

The court reporter is integral to the efficient and effective operation of the judicial system. Thus, it is imperative that judges, litigants and their advocates be able to depend on the reporter's competence, impartiality and timely production of a verbatim record. Prompted by the importance of this duty, many fought for decades to enact a state certification process to set minimum standards of professionalism.

court reporting

BY MARY MEYER

On August 6, 1999, the Arizona Legislature enacted a law creating the Board of Certified Court Reporters (CCR Board) and requiring the certification of such reporters. Nine assignees comprise this Board, all appointed by Arizona Supreme Court Chief Justice Thomas Zlaket. The board's initial charge was setting the requirements and provisions for the Court Reporter Temporary Certification, which would eventually be superseded by the Court Reporter Standard Certification.

By July 1, 2000, the parameters for temporary certification were defined and in place, and all nonexempt court reporters were required to comply. After filing fingerprints with the FBI and submitting notarized applications to the CCR Board for review, each qualified reporter was issued a certificate number. Without that, "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." A.R.S. 32-4003(A)

The next task expected of the CCR Board was authoring the Arizona Code of Judicial Administration relating to the Court Reporter Standard Certification. The draft language was created and submitted for public comment. There was controversy surrounding some of the provisions, but the code was completed and enacted on April 2, 2001.

After much debate and with input from all

sides, the Arizona Supreme Court ruled that acquiring the Registered Professional Reporter (RPR) certification is the reasonable demonstration of the minimum skills necessary to effectively perform the duties of a verbatim court reporter. The RPR is administered twice a year under the auspices of the National Court Reporters Association and tests stenographic writing and transcription skills. There are three legs to the skills test: literary at 180

changes protect lawyers and consumers

To read about the Court Reporter Program, text of the legislation, and to retrieve complaint forms, go to www.supreme.state.az.us/cr.

words per minute (wpm), jury charge at 200 wpm and Q and A at 225 wpm.

There is no grandfather clause. All certified reporters must either have or attain the RPR to practice court reporting in Arizona. All reporters new to the state and recent graduates must hold the RPR to begin practicing in Arizona. Accommodation in the form of a provisional standard certificate is afforded reporters already working in the state who either have not taken or not yet passed the RPR examination. Those who qualify for this provision will have until June 30, 2004, to comply.

Section 7-206 of the administrative code, Appendix A, outlines the Code of Conduct that governs the practice of court reporting. Although much of what is outlined in Standards 1 through 6 reflects a level of professionalism and ethical conduct already met by most, there are a few points of note that may affect the interaction between law firms and reporting firms:

- The court reporter is charged with making full disclosure to all parties of any relationships, including contractual, that may give the appearance of a conflict of interest or partiality. Subsection 1(e).
- A person holding a certificate is prohibited from entering into contracts for court reporting services with any non-exempt entity. Subsections 6(b), 6(d). (Government contracts are exempted.)
- A deposition is void if the reporter is found to have an extant relationship that creates a

conflict of interest (i.e., contractual, familial or financial). Subsection 6(e).

This code, as structured, is intended to allow free commerce while keeping inviolate the expectation that the court reporter is the impartial keeper of the record by ensuring an egalitarian approach to the setting of rates and the offering of services. Subsections 3(a), 6(b). The Board has recommended to the Chief Justice that an advisory board be empaneled to provide an opinion on the application of the Code to specific fact scenarios.

Although the majority of Arizona's court reporters accomplish their work with quiet competence, almost everyone has heard a horrific tale about a court reporter, someone who wouldn't or couldn't transcribe. Before certification, there was little that could be done about such situations other than make wiser choices when possible and hope for the best otherwise. As of April 2, 2001, the CCR Board is empowered by the Supreme Court to "investigate, prosecute and adjudicate alleged violations." A.R.S. 32-4006(A). These processes are outlined in Section 7-206, Standards H(1) through H(23). If consumers or lawyers have complaints, they need no longer be merely anecdotal. Valid complaints can be presented to the Board. After appropriate investigatory and appeal processes are exhausted, if a violation has occurred, potential disciplines range from a cease-and-desist order, H(7)(a), to revocation of certification, H(7)(f).

Lawyers and their support staff can obtain a copy of this code and complaint forms at www.supreme.state.az.us/cr and make inquiry to ensure their court reporter's policies and practices are in compliance. If they are not, the out-of-compliance reporter exposes their certification to potential discipline, and counsel and their clients may be unwittingly exposed to the difficulties inherent in Standard 6(e).

Although the legislation is nascent, the goal of this certification is to protect the integrity and impartiality of our profession to better serve the legal community and any Arizona citizen who may one day have need of an accurate, timely verbatim record. ▀

Mary Meyer is President of the Arizona Court Reporters Association.