contempt powers of the court or the authority of the court to discipline court employees.” Reference Code Section 7-207: Court Reporter Temporary Certification for provisions regarding temporary certification of court reporters.

C. Purpose. A.R.S. §32-4003(A) provides: “Beginning July 1, 2000, a person shall not engage in the stenographic reporting of proceedings in any court in this state and shall not take stenographic depositions in this state for use in any court in this state unless the person is certified pursuant to this chapter.” A.R.S. §32-4003(D) provides: “Beginning July 1, 2000, it is unlawful for any person who is not certified pursuant to this chapter to represent oneself as a certified court reporter.” For eligibility to stenographically record and transcribe a verbatim record in any sworn proceeding in this state for use in any court in this state, all persons must hold a valid certificate and comply with the requirements of this code section, unless exempt pursuant to subsection E(3)(c) of this code section. The reporter’s transcript is an important document before, during and after a trial. The paper transcript and its electronic version are used for trial preparation, briefs, impeachment purposes and appellate review. Property, freedom and life all can depend on a clear and accurate record. Court reporting is integrally related to the prompt, effective and impartial operation of the judicial system.

D. Administration.

1. A.R.S. §32-4005(A) provides:

“The supreme court shall:

1. Administer the court reporter certification program.
2. Adopt rules.
3. Establish and collect fees, costs and fines that are necessary for the implementation and enforcement of the program.”

2. A.R.S. §32-4008 provides: “The supreme court shall set and collect the following fees to carry out this chapter:

1. Examination fees.
2. Certificate application fees.
3. Certificate renewal fees

- . . . 6. Any other fees that are necessary and appropriate to carry out this chapter.”
3. A.R.S. §32-4007(A) and (C) establishes the Court Reporters Fund and specifies “. . . The supreme court shall administer the fund . . .” and “. . . The supreme court may receive and expend monies from the fund . . .” The administrative director has the authority to approve or disapprove matters of administration of the Court Reporter Certification Program that involve the expenditure of program funds.
 4. The administrative director shall designate a program coordinator. The program coordinator shall administer the Court Reporter Certification Program, provide updates to the board, make recommendations regarding matters pertaining to certification, complaints and investigations, and all other matters relevant to certified court reporters.
 5. A.R.S. §32-4004 establishes the board and authorizes the chief justice to appoint members for specified terms.

a. A.R.S. §32-4005(B) provides:

B. The board shall:

1. Make recommendations to the supreme court regarding rules, policies and procedures, to implement and enforce this chapter, including the following:
 - (a) Applicant testing.
 - (b) Fees.
 - (c) A code of conduct.
 - (d) Continuing education.
 - (e) Any other matter pertaining to certified court reporters.
2. Determine through testing and other means an applicant’s ability to make a verbatim record of proceedings that may be used in any court by means of written symbols or abbreviations in shorthand or machine writing.
3. Issue certificates to qualified applicants.
4. Investigate and take disciplinary action pursuant to section 32-4006.
5. Require each applicant to submit a full set of fingerprints to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

- b. A.R.S. §32-4004(E) provides: “The board shall assure that a record of its meetings and all official actions, a register of all applicants for certification and a roster of all certified court reporters is maintained. The board shall designate the location where it maintains the register and roster.”

E. Initial Certification.

1. Qualifications for Application. A.R.S. §32-4021(A) provides:

A. An applicant for standard certification . . . at a minimum, shall:

1. Be at least eighteen years of age.
2. Be a citizen or legal resident of the United States.
3. Satisfy the requirements of section 32-4022.
4. Be of good moral character.
5. Possess a high school diploma or a general equivalency diploma or a similar document or certificate.
6. Pursuant to rules adopted by the supreme court demonstrate reasonable proficiency in making verbatim records of trial or judicial or related proceedings.
7. Comply with the laws and rules and orders adopted by the supreme court governing court reporters in this state

2. Procedures for Application.

- a. Applicants shall file a completed application with the board. The applicant shall sign the application and duly verify the application under oath.
- b. In addition, A.R.S. §32-4021(A)(8) provides the applicant shall pay: “. . . the fees established pursuant to section 32-4008.” The program coordinator shall collect in advance the fees specified in the fee schedule, which are not refundable. The program coordinator shall forward the fees to the state treasurer for deposit in the Court Reporters Fund, pursuant to A.R.S. §32-4007.
- c. A.R.S. §32-4021(A)(9) provides the applicant shall: “Submit a full set of fingerprints with the fee prescribed in section 41-1750 to the supreme court for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544.”

- d. The applicant is responsible for providing the supreme court with a readable fingerprint card. The applicant shall pay any costs attributable to the original fingerprinting or subsequent fingerprinting due to unreadable fingerprints and any fees required for the submission or resubmission of fingerprints. The applicant shall only use the fingerprint card issued in the application packet and shall have the fingerprints taken by a law enforcement agency.
 - e. The board may require the applicant, if definitive fingerprints are not obtainable, make a written statement, under oath, that the applicant has not been arrested, charged, indicted, convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application. If the applicant is unable to provide the statement, the board may refuse to accept the application.
 - f. The board may waive the requirement for a fingerprint card if the applicant has previously provided a fingerprint card to the supreme court.
 - g. The supreme court shall submit completed applicant fingerprint cards and the fees to the Arizona Department of Public Safety. The Arizona Department of Public Safety shall conduct applicant criminal history record checks pursuant to applicable state laws. The Arizona Department of Public Safety, on behalf of the board, shall exchange registration applicant fingerprint card information with the Federal Bureau of Investigation for national criminal history record checks.
 - h. Applicants for standard certification must also meet the examination requirements specified in subsection E(3) of this code section.
3. Examination.

a. Admittance to Examination.

(1) A.R.S. §32-4022(A) provides:

A. A person shall not be admitted to an examination without presenting satisfactory evidence to the board that before the date on which the application for examination was filed the person has done at least one of the following:

- 1. Obtained one year of experience in making verbatim records of meetings, conferences, hearings or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and in transcribing these records.
- 2. Obtained a verified certificate of the satisfactory completion of a prescribed course of study from a court reporting school or a certificate from a

school that evidences the equivalent proficiency and the ability to make a verbatim record of material that is dictated pursuant to rules adopted by the supreme court.

3. Obtained a national court reporters association's registered professional reporter or registered merit reporter certificate.
4. Obtained a valid certificate to practice court reporting that is issued by another state other than this state if the other state's requirements and certifying examination are substantially similar to or more stringent than those in this state.
5. Demonstrated reasonable proficiency in making verbatim records of trial or judicial or other related proceedings by passing an approved examination for certification pursuant to rules adopted by the supreme court.

- (2) An applicant who applies for certification based on graduation from a court reporting school pursuant to subsection E(3)(a)(1) of this code section shall provide a statement of satisfactory completion demonstrating the applicant's ability to pass or complete all of the following:
 - (a) Three testimony tests (question and answer) at 225 words per minute with 95% accuracy;
 - (b) Three jury charge tests at 200 words per minute with 95% accuracy;
 - (c) Three literary tests at 180 words per minute with 95% accuracy;
 - (d) Two, five minute keyboarding tests at net 60 words per minute;
 - (e) 40 hours of internship verified by a working certified court reporter;
 - (f) Production of a 40 page salable transcript; and
 - (g) Course work that includes introduction to law, court procedures, business English, word processing, computer-aided transcription and medical vocabulary.

b. Procedures for Examination.

- (1) A.R.S. §32-4022(B) provides:

- B. The examination for certification consists of the following two parts:
 1. A national court reporters association's registered professional reporter examination or an alternative demonstration of proficiency approved by the supreme court.

2. A written knowledge test of rules of the supreme court of Arizona and statutes of this state relating to court reporters.

- (2) The National Court Reporters Association (NCRA) Registered Professional Reporter (RPR) skills test (SKT), is the approved proficiency examination to meet the proficiency examination requirements of A.R.S. §32-4022(B)(1).
- (3) The board shall administer the Arizona written knowledge test. An applicant shall pass with a final score on this test that meets the guidelines established by the board.
- (4) A.R.S. §32-4022 provides:

“D. The supreme court shall specify a date and place for the examinations”

“F. An applicant who fails to pass the written examination prescribed by subsection B, paragraph 2 may apply for reexamination at any time.

G. An applicant shall be disqualified from taking any future examination if the board determines that the applicant engaged in fraud, dishonesty or corruption while taking the examination.”

- (5) A.R.S. §32-4022(C) provides: “The board shall review the content and subject matter of the examination and shall make changes as deemed necessary.”

c. Exemption from the Proficiency Examination.

- (1) A.R.S. §32-4022(E) provides:

E. An applicant who has passed a national court reporters association’s registered professional reporter examination or a national court reporters association’s registered merit reporter examination and the test prescribed by subsection B, paragraph 2 may apply for certification without taking and passing the examination prescribed by subsection B, paragraph 1 if the applicant submits all of the following:

- 1. Proof that the applicant currently holds a current national court reporters association’s registered professional reporter or registered merit reporter designation.
- 2. A copy of the applicant’s national court reporters association’s registered professional reporter or registered merit reporter certificate.

- (2) Pursuant to A.R.S. §32-4022(B)(1), an applicant may request and the board may grant, an exemption from the proficiency examination requirements of subsection E(3)(b)(1) of this code section if the applicant:
 - (a) Previously passed the RPR or Certificate of Proficiency examination and holds a valid Arizona temporary certificate at the time of application, or previously passed the RPR or Certificate of Proficiency examination and can provide documentation, to the satisfaction of the board, of sufficient experience as a court reporter and continuing education credits to maintain proficiency as a court reporter; and
 - (b) Meets all other provisions of this code section, including passing the Arizona written test requirement of subsection E(3)(b)(1) of this code section.
- (3) In addition to the provisions of subsection E(3)(c)(2) of this code section, and pursuant to A.R.S. §32-4022(B)(1), an applicant may request and the board may grant a provisional standard certificate to an applicant if the applicant meets all of the following conditions:
 - (a) The applicant:
 - (i) Holds a valid Arizona temporary certificate or can provide documentation, to the satisfaction of the board, of sufficient experience as a court reporter and continuing education credits to maintain proficiency as a court reporter;
 - (ii) Has passed two of the three required skill components and the written knowledge test of the RPR examination; and
 - (iii) Meets all other requirements for certification.
 - (b) An applicant granted a provisional certificate shall take and complete the third and final skills component of the RPR examination within twelve months.
 - (c) The board shall not grant an applicant who does not complete the third skills component within this time frame any form of standard certification until all requirements are met.
- (4) In addition to the provisions of subsection E(3)(c)(2) and E(3)(c)(3) of this code section and pursuant to A.R.S. §32-4022(B)(1), an applicant may request and the board may grant a provisional standard certificate to an applicant if the applicant meets all of the following conditions:
 - (a) The applicant:
 - (i) Has practiced as a court reporter for the three year period immediately preceding application for standard certification;
 - (ii) Has passed at least one of the three required skill components and the written knowledge test of the RPR examination by December 31, 2002 and provides documentation of this to the board by January 15, 2003 and
 - (iii) Meets all other requirements for certification.
 - (b) The applicant shall pass the remaining two skill components of the RPR examination by June 30, 2004 and provide documentation of this to the board by the application date established by the board for renewal of certificates expiring on December 31, 2004.
 - (c) The board shall not grant an applicant who does not complete the final skill components of the RPR examination by June 30, 2004 any form of standard certification until all requirements are met.
- (5) In addition to the provisions of subsection E(3)(c)(2), E(3)(c)(3) and E(3)(c)(4) of

this code section and pursuant to Laws 2000, Chapter 41, Section 13, an applicant may request and the board may grant a provisional temporary certificate, for the period of January 1, 2003 through January 31, 2003, to an applicant if the applicant meets all of the following conditions:

- (a) The applicant:
 - (i) Has practiced as a court reporter for the three year period immediately preceding application for standard certification;
 - (ii) Cannot provide documentation of passing at least one of the three required skill components and the written knowledge test of the RPR examination for review by the board prior to expiration of the reporter's temporary certificate on December 31, 2002;
 - (iii) Registered and took the November 2002 administration of the RPR examination and can provide satisfactory documentation of this to the board; and
 - (iv) Meets all other requirements for standard certification.
- (b) The applicant shall pass, at a minimum, one of the three skills legs and the written component of the RPR and provide documentation of this to the board by January 15, 2003.
- (c) The board shall not grant an applicant who does not meet the requirements of subsection E(3)(c)5(b) by January 15, 2003 any form of temporary or standard certification until all requirements are met.

4. Decision Regarding Certification.

- a. A.R.S. §32-4021(B) provides: "If the board is satisfied that an applicant meets the requirements of this section and section 32-4022, the supreme court shall issue a certificate to the applicant"
- b. The board shall promptly notify qualified applicants of certification in accordance with this code section. Each certified applicant shall receive a document evidencing certification, in a form determined by the board, stating the applicant's name, date of certification, and certificate number.
- c. Denial of certification.
 - (1) A.R.S. §32-4024(B) provides: "Pursuant to rules adopted by the supreme court, the board may refuse to issue . . . a certificate for cause." Further, A.R.S. §32-4024(A) provides:
 - A. The board may refuse to issue a certificate . . . if the board finds that any of the following applies:
 - 1. The applicant does not meet to the board's satisfaction the requirements under sections §32-4021 and §32-4022.

2. The applicant has not been fingerprinted and the supreme court has not received and reviewed the criminal records check analysis.
 3. The applicant has not submitted the applicable documents and fees.
 4. The applicant committed fraud, dishonesty, corruption or material misrepresentation in applying for a certificate or on a certificate examination in this state or another state.
 5. The applicant has a record of a conviction by final judgment of a felony or any other offense involving moral turpitude.
 6. The applicant is currently on probation, parole or community supervision for a felony offense or is named in an outstanding warrant.
 7. The court has ordered treatment for the applicant pursuant to Title 36 or has found the applicant to be incapacitated pursuant to Title 14.
 8. The applicant is subject to revocation or suspension of a certificate pursuant to section 32-4041 or has had any occupational or professional license denied, revoked or suspended.
 9. The applicant has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.
- (2) An applicant's failure to disclose information on the application that is subsequently revealed through the fingerprint background check may constitute good cause, and the board may automatically deny certification.
 - (3) The board shall promptly notify applicants denied certification, in accordance with this code section, of the reasons for the denial, and of the applicant's right to a hearing.
 - (4) An applicant is entitled to a hearing, pursuant to this code section, on the decision to deny certification or renewal if a written request is received within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof.

F. Role and Responsibilities of Certificate Holders.

1. Code of Conduct. Each certified court reporter shall adhere to the code of conduct incorporated in this code section and adopted by the supreme court, pursuant to this code section and A.R.S. §32-4005.
2. Identification. A.R.S. §32-4003(C) provides: "Beginning July 1, 2000, a certified court reporter shall include the title "certified court reporter" and the reporter's certificate number on the title or cover page of any transcript, on any business card, advertisement or letterhead and on the certificate of any transcript."
3. Certification of Transcripts. A.R.S. §32-4003(B) provides: "Beginning July 1, 2000, a certified court reporter shall sign and certify each transcript that the certified court reporter prepares before the transcript may be used in court, except for transcripts that the court reporter prepares for proceedings that occurred before July 1, 2000."
4. Oaths and Affirmations. A.R.S. §32-4025 provides: "A certified court reporter may administer oaths and affirmations."
5. Change of Name or Address. A.R.S. §32-4023(C) provides: "A certificate holder shall inform the supreme court of any change in name or address within thirty days after the change occurs." The certificate holder shall send this notice to the program coordinator.

G. Renewal of Certification.

1. Expiration Date. A.R.S. §32-4023(A) provides: "A certificate issued pursuant to this article is subject to renewal each year and expires unless renewed by December 31." Certificates expire at midnight on December 31 of each year. All certifications shall continue in force until expired, suspended, revoked or terminated. If the board receives the request for renewal and prescribed fees after the established deadline, the board shall determine the certificate expired as of December 31. The board shall treat any renewal application postmarked after the established deadline as a new application.
2. Voluntary Surrender. An applicant may voluntarily surrender a certificate, however, this surrender is not valid until accepted by the board. The board may require additional information which is reasonably necessary to determine if the certificate holder has violated this code section. The board shall, within 120 days of the voluntary surrender of the certification, either file a notice of hearing regarding a complaint and disciplinary action, or accept the surrender.
3. Application. A.R.S. §32-4023(B) provides: "The certificate holder is responsible for applying for a renewal certificate." A certified court reporter must annually submit a completed renewal application, applicable fees and documentation by the renewal application deadline established by the board to remain eligible to serve as a court reporter in Arizona.
4. Continuing Education. A.R.S. §32-4023(D) provides: "A certificate holder shall include

with the application for renewal documentation satisfactory to the board that the certificate holder has successfully completed at least ten hours of approved continuing education each year.”

5. The board may, before granting a renewal of certification, require additional information which is reasonably necessary to determine if the applicant continues to meet the qualifications specified in this code section. This may include background information, fingerprinting or a signed affidavit.
6. Decision Regarding Renewal.
 - a. A.R.S. §32-4023(B) provides: “. . . On receipt of the renewal application and the renewal fee, the board shall issue the applicant a new certificate for one year unless the board finds that the applicant does not meet the requirements for renewal or that section 32-4024 applies.”
 - b. Pursuant to A.R.S. §32-4024, the board may deny renewal of a certificate for any of the reasons specified in subsection E(4)(c) of this code section.
 - c. The board shall promptly notify qualified applicants of the renewal of their certification in accordance with this code section. Each certified applicant shall receive a document evidencing certification, in a form determined by the board, stating the applicant’s name, date of certification, and certificate number.
 - d. The board shall promptly notify applicants denied renewal of certification, in accordance with this code section, of the reasons for the denial, and of the applicant’s right to a hearing.
 - e. An applicant is entitled to a hearing, pursuant to this code section, on the decision to deny renewal if a written request is received within fifteen days after receipt of notice of the denial. The applicant is the moving party at the hearing and has the burden of proof. The provisions of subsections H(9) through H(20) and H(23) of this code section apply regarding the procedures for the hearing and appeal.

H. Complaints, Investigation, Hearings and Disciplinary Action.

I. Complaint.

- a. A.R.S. §32-4006(A) provides: “On its own motion or on receipt of a complaint, the board shall investigate, prosecute and adjudicate alleged violations of this chapter, as appropriate, and may conduct any investigation that would aid in the enforcement of this chapter.”
- b. All judicial officers or their designee shall, and any person may, notify the board if it appears a certificate holder has violated this code section. A complainant shall make the complaint in writing with sufficient specificity to warrant further investigation. The

complaint shall include the name and telephone number of the complainant.

- c. A certificate holder is subject to disciplinary action if the board finds one or more of the following applies to the certificate holder:
 - (1) Wilful violation of or wilful noncompliance with applicable laws or a court order or an order of the board, or any provision of Arizona Rules of Court or this code section;
 - (2) Failure to perform any duty to discharge any obligation required by this code section;
 - (3) Any of the reasons cited in A.R.S. §32-4041(A) that grant the board authority to revoke or suspend a certificate as follows:
 1. Unprofessional conduct.
 2. Violations of this chapter.
 3. Gross negligence or incompetence in the performance of duties.
 4. Fraud, dishonesty or corruption.
 5. Inability to perform the duties of a court reporter at a level of skill that is required by the board.
 6. Aiding or assisting another person to engage in the verbatim reporting of any judicial proceeding if the other person is not a certified court reporter.
 7. Conviction by final judgment of a felony offense or any other offense involving moral turpitude.
 8. The court has ordered treatment for a certified court reporter pursuant to Title 36 or has found a certified court reporter to be incapacitated pursuant to Title 14.
 - d. The expiration provisions described in subsection G of this code section do not affect the right of the board to investigate and take disciplinary action regarding the certification of a certificate holder if a complaint or investigation is pending prior to the expiration date. Non-renewal of the certification by the certificate holder does not affect this provision.
 - e. The board shall dispose of a complaint by dismissal or imposition of one or more informal or formal sanctions, as provided in this code section.
2. Initial Screening. The board shall determine if a complaint warrants further investigation

and evaluation. If the board determines the complaint is outside the jurisdiction of Title 32, Chapter 40, Arizona Revised Statutes and this code section, the board shall dismiss the complaint. The board may refer the complaint to another state agency or entity with jurisdiction, if appropriate.

3. Preliminary Investigation. The program coordinator, at the direction of the board, shall conduct a prompt, discreet and confidential investigation of the complaint and timely report the findings to the board.
4. Request for Response from Certificate Holder. The board shall deliver the complaint to the certificate holder within a reasonable period of time after commencement of the investigation and shall request the certificate holder provide a written response. The board shall not proceed with disciplinary action under this code section without providing this notice and the opportunity to respond.
5. Review of Complaint and Investigation. Upon completion of the investigation, the board may:
 - a. Determine no violation exists and dismiss the complaint;
 - b. Order further investigation;
 - c. Determine the complaint is appropriate for resolution without proceeding to formal proceedings; or
 - d. Determine the alleged violations constitute formal charges, and request staff prepare the notice of hearing and proceed as provided in subsection (H)(8) of this code section.
6. Emergency Suspension. A.R.S. §32-4041(B) provides: "... if the board finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect in the order, the board may order the summary suspension of a certificate pending a proceeding for certificate revocation or other action." The board shall ensure these proceedings are promptly instituted within 30 days. The program coordinator shall immediately notify all presiding judges of the superior court of any summary suspension.
7. Confidentiality. The board, program staff and court employees shall keep information or documents obtained or generated by the board, program staff or court employees in the course of an open investigation or received in an initial report of misconduct confidential except as mandated by public record rules adopted by the supreme court or by this code section. Upon determination by the board the alleged violations are sufficiently serious to warrant filing of formal charges, the complaint, all records of proceedings and actions by the board pertaining to the complaint are open to the public. Any complaint dismissed by the board pursuant to subsections H(2) or H(5)(a) of this code section is confidential and not subject to public inspection. The following actions by the board, whether imposed as the result of informal or formal proceedings, are open to the public:
 - a. A cease and desist order;

- b. Restrictions on a certificate;
 - c. A mandate for additional training;
 - d. Imposition of a cost or fine;
 - e. Suspension of a certificate; and
 - f. Revocation of a certificate.
8. Formal Proceedings.
- a. Commencement. The board may commence formal proceedings if the board finds reasonable cause to believe the certificate holder has committed misconduct under this code section and the complaint is not appropriate for resolution by informal discipline. The board may, upon commencement of formal proceedings, select a presiding hearing officer, pursuant to subsection H(10) of this code section.
 - b. Notice to Certificate Holder. The board shall serve the formal statement of charges on the certificate holder with a notice advising the certificate holder of the certificate holder's rights pursuant to this code section. This notice shall comply with the provisions of subsection H(12) of this code section.
9. Request for Hearing. All demands for hearing must specify:
- a. The section of this code section that entitles the person to a hearing;
 - b. The factual basis supporting the request for hearing; and
 - c. The relief demanded.
10. Appointment of Presiding Hearing Officer. At the direction of the board, the board chair or the program coordinator may select a presiding hearing officer, knowledgeable in conducting hearings, to hold a hearing regarding the initial or renewal certification of an applicant or alleged misconduct by a certificate holder, pursuant to this code section, or upon written demand by a person entitled to a hearing, pursuant to this code section. The board may request the presiding judge of the superior court in the county in which the alleged violation took place, if applicable, supply the appointed presiding hearing officer, a hearing room and any other necessary resources.
11. Time line for Hearing. The presiding hearing officer shall ensure the hearing is held within 45 days of receipt of the request if the request is made by an applicant, unless postponed by mutual consent for good cause. If the request is from the board, the presiding hearing officer shall ensure the hearing is held as soon as practical at the discretion of the presiding hearing officer but no less than fifteen days after notice, as required by section H(12) of this code

section.

12. Notice of Hearing. The board shall prepare and give the parties notice of the hearing at least fifteen days prior to the date set for hearing. The notice shall include the following information:
 - a. A statement of the time, place and nature of the hearing;
 - b. A statement of the legal authority and jurisdiction for conduct of the hearing;
 - c. A reference to the particular sections of the statutes, this code section and policies involved; and
 - d. A short and plain statement of the allegations or factual basis supporting the relief requested. Amendments, as necessary, are permissible.
 - e. If the notice is for a violation or denial of certification and if the hearing date has not previously been set, a statement indicating the certificate holder or applicant has the right to a hearing upon request, if a request is made in writing within fifteen days of receipt of the notice.
 - f. The board shall ensure service of the notice is accomplished by personal service or by certified mail, return receipt requested to the last business address of record with the board. Proof of service is made by filing with the presiding hearing officer a verified statement that service was made. Service by mail is complete upon deposit in the United States mail.
 - g. If a party is represented by an attorney, the board shall make service upon the attorney.
13. Filings, Answers and Pleadings.
 - a. Parties shall file answers to the notices within ten days after the date the notice is served, unless otherwise ordered by the presiding hearing officer. Answers shall comply with Rule 8 of the Arizona Rules of Civil Procedure. If a party fails to file an answer within the time provided, the person is in default and the presiding hearing officer may determine the proceeding against the party and admit one or more of the assertions contained in the notice. The presiding hearing officer shall determine that any defenses not raised in the answer are waived.
 - b. Parties shall file motions at least five days prior to the scheduled hearing date, unless otherwise ordered by the presiding hearing officer.
 - c. Parties shall file responses to motions within five days of the filing of the motion.
 - d. Copies of all filings shall be delivered to the presiding hearing officer, the board and all parties to the proceeding.

14. Discovery.

- a. No discovery is permitted, except as provided in this code section, unless mutually agreed to by the parties or permitted by the presiding hearing officer.
- b. The presiding hearing officer, upon written request, shall order a party to allow the requesting party to have a reasonable opportunity to inspect and copy, at the requesting party's expense, admissible documentary evidence or documents reasonably calculated to lead to admissible evidence prior to a hearing, provided the evidence is not privileged.
- c. The presiding hearing officer, on the presiding hearing officer's motion or upon request, may require, prior to the hearing, the disclosure of documentary evidence intended for use at the hearing, provided the evidence is not privileged.
- d. Parties may take depositions for use as evidence of witnesses who cannot be subpoenaed or are otherwise unable to attend the hearing. In order to take a deposition, a party shall file with the presiding hearing officer a written motion, with copies to all parties, setting forth the name and address of the witness, subject matter of the deposition, documents, if any, the parties are seeking for production, time and place proposed for the deposition, and justification for the deposition.
- e. Parties shall file responses to requests for depositions, including motions to quash, within five days after the filing of the request for deposition.
- f. If a deposition is permitted, a subpoena and a written order shall be issued. The subpoena and order shall identify the person to be deposed, scope of testimony to be taken, documents, if any, to be produced, and time and place of the deposition. The party requesting the deposition shall arrange for service of the subpoena and order, with service on all parties five days before the time fixed for taking the deposition unless, for good cause shown, the time is shortened by the presiding hearing officer.

15. Subpoenas.

- a. A.R.S. §32-4006 provides: . . .
 - B. For the purposes of investigations or hearings under this chapter, the board may administer oaths and affirmations, subpoena witnesses, take evidence and require the production of documents, records or information, either kept in original form or electronically stored or recorded, or other items that are relevant or material to the inquiry.
 - C. If a person fails to obey a subpoena issued pursuant to this section, the board may request the superior court to issue an order that requires the appearance by a person or the production of documents or other items, or both. The court may treat the failure

to obey the order as contempt of court and may punish the contempt.

- b. Subpoenas shall be issued in the same manner as provided by the Arizona Rules of Civil Procedure. An employee of the court or any other person as designated by the Arizona Rules of Civil Procedure may serve the subpoena.
 - c. Subpoenas shall be served as prescribed by the Arizona Rules of Civil Procedure.
 - d. The presiding hearing officer may, if a person fails to obey a subpoena lawfully served, request the superior court issue an order that requires the appearance of the person or the production of documents or other items, or both. The court may treat the failure to obey the order as contempt of court and may punish the contempt.
16. Prehearing Conference. The presiding hearing officer may order a prehearing conference at the request of any party or on the presiding hearing officer's own initiative. The purpose of the conference is to consider any or all of the following actions:
- a. To reduce or simplify the issues for adjudication;
 - b. To dispose of preliminary legal issues, including ruling on prehearing motions;
 - c. To stipulate to the admission of evidence, facts and legal conclusions that are not contested;
 - d. To identify witnesses; and
 - e. To consider any other matters that will aid in the expeditious conduct of the hearing.
17. Procedure at Hearings.
- a. The presiding hearing officer shall preside over the hearing. The presiding hearing officer has the authority to decide all motions, conduct prehearing conferences, determine the order of proof and manner of presentation of other evidence, issue subpoenas, place witnesses under oath, question witnesses, recess or adjourn the hearing and prescribe and enforce general rules of conduct and decorum. Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.
 - b. Rights of Parties. At a hearing:
 - (1) A party is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding.
 - (2) Any person may represent themselves or appear through counsel. An attorney who intends to appear on behalf of a party shall promptly notify the presiding hearing officer and the board providing the name, address and telephone number of the party

represented and the name, address and telephone number of the attorney. A corporate officer may represent a business entity in any proceeding under this code section.

- (3) All persons appearing before a board or presiding hearing officer in any proceeding shall conform to the conduct expected in the Arizona Superior Court.

c. Conduct of Hearing.

- (1) The presiding hearing officer may conduct the hearing in an informal manner and without adherence to the rules of pleading or evidence. The presiding hearing officer shall require that evidence supporting a decision is substantial, reliable and probative and shall exclude irrelevant, immaterial or unduly repetitious evidence. There is no right to a jury. All hearings are open to the public.
- (2) The presiding hearing officer shall require that all testimony considered is under oath or affirmation, except matters of which judicial notice is taken or entered by stipulation. The presiding hearing officer may administer oaths and affirmations.
- (3) In all matters brought at the request of the board, evidence in support of the board's action is presented first and has the burden of proof. In matters brought at the request of someone other than the board, including requests for hearing on the denial of certification or renewal of certification, the person seeking the hearing shall present first and carries the burden of proof.

d. Record of Hearing.

- (1) The presiding hearing officer shall ensure the oral proceedings or any part of the oral proceedings are electronically recorded and transcribed on request of any party. The party making the request shall pay the cost of the transcript.
- (2) A competent court reporter shall make a full stenographic record of the proceedings if requested by a party within five days prior to a hearing. The cost of the transcript is the responsibility of the requesting party. The presiding hearing officer may require prepayment or a monetary deposit to cover the cost of the transcript. If transcribed, the record is a part of the court's record of the hearing and any other party with a direct interest shall receive a copy of the stenographic record, at the request and expense of the party. If no request is made for a stenographic record, the presiding hearing officer shall ensure the proceedings are recorded as described in subsection H(17)(d)(1) of this code section.

18. Recommendations of Presiding Hearing Officer. If applicable, the presiding hearing officer shall within 30 days of the closing of the record of a hearing, prepare written recommendations and deliver the recommendations to the board. The recommendations shall include findings of fact, based on a preponderance of evidence and conclusions of law, separately stated.

19. Rehearing. The presiding officer may grant a rehearing or reargument of the matters involved in the hearing, upon written request of a party to a hearing filing the request with the presiding hearing officer. The party shall make the request within fifteen days after any

order made pursuant to a hearing was mailed or delivered to the person entitled to receive the order. The presiding hearing officer shall make the decision to grant or deny the request within 30 days of the date of filing of the request. A party shall base a request for rehearing or review on one or more of the grounds listed in Rule 59, Arizona Rules of Civil Procedure, which materially affected the rights of a party and shall conform to the requirements of Rule 59. The presiding hearing officer shall permit any party served with a request for rehearing to file a response within fifteen days of service.

20. Decisions and Orders. The board shall render the final decision. The board shall make any final decision or order in writing and shall include findings of fact and conclusions of law, separately stated. The board shall make findings of fact by a preponderance of the evidence, based exclusively on the evidence and on matters officially noticed. The board shall notify the parties either personally or by mail to their last known address of any decision or order.

21. Possible Actions.

a. Upon completion of an investigation concerning alleged misconduct by a certificate holder, which may or may not include a hearing, the board shall do one or more of the following:

- (1) Determine no violation exists;
- (2) Resolve the violation by consent order or other negotiated settlement between the parties;
- (3) Place restrictions on a certificate;
- (4) Mandate additional training; or
- (5) Impose a sanction as follows:
 - (a) Pursuant to A.R.S. §32-4006(D) which provides: "D. The board shall impose cease and desist orders, issue letters of concern or warnings or order revocation or suspension of certification for violations of this article and assess costs and fines associated with these activities. These costs and fines shall be deposited in the court reporters fund established by section 32-4007."
 - (b) The board may determine and impose a fine not to exceed \$2,000 for each failure or violation, and not to exceed an aggregate fine of \$15,000. The certified court reporter shall pay the fine to the board for remission to the state treasurer for deposit in the Court Reporters Fund.

b. The board shall issue an order specifying in what manner and to what extent the failure or violation is found and any sanctions pursuant to this code section.

22. Procedure after Suspension or Revocation.

- a. Notice of Suspension or Revocation. Upon suspension or revocation of any certification the board shall promptly serve notice upon the certificate holder either in person or by certified mail, return receipt requested, addressed to the last address of record with the board. Notice by mail is complete upon deposit in the United States mail.
- b. Reinstatement. A.R.S. §32-4042 provides: "A court reporter whose certificate was suspended or revoked may apply in writing for a reinstatement of the certificate on a showing of good cause and paying the renewal fee. The board may grant or deny the

request, may require the applicant to take or retake the examination for certification and may impose other conditions for reinstatement.”

23. *Judicial Review.* Decisions of the board pursuant to this code section are final. Parties may seek judicial review through a petition for a special action pursuant to the Arizona Rules of Procedure for Special Actions.

Section 7-206: Court Reporter Standard Certification
Appendix A
Code of Conduct

Preamble. The following code of conduct is adopted by the Arizona Supreme Court to apply to all certified court reporters pursuant to Title 32, Chapter 40, Arizona Revised Statutes. The purpose of this code of conduct is to establish minimum standards for performance by certified court reporters.

Standard 1. Ethics.

- a. A court reporter shall avoid impropriety and the appearance of impropriety in all activities, shall respect and comply with the laws, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial system.
- b. A court reporter shall exercise fairness and impartiality toward each participant in all aspects of reported proceedings and always offer to provide comparable service to all parties in a proceeding.
- c. A court reporter shall have no personal or financial self-interest in the reporting of a proceeding and shall exercise caution to avoid any appearance of self-interest.
- d. A court reporter shall be alert to situations that are conflicts of interest, that may give the appearance of a conflict of interest, or create an appearance of partiality.
- e. A court reporter shall promptly make full disclosure to all parties or their representatives of any relationships including contracts for court reporting services, which may give the appearance of a conflict of interest or impartiality.
- f. A court reporter shall refrain from knowingly making misleading, deceptive, untrue or fraudulent representations while in the practice of court reporting. A court reporter shall not engage in unethical or unprofessional conduct that is harmful or detrimental to the public in the practice of court reporting. Proof of actual injury is not required.

Standard 2. Professionalism.

- a. A court reporter shall preserve the confidentiality and ensure the security of information, verbal or written, entrusted to the court reporter by the court or any of the parties in the proceeding.
- b. A court reporter shall be truthful and accurate when advertising or representing the court reporter's qualifications, skills or abilities, or the services provided.

- c. A court reporter shall maintain and observe the highest standards of integrity and truthfulness in all professional dealings.
- d. A court reporter shall keep abreast of current literature, technological advances and developments and shall fulfill ongoing training requirements to maintain professionalism.

Standard 3. Fees and Services.

- a. 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.
- b. A court reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to all parties or their attorneys.
- c. A court reporter shall determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.
- d. A court reporter shall at all times be aware of and avoid impropriety or the appearance of impropriety, which may include, but is not limited to:
 - (1) Establishing contingent fees as a basis of compensation;
 - (2) Directly or indirectly receiving of any gift, incentive, reward, or anything of value as a condition of the performance of professional services;
 - (3) Directly or indirectly offering to pay any commission or other consideration in order to secure professional assignments;
 - (4) Directly or indirectly giving, for the benefit of employment, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for nominal items that do not exceed \$25.00 per transaction and \$100.00 in the aggregate per recipient each year; and
 - (5) Entering into any written or verbal financial relationship with counsel, parties of interest or their intermediaries that:
 - (a) Undermines the actual or perceived impartiality of the court reporter; or
 - (b) Does not provide or offer any private party of interest comparable court reporting services in the same proceedings.

Standard 4. Skills and Practice.

- a. A court reporter shall take full and accurate stenographic notes of any proceeding and shall not wilfully alter the stenographic notes.
- b. A court reporter shall accurately transcribe verbatim any stenographic notes taken at any proceeding and shall not wilfully alter the transcript.

- c. A court reporter shall provide a transcript to a client or court in a timely manner. The court reporter shall meet promised delivery dates and make timely delivery of transcripts when no date is specified. A court reporter shall meet transcript preparation deadlines in accordance with rules, statutes, court orders, or agreements with the parties. A court reporter shall provide immediate notification of delays.
- d. A court reporter shall not go “*off the record*” during a deposition or court proceeding unless agreed to by all parties or their attorneys or ordered by the court.
- e. A court reporter shall accept only those assignments for which the court reporter’s level of competence will result in the preparation of an accurate transcript. The court reporter shall decline an assignment when the court reporter’s abilities are inadequate.
- f. A court reporter shall prepare the record in accordance with applicable laws, rules or court order.
- g. A court reporter shall preserve the stenographic notes in accordance with Arizona laws, federal laws and the Arizona Rules of Court.

Standard 5. Official Court Reporters.

- a. An official court reporter may engage in freelance reporting duties only if the following criteria are met:
 - (1) The presiding superior court judge or designee has given express authorization; the reporter’s official work is up to date and there are no transcripts the court reporter is preparing in which a court has granted an extension of time; and
 - (2) The presiding superior court judge or designee has authorized the reporter to take annual leave during the time the freelance work is scheduled unless:
 - (a) The freelance work is scheduled during hours the court is not open for business;
or
 - (b) The presiding superior court judge or designee has granted the reporter time off in compensation for overtime previously worked.
- b. A court reporter shall never purport to speak or act for a judge regarding judicial matters.
- c. A court reporter shall not express an opinion as to how a case should be decided or what verdict a jury will return.

Standard 6. Performance in Accordance with Law.

- a. The court reporter shall perform all duties and discharge all obligations in accordance with applicable laws, rules or court orders.
- b. Contracts covering court reporter services having a fixed period of time, minimum or otherwise, between persons holding certificates under this code section or any person for whom the reporters act as agents and any attorney at law or agent or any insurance

company or agent or any other person, are prohibited. This prohibition does not prevent any person holding a certificate, upon request of an attorney or an agent of an attorney or an insurance company, from quoting rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided that the same rate is charged to all other parties obtaining copies and provided further that the charge for the original is no less than 60 per cent higher than the charge per copy.

- c. A court reporter shall not take a deposition if the court reporter is:
 - (1) A party to the action;
 - (2) A relative, employee, or attorney of one of the parties;
 - (3) Someone with a financial interest in the action or its outcome; or
 - (4) A relative, employee, or attorney of someone with a financial interest in the action or the outcome. For the purposes of this subparagraph, "employee" or "relative" shall not include an employee or relative of the attorney or one of the parties.
- d. For the purposes of Standard 6(c) of this code section, "employee" includes a person who has a continuing contractual relationship with a person or entity interested in the outcome of the litigation, including anyone who may have ultimate responsibility for payment to provide reporting or other court services, and a person who is employed part-time or full-time under contract or otherwise by a person who has a contractual relationship with a party to provide reporting or other court services.
- e. A judicial officer may declare a deposition void if a person as described in Standard 6(c) of this code section takes a deposition.

Code Section 7-206: Court Reporter Standard Certification
Appendix B
Certification Fee Schedule

Pursuant to A.R.S. §32-4008, the Arizona Supreme Court shall set and collect fees necessary to carry out the provisions of Title 32, Chapter 40, Arizona Revised Statutes pertaining to the certification of court reporters.

A. Initial Certification.

- | | |
|---|-----------|
| 1. Initial Certification Fee | \$ 200.00 |
| 2. Fingerprint Processing Fee (Rate as set by Arizona law and subject to change) | - |

B. Renewal Certification.

- | | |
|--|-----------|
| 1. Annual Certification Renewal Fee (All certificates expire on December 31 st of each year) | \$ 200.00 |
|--|-----------|

C. Examination Fee for the Arizona Written Examination.

- | | |
|---|----------|
| 1. Certified Reporters (No fee is required for reporters who hold a valid Arizona temporary certificate at the time of application for examination.) | \$ 0.00 |
| 2. Noncertified Reporters (For applicants who do not hold a valid Arizona temporary certificate at the time of application for examination.) | \$ 25.00 |
| 3. Reexaminations (For any applicant who did not pass the examination on the first attempt. The \$25.00 fee applies to each reexamination.) | \$ 25.00 |
| 4. Reregistration (For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.) | \$ 25.00 |

Section 7-206: Court Reporter Standard Certification
Appendix C
Arizona Transcript Format Guidelines

Transcripts filed by certified court reporters in courts in the state of Arizona shall conform to the following guidelines:

1. No fewer than 25 typed lines on standard eight and one-half by eleven inch paper;
2. No fewer than nine or ten characters to the typed inch;
3. Left-hand margin set at no more than one and three-quarter inches;
4. Right-hand margin set at no more than three-eighths inch;
5. Each question and answer to begin on a separate line;
6. Each question and answer to begin no more than five spaces from the left-hand margin with no more than five spaces from the q and a to the text;
7. Carry-over q and a lines to begin at the left-hand margin;
8. Colloquy material to begin no more than fifteen spaces from the left-hand margin, with carryover colloquy to the left-hand margin;
9. Quoted material to begin no more than fifteen spaces from the left-hand margin, with carry-over lines to begin no more than ten spaces from the left-hand margin; and
10. Parentheticals and exhibit markings to begin no more than fifteen spaces from the left-hand margin, with carry-over lines to begin no more than fifteen spaces from the left-hand margin.

SECTION 7-206: COURT REPORTER STANDARD CERTIFICATION
APPENDIX D
CONTINUING EDUCATION POLICIES

A. Purpose.

1. Court reporting is integrally related to the prompt, effective and impartial operation of the judicial system. Stenographic reporters are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education (CE) is one means to ensure a certified reporter maintains continuing competence in the field of court reporting after certification is obtained. It also provides opportunities for court reporters to keep abreast of changes in the court reporting and legal professions and the Arizona judicial system.
2. Pursuant to A.R.S. §32-4005(B) and the Arizona Code of Judicial Administration 7-206(D)(5)(a) {Court Reporter Standard Certification,} the board shall make recommendations to the supreme court regarding policies and procedures to implement the provisions of certification of court reporters, including continuing education. These policies are intended to provide direction to certified court reporters, to ensure compliance with the statutory and administrative code regarding continuing education credits, and to provide for equitable application and enforcement of the continuing education requirements.

B. Applicability.

1. Pursuant to A.R.S §32-4023(D) and the Arizona Code of Judicial Administration 7-206(G)(4) {Court Reporter Standard Certification} all certified court reporters shall complete at least ten hours of approved continuing education each calendar year. The court reporter shall submit documentation of completion of the continuing education with the application for renewal of certification. Pursuant to A.R.S. §32-4023(A), a renewal period is for the calendar year, from January 1st to December 31st.
2. Effective Date. Beginning January 1, 2003, and for every renewal of certification after that date, all certified court reporters shall comply with these adopted policies regarding continuing education.

C. Responsibilities of Certified Court Reporters.

1. It is the responsibility of each certified court reporter to ensure compliance with the CE requirements, maintain documentation of completion of CE and to submit this documentation with the renewal application by the deadline date established by the board for renewal of certification.
2. Upon request, each certified court reporter shall provide any additional information required by the board when reviewing CE applications and documentation.
3. If an activity has not been pre-approved by the board, the board's rejection of an activity completed by a court reporter and submitted with the application for renewal does not in any way diminish the responsibility of the reporter to comply with the ten hours of CE

requirement. If a reporter is uncertain as to whether an activity will meet board approval, it is the responsibility of the reporter to submit the proposed activity for board review prior to completing the continuing education. The reporter shall make this application on a form approved and provided by the board and shall submit it with sufficient time to allow the board to consider the request at a regularly scheduled board meeting and to then notify the reporter of its decision, prior to the scheduled date of the activity.

D. Authorized Continuing Education Activities.

1. Each CE activity must be approved by the board. The board may approve CE activity upon request of an individual court reporter or an individual sponsor or entity wishing to administer a CE activity; or the board may preapprove specified CE activities.
2. CE activity shall address the areas of proficiency, competency and performance of stenographic reporting and impart knowledge and understanding of the profession of court reporting, the Arizona judiciary and the legal process and increase the participant's understanding of the responsibilities of a certified court reporter and the reporter's impact on the judicial process. Therefore, CE activity shall include one or more of the following subjects:
 - a. English, including grammar and punctuation, vocabulary and etymology, proofreading and editing and regional and minority dialects, colloquialisms and commonly heard slang.
 - b. Medical terminology presented by subject matter experts on terminology and concepts commonly encountered by stenographic reporters including Greek and Latin roots, homonyms and sound-alikes, abbreviations, pharmacy, anatomy and physiology and specialized medical fields, (for example, neurology, dentistry, radiology, forensic medicine).
 - c. Legal terminology presented by subject matter experts on terminology and concepts commonly encountered by stenographic reporters including etymology, substantive law, procedural law, various subdivisions of law (for example, criminal, domestic, juvenile, civil, etc.) and how cases are processed and argued.
 - d. Other technical subjects presented by subject matter experts with emphasis on terminology and concepts commonly encountered by stenographic reporters (for example, accident reconstruction, chemistry, construction, workman's compensation, products liability, etc.)
 - e. Court reporting technology including computer-aided transcription (CAT) skills: CAT equipment, hardware and software, DOS, ASCII and compressed transcript; computer skills including word processing, spreadsheets, database applications, windows and internet applications; equipment maintenance and computer-integrated courtrooms.
 - f. Realtime reporting including writing for realtime, communicating with the hearing impaired, working with an interpreter, Americans with Disabilities Act and realtime certification.

- g. Certification tests, including the Registered Merit Reporter, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Manager of Reporting Services. The board shall grant credit in accordance with the standards established by the NCRA.
 - h. Ethics for court reporters and court employees, including cooperation with lawyers, judges and fellow court reporters, professional attire, courtesy and impartiality to all litigants, information vs. legal advice and public relations.
 - i. The Arizona court system including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, Arizona tribal court system, resource materials including Arizona Revised Statutes, Arizona Rules of Court, case law and administrative orders and rules; and current issues in the Arizona court system.
 - j. Role and responsibilities of the certified court reporter including the Arizona Code of Judicial Administration for court reporters.
 - k. Writing and editing skills including transcript style and setups, appropriate editing, scoping, scanning and printing, writing for a notereader, scopist or editor; indexing of witnesses and exhibits, and transcript formats.
 - l. Research skills including utilizing reference materials and libraries and research techniques.
 - m. Management issues including public relations and customer service; accounting, time management, human resources, financial planning and planning for retirement or changing careers within reporting; office management, maintaining individual reporter's health and emotional adjustment, and stress management.
 - n. Persons developing and presenting CE activities shall have expertise in the curriculum, knowledge of adult education principles, and the ability to prepare and present educational material effectively. The education faculty presenting a CE activity should consist primarily of members of the court reporting, legal and judicial community; faculty from other disciplines are permissible when their expertise will contribute to the goals of a specific program. The CE activity shall specify for whom the program is primarily designed, the course objectives, course content and teaching methods. All CE activity shall be conducted in an organized setting free from distractions.
3. Pre-Approved Activities. Subject to the conditions specified in this policy, programs, seminars, and courses of study offered or approved by the following entities are deemed accredited by the board:
- a. The NCRA;
 - b. Arizona Court Reporters Association (ACRA);
 - c. Arizona Supreme Court Committee on Judicial Education and Training (COJET);
 - d. United States Court Reporters Association (USCRA);

- e. Arizona Courts Association (ACA);
 - f. National Association of Court Management (NACM); and
 - g. Arizona Board of Certified Court Reporters.
4. Sponsoring Entities. Unless a CE activity has been pre-approved by the board, entities wishing to administer a CE activity shall submit the proposed CE activity to the board for consideration prior to conducting the activity. The board may reject applications submitted after the CE activity has been completed or conducted.
- a. At a minimum, the proposal shall meet all requirements of this policy and shall include the following:
 - (1) location, date and time of the proposed activity;
 - (2) proposed audience;
 - (3) course content, objectives, teaching methods and the evaluation method;
 - (4) names and qualifications of the faculty;
 - (5) written materials for the participants (a copy of the materials shall be included with the proposal); and
 - (6) number of CE credits the sponsoring entity is recommending the board grant for completion of the activity.
 - b. In addition, the proposal shall include a statement that the sponsor agrees to assume responsibility for verifying attendance of the participants; will provide a certificate of attendance for each participant who successfully completes the activity and that upon request of the board, will provide any additional information requested to assist the board in evaluating whether to approve the activity or to ensure compliance with this policy.
 - c. Activities approved by the board pursuant to this subsection are valid for the renewal period only, unless specifically renewed and approved for the board for a longer period of time. Sponsors wishing to conduct activities in a subsequent renewal period must submit the proposed activity to the board for review and approval, even if the activity has been approved by the board for a prior renewal period.
5. Serving as Faculty. Subject to board review and approval, a certified court reporter may receive CE credit for serving as faculty, an instructor, speaker or panel member of a board approved CE seminar directly related to the profession of court reporting. The board will grant CE credit for the actual presentation time, plus actual preparation time up to two hours for each hour of presentation time. The board will grant a maximum of five hours of CE credit for serving as faculty in any renewal period and a reporter may not receive credit for presenting a program repeatedly throughout the renewal period. A reporter may receive CE credit for actual presentation time for duplicate programs presented in subsequent renewals periods; but will not be granted CE credit for preparation time for those programs.
6. Authoring or Coauthoring Articles. Subject to board review and approval, a certified court reporter may receive CE credit for authoring or coauthoring an article directly related to court reporting, if the article is published in a state or nationally recognized professional journal of court reporting or law and if the article is a minimum of one thousand words in

length. A maximum of one hour of CE credit may be earned for authoring an article or articles in any one renewal period. The board must approve the published article for the author to receive CE credit. The board shall not grant credit for the same article published in more than one publication or republished in the same publication in later editions.

7. University, College and Other Educational Institution Courses. Subject to board review and approval, a certified court reporter may receive CE credit for a course provided by a university, college or other educational institution if the reporter successfully completes the course with a grade of "C" or better or a "pass" on a pass/fail system. The board may approve the course for CE credit upon documentation from the requesting reporter the course is relevant to the profession of court reporting. Courses approved by the board will be awarded credit by multiplying the number of credit hours awarded by the educational institution by two, however, the maximum total of CE credits for completion of courses pursuant to this subsection shall not exceed 50 percent of the total number of CE hours required for the renewal period.
8. Self Study. Subject to board review and approval, a certified court reporter may receive CE credit for self study, including correspondence courses, procedure manuals, video and audio tapes, on-line computer seminars and other methods of independent learning. The self study must be from an approved program and written materials must accompany all self-study activities. The board will not grant credit for simply reading books, seminar or other printed materials. With the exception of self-study courses provided by the NCRA, all self study must be pre-approved by the board for CE credit; no credit will be provided if the request for approval is submitted after completion of the program. Except for NCRA courses, the board may grant a maximum of five CE credits for self study in any one renewal period.
9. Mentoring Activities. The board shall not grant credit for mentoring activities.
10. Minimum time. Each CE activity shall consist of at least 30 minutes of "actual clock time" spent by a registrant in actual attendance at and completion of an approved CE activity. "Actual clock time" is the total hours attended, minus the time spent for introductory remarks, breaks, meals and business meetings. After completion of the initial 30 minutes of CE activity, credit may be given in fifteen minute increments. A reporter may not use additional earned CE credits for subsequent renewal periods.
11. Maximum Credit. Unless the board has determined the CE activity is directly related to the court reporting profession, a reporter may not receive more than 50 per cent of the credit requirement for the renewal period through one activity. The board has determined the following activities are directly related to the court reporting profession; participation in these activities are pre-approved for 100 per cent of the CE requirements:
 - a. Realtime reporting seminars;
 - b. The RPR preparation classes offered by community colleges; and
 - c. Case catalyst and other courses provided by court reporting software vendors.
12. Conferences. Reporters may request CE credit for attendance at a conference relevant to the

profession of court reporting. Subject to board review and approval, a reporter may receive 100 per cent of the CE credits for attendance at the conference, if the conference is directly related to the court reporting profession. The reporter must provide documentation of the specific sessions of the conference attended. The board shall not grant credit for attendance at general sessions of the conference.

13. Proration of CE. Reporters who are initially certified on or after July 1st of the calendar year shall complete a total of five hours of CE credit for that first certification period. In subsequent certification periods, the reporter must meet the ten CE hour requirement. This proration of CE credits does not apply to reporters who previously held certification, allowed the certification to lapse, and subsequently applied for and were granted certification partway through the renewal period. These reporters are subject to the full ten hour CE requirement.
14. Repeat of an Activity. Generally, the board shall not grant credit for reporters who repeat an activity within the same renewal period. The board may grant exceptions if the board determines the activity is directly related to the court reporting profession and duplication of the continuing education activity will enhance the certified reporter's knowledge, skill and competency.
15. Documentation of Attendance or Completion. When attending or completing a CE activity, each reporter shall obtain documentation of attendance or completion from the sponsoring entity.
 - a. At a minimum, this documentation shall include the:
 - (1) name of the sponsor;
 - (2) name of the participant;
 - (3) topic of the subject matter;
 - (4) number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
 - (5) date and place of the program;
 - (6) signature of the sponsor, or the documentation shall be an official document of the sponsoring entity; for example, a college grade report; official report from NCRA, etc.; and
 - (7) signature of the reporter, either in the space specifically provided on the form for this purpose, or the reporter may sign across the documentation (for example, the college grade report) to indicate attendance and completion at the activity.
 - b. A reporter shall not request and the board shall not grant credit if the reporter attends part, but not all of the provided activity.
 - c. Reporters requesting CE credit for self study shall submit documentation of completion on a form approved and provided by the board.

E. Non-Qualifying Activities.

1. The following activities, regardless of whether or not the activity is approved for COJET

credit shall not qualify for CE credit for certified court reporters:

- a. Programs completed for qualification for initial certification;
- b. Programs with a primary focus on teaching nonverbal skills that are not directly related to court reporting.
- c. Attendance or participation at professional or association business meetings, general sessions, elections, policymaking sessions or program orientation;
- d. Serving on committees or councils or as officers in a professional organization; and
- e. Activities completed as required by the board as part of a disciplinary action.

F. Board Decision Regarding Continuing Education Credits.

1. Upon a review of a request for CE credit, the board may:
 - a. Approve the CE credit;
 - b. Approve part, but not all of the requested CE credit;
 - c. Require additional information from the requester before making a decision; or
 - d. Deny the CE credit.
2. The program coordinator shall send a decision by the board to approve part, but not all of the credit, to require additional information or to deny the CE credit to the requester in writing. An individual may appeal the board's decision by submitting an appeal, in writing, within fifteen days of notification of the board's decision and may request in the appeal, to appear before the board at a regularly scheduled board meeting.
3. The certification of a court reporter who timely appeals a decision by the board regarding continuing education shall continue in force until a final decision is made by the board.
4. The board shall make the decision on the appeal in writing. The decision is final and binding.

G. Compliance and Non-Compliance.

1. The board may request additional information from an applicant for renewal of certification to verify compliance with the continuing education requirements. If the applicant fails to provide the requested information, the board may automatically deny the CE credit.
2. Pursuant to the Arizona Code of Judicial Administration 7-206 (H)(1)(c)(1) and (3); a certified court reporter who fails to meet the CE requirement, falsifies CE documents, or willfully misrepresents CE activities and attendance at CE activities is subject to any or all of the following actions by the board:

- a. A delinquent CE compliance fee of \$ 25.00;
 - b. Denial of renewal of certification; or
 - c. Disciplinary action.
3. In addition to the provisions of subsection (G)(2) above, the board may require a reporter who allows their certification to lapse on January 1st, to provide documentation of completion of the required number of CE credits for the prior certification year.
4. Extension or Waiver of CE requirements. A court reporter seeking renewal of certification who has not fully complied with the CE requirements may request an extension or waiver of the CE requirements under the following conditions:
- a. The reporter shall submit a notarized statement to the board, explaining the facts regarding non-compliance and requesting an extension or waiver of the CE requirements. The reporter shall submit this notarized statement no later than the October 1st preceding the expiration of the reporter's certificate on December 31st. Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days to complete the CE requirements, or a waiver of part or all of the CE requirements for the renewal period for which the reporter is requesting.
 - b. The board shall determine extenuating circumstances determined on an individual basis. In reviewing the request, the board shall consider if the reporter has been unable to devote sufficient hours to fulfill the CE requirements during the applicable renewal period because of:
 - (1) full-time service in the armed forces of the United States during a substantial part of the renewal period;
 - (2) an incapacitating illness documented by a statement from a currently licensed physician;
 - (3) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician;
 - (4) being retired from court reporting and not performing any reporting services; or
 - (5) any other special circumstances the board deems appropriate.
 - c. A reporter whose certificate has been suspended or revoked by the board is not eligible to request a waiver or extension.
 - d. The requesting reporter is responsible for providing documentation in support of the request and for providing any additional information requested by the board.