

GOVERNMENT CODE - CHAPTER 52.
COURT REPORTERS AND SHORTHAND REPORTING FIRMS
Effective 09/01/2007

SUBCHAPTER A. GENERAL PROVISIONS

§ 52.001. DEFINITIONS.

(a) In this chapter:

- (1) "Board" means the Court Reporters Certification Board.
- (2) "Certification" means a certification issued by the state supreme court on the board's recommendation.
- (2-a) "Director" means the administrative director of the board's employees.
- (3) "Official court reporter" means the shorthand reporter appointed by a judge as the official court reporter.
- (4) "Shorthand reporter" and "court reporter" mean a person who engages in shorthand reporting.
- (5) "Shorthand reporting" and "court reporting" mean the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner using written symbols in shorthand, machine shorthand, or oral stenography.
- (6) "Shorthand reporting firm," "court reporting firm," and "affiliate office" mean an entity wholly or partly in the business of providing court reporting or other related services in this state.
- (7) "Registration" means a registration issued by the board.

(b) For purposes of Subsection (a)(6), a court reporting firm, shorthand reporting firm, or affiliate office is considered to be providing court reporting or other related services in this state if:

- (1) any act that constitutes a court reporting service or shorthand reporting service occurs wholly or partly in this state;
- (2) the firm or office recruits a resident of this state through an intermediary located inside or outside of this state to provide court reporting services, shorthand reporting services, or other related services in this state; or
- (3) the firm or office contracts with a resident of this state by mail or otherwise and either party is to perform court reporting services, shorthand reporting services, or other related services wholly or partly in this state.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 1037, § 1, eff. Sept. 1, 1993; Acts 2001, 77th Leg., ch. 29, § 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 1, eff. Sept. 1, 2003. Amended by: Acts 2007, 80th Leg., R.S., Ch. 21, § 1, eff. September 1, 2007.

§52.002. RULES.

The supreme court may adopt rules consistent with this chapter, including rules governing:

- (1) the certification and conduct of official and deputy court reporters and shorthand reporters; and
- (2) the registration and conduct of court reporting and shorthand reporting firms.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 3, eff. Sept. 1, 2001.

§52.003. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING.

- (a) Subject to Sections 52.021(i), 52.029, 52.0295, and 52.034 and any rules related to ethics or professional conduct promulgated by the supreme court, the supreme court may not adopt rules restricting advertising or competitive bidding by a certification or registration holder except to prohibit false, misleading, or deceptive practices.
- (b) In its rules to prohibit false, misleading, or deceptive practices, the supreme court may not include a rule that:
 - (1) restricts the use of any medium for advertising;
 - (2) restricts the use of a certification or registration holder's personal appearance or voice in an advertisement;
 - (3) relates to the size or duration of an advertisement by the certification or registration holder; or
 - (4) restricts the certification or registration holder's advertisement under a trade name.

Added by Acts 2003, 78th Leg., ch. 813, § 2, eff. Sept. 1, 2003.

SUBCHAPTER B. COURT REPORTERS CERTIFICATION BOARD, ADMINISTRATIVE PROVISIONS

§ 52.011. ORGANIZATION.

(a) The Court Reporters Certification Board is appointed by the supreme court and is composed of:

- (1) one active district judge who serves as chairman;
- (2) two active attorneys licensed in this state who have been practicing members of the State Bar for more than the five years immediately preceding their appointment to the board;
- (3) two active official court reporters who have practiced shorthand reporting in this state for more than the five years immediately preceding their appointment to the board;
- (4) two active certified shorthand reporters who work on a freelance basis and who have practiced shorthand reporting for more than the five years immediately preceding their appointment to the board;
- (5) one representative of a shorthand reporting firm that is not owned by a certified shorthand reporter and that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the representative's appointment to the board;
- (6) one representative of a shorthand reporting firm that is owned by a certified shorthand reporter and that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the representative's appointment to the board; and
- (7) four members who are representatives of the general public.

(b) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) A person may not be a member of the board or act as the general counsel to the board if the person is:

(1) required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board; or

(2) an owner, officer, or employee of a school or institution engaged in instructing persons in shorthand reporting skills.

(d) In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of shorthand reporting; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of shorthand reporting.

(e) A person may not be a public member of the board if the person or the person's spouse:

(1) is a judge;

(2) is licensed to practice law in this state;

(3) is registered or certified by the board;

(4) is an elected public official;

(5) is a full-time governmental employee;

(6) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the board;

(7) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the board; or

(8) uses or receives a substantial amount of tangible goods, services, or money from the board other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(f) Board members serve six-year terms of office.

(g) A member holds office until that member's successor is appointed and has qualified for office. A board member may not be appointed to an immediately succeeding term unless the member has served less than three consecutive years.

(h) If a vacancy occurs on the board, the supreme court shall appoint a similarly qualified person to serve the remainder of the term.

(i) Board members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

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Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, § 2.68(a), eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 167, § 2.19(15), eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 561, § 22, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, § 5.95(28), eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 29, § 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 4, eff. Sept. 1, 2003.

§ 52.0111. BOARD MEMBER TRAINING.

(a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the legislation that created the board;
 - (2) the programs operated by the board;
 - (3) the role and functions of the board;
 - (4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;
 - (5) the current budget for the board;
 - (6) the results of the most recent formal audit of the board;
 - (7) the requirements of:
 - (A) the open meetings law, Chapter 551;
 - (B) the public information law, Chapter 552;
 - (C) the administrative procedure law, Chapter 2001; and
 - (D) other laws relating to public officials, including conflict-of-interest laws; and
 - (8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.
- (c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Added by Acts 2003, 78th Leg., ch. 813, § 6, eff. Sept. 1, 2003.

§ 52.0112. REMOVAL OF BOARD MEMBER.

- (a) It is a ground for removal from the board that a member:
 - (1) does not have at the time of taking office the qualifications required by Section 52.011;
 - (2) does not maintain during service on the board the qualifications required by Section 52.011;
 - (3) is ineligible for membership under Section 52.011(e);
 - (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
 - (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.
 - (b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.
 - (c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the supreme court that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the supreme court that a potential ground for removal exists.
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Added by Acts 2003, 78th Leg., ch. 813, § 6, eff. Sept. 1, 2003.

§ 52.012. MEETINGS.

- (a) The board shall meet at least once a year in Austin and may hold its meetings, hearings, examinations, and other proceedings at other times and places as determined by the board.
- (b) Seven members of the board constitute a quorum.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 5, eff. Sept. 1, 2001.

§ 52.0121. PUBLIC PARTICIPATION.

The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Added by Acts 2003, 78th Leg., ch. 813, § 6, eff. Sept. 1, 2003.

§ 52.013. POWERS AND DUTIES.

- (a) The board shall:
 - (1) administer and enforce this chapter;
 - (2) administer the examination prescribed by Section 52.023;
 - (3) set the amount of each fee prescribed by this chapter, subject to the approval of the supreme court;
 - (4) charge and collect the fees prescribed by this chapter;
 - (5) determine the qualifications and pass on the eligibility of each person applying for certification or recertification;
 - (6) maintain a record of each court reporting firm or affiliate office that registers with the board as required by this chapter; and
 - (7) issue a registration to each court reporting firm or affiliate office that registers with the board.
- (b) The board may:
 - (1) appoint any necessary or proper subcommittee;
 - (2) designate a board employee to serve as director;
 - (3) approve curriculum for court reporter career schools and colleges as provided by Section 132.055, Education Code;
 - (4) approve court reporter programs in technical institutes and public community colleges for purposes of certification under Section 61.051, Education Code; and
 - (5) approve continuing professional education courses for persons certified as court reporters.

- (c) The board shall maintain:
 - (1) a complete record of each board proceeding;
 - (2) a complete record of each certification issued, renewed, or revoked; and
 - (3) a complete record of each registration issued, renewed, or revoked.
- (d) The board is charged with the executive functions necessary to carry out the purposes of this chapter under rules adopted by the supreme court.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 563, § 3, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 91, § 2, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 260, § 25, eff. May 30, 1995; Acts 2001, 77th Leg., ch. 29, § 6, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 364, § 2.28, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 813, § 5, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 817, § 8.42, eff. Sept. 1, 2003.

§ 52.0131. ADMINISTRATIVE ATTACHMENT.

- (a) The board is administratively attached to the Office of Court Administration of the Texas Judicial System.
- (b) Notwithstanding any other law, the Office of Court Administration of the Texas Judicial System shall:
 - (1) provide administrative assistance and services to the board, including budget planning and purchasing;
 - (2) accept, deposit, and disburse money made available to the board;
 - (3) pay the salaries and benefits of the director and employees of the board; and
 - (4) provide the board with adequate computer equipment and support.

Added by Acts 2003, 78th Leg., ch. 813, § 7, eff. Sept. 1, 2003.

§ 52.014. SUNSET PROVISION.

The Court Reporters Certification Board is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2015.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1985, 69th Leg., ch. 480, § 21, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 148, § 2.69(a), eff. Sept. 1, 1987; Acts 1991, 72nd Leg., 1st C.S., ch. 17, § 6.14, eff. Nov. 12, 1991; Acts 2003, 78th Leg., ch. 813, § 8, eff. Sept. 1, 2003.

§ 52.015. CONTINUING EDUCATION.

- (a) The supreme court may authorize and the board by rule may require continuing professional education for persons certified as court reporters.
- (b) The rules for continuing professional education adopted by the board may include standards relating to:
 - (1) annual reporting by court reporters or by providers of continuing professional education;
 - (2) continuing professional education course content; and
 - (3) minimum number of hours of continuing professional education required annually.
- (c) The board by rule may exempt certain persons, including disabled and retired persons, from all or a portion of the continuing education requirements.

Added by Acts 1995, 74th Leg., ch. 91, § 3, eff. Sept. 1, 1995.

§ 52.016. CODE OF ETHICS.

- (a) The board shall develop and recommend to the supreme court for adoption by rule a code of ethics for certification or registration holders under this chapter. In developing the code of ethics, the board may use the codes of ethics adopted by state or national court reporters' associations as models.
- (b) The board shall publish the code of ethics after adoption by the supreme court.
- (c) After publishing the code of ethics, the board shall propose to the supreme court a rule stating that a person who violates the code of ethics is subject to an administrative penalty assessed under Section 52.0321.
- (d) The board shall update the code of ethics as necessary to reflect changes in technology or other factors affecting the field of shorthand reporting.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.0165. INFORMATION ON COMPLAINTS.

- (a) The board shall maintain a file on each written complaint filed with the board. The file must include:
 - (1) the name of the person who filed the complaint;
 - (2) the date the complaint is received by the board;
 - (3) the subject matter of the complaint;
 - (4) the name of each person contacted in relation to the complaint;
 - (5) a summary of the results of the review or investigation of the complaint; and
 - (6) an explanation of the reason the file was closed, if the board closed the file without taking action other than to investigate the complaint.
- (b) The board shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.
- (c) The board, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.017. USE OF TECHNOLOGY.

The Office of Court Administration of the Texas Judicial System shall research and propose appropriate technological solutions to improve the board's ability to perform its functions. The technological solutions must:

- (1) ensure that the public is able to easily find information about the board on the Internet;
- (2) ensure that persons who want to use the board's services are able to:
 - (A) interact with the board through the Internet; and
 - (B) access any service that can be provided effectively through the Internet; and
- (3) be cost-effective and developed through the board's planning processes.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.0175. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

- (a) The board shall develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the board's jurisdiction.
- (b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.
- (c) The board shall designate a trained person to:
 - (1) coordinate the implementation of the policy adopted under Subsection (a);
 - (2) serve as a resource for any training needed to implement the procedures for alternative dispute resolution; and
 - (3) collect data concerning the effectiveness of those procedures, as implemented by the board.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.018. EQUAL EMPLOYMENT OPPORTUNITY POLICY.

- (a) The Office of Court Administration of the Texas Judicial System shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.
- (b) The policy statement must include:
 - (1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and
 - (2) an analysis of the extent to which the composition of the board's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.
- (c) The policy statement must:
 - (1) be updated annually;
 - (2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and
 - (3) be filed with the governor's office.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.0185. STANDARDS OF CONDUCT.

The director or the director's designee shall provide to members of the board and to board employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

§ 52.019. STATE EMPLOYEE INCENTIVE PROGRAM.

The director or the director's designee shall provide to board employees information and training on the benefits and methods of participation in the state employee incentive program.

Added by Acts 2003, 78th Leg., ch. 813, § 9, eff. Sept. 1, 2003.

SUBCHAPTER C. CERTIFICATION AND REGISTRATION

§ 52.021. CERTIFICATION OF REPORTERS.

- (a) A person may not be appointed an official court reporter or a deputy court reporter unless the person is certified as a shorthand reporter by the supreme court.
- (b) A person may not engage in shorthand reporting in this state unless the person is certified as a shorthand reporter by the supreme court.
- (c) A certification issued under this chapter must be for one or more of the following methods of shorthand reporting:
 - (1) written shorthand;
 - (2) machine shorthand;
 - (3) oral stenography; or
 - (4) any other method of shorthand reporting authorized by the supreme court.
- (d) A person certified under this chapter before September 1, 1983, may retain a general certification authorizing the

person to use any authorized method of shorthand reporting. The person must keep the certification in continuous effect.

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

(f) Except as provided by Section 52.031 and by Section 20.001, Civil Practice and Remedies Code, all depositions conducted in this state must be recorded by a certified shorthand reporter.

(g) The board may enforce this section by seeking an injunction or by filing a complaint against a person who is not certified by the supreme court in the district court of the county in which that person resides or Travis County. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The board shall be represented by the attorney general and/or the county or district attorney of this state, or counsel designated and empowered by the board.

(h) A court reporting firm shall register with the board by completing an application in a form adopted by the board.

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The board may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services performed outside of this state by a foreign shorthand reporter who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 367, § 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 799, § 1, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 1037, § 2, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 122, § 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 29, § 8, 9, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 10, eff. Sept. 1, 2003.

§ 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.

(a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.

(b) The supreme court shall adopt rules necessary to comply with Chapter 53, Occupations Code.

Added by Acts 2003, 78th Leg., ch. 813, § 11, eff. Sept. 1, 2003.

§ 52.022. APPLICATION FOR EXAMINATION.

A person seeking certification must file an application for examination with the board not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.023. EXAMINATION.

(a) The examination for certification in one or more of the authorized methods of shorthand reporting consists of two parts, designated Part A and Part B.

(b) Part A consists of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charges given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Each applicant must personally take down the test material, either writing or in voice, and must prepare a transcript of the material taken down. The minimum passing grade for each section of Part A is 95 percent. A dictionary may be used during Part A. Each applicant has three hours to complete the transcription of Part A. If an applicant finishes before the three hours have elapsed, the applicant may review the transcript but may use only the test material taken down by that applicant to review the transcript. An error is charged for:

- (1) each wrong word;
- (2) each omitted word;
- (3) each word added by the applicant that was not dictated;
- (4) each contraction interpreted by the applicant as two words;
- (5) two words interpreted by the applicant as a contraction;
- (6) each misplaced word;
- (7) each misplaced period that materially alters the sense of a group of words or a sentence;
- (8) each misspelled word;
- (9) the use of the plural or singular if the opposite was dictated; and
- (10) each wrong number.

(c) Part B consists of objective questions relating to elementary aspects of shorthand reporting, spelling, and grammar. The minimum passing grade for Part B is 75 percent. A dictionary may not be used during Part B.

(d) An applicant who cheats on the examination is disqualified and may not take the examination again until two years have elapsed from the date of the examination at which the applicant was disqualified.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 148, § 2.70, eff. Sept. 1, 1987; Acts 1999, 76th Leg., ch. 562, § 1, eff. June 18, 1999.

§ 52.0231. EXAMINATION RESULTS.

(a) Not later than the 30th day after the date a person takes an examination under this chapter, the board shall notify

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the person of the results of the examination.

(b) If the examination is graded or reviewed by a testing service:

(1) the board shall notify the person of the results of the examination not later than the 30th day after the date the board receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall notify the person of the reason for the delay before the 90th day.

(c) The board may require a testing service to notify a person of the results of the person's examination.

(d) If requested in writing by a person who fails an examination administered under this chapter, the board shall furnish the person with an analysis of the person's performance on the examination.

Added by Acts 2003, 78th Leg., ch. 813, § 11, eff. Sept. 1, 2003.

§ 52.024. CERTIFICATION TO SUPREME COURT.

(a) The board shall certify to the supreme court the name of each qualified applicant who has passed the examination.

(b) Repealed by Acts 2003, 78th Leg., ch. 813, § 21.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2003, 78th Leg., ch. 813, § 21, eff. Sept. 1, 2003.

§ 52.0241. RECIPROCAL CERTIFICATION OR CERTIFICATION BY ENDORSEMENT.

(a) The board may waive any prerequisite to certification for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license or certification issued by another jurisdiction that has licensing or certification requirements substantially equivalent to those of this state.

(b) The board may waive any prerequisite to certification for an applicant who holds a license or certification issued by another jurisdiction with which this state has a reciprocity agreement. The board may make an agreement, subject to the approval of the supreme court, with another state to allow for certification by reciprocity.

Added by Acts 2003, 78th Leg., ch. 813, § 11, eff. Sept. 1, 2003.

§ 52.025. TITLE; OATHS.

(a) On certification, a shorthand reporter may use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

(b) A certified shorthand reporter may administer oaths to witnesses anywhere in this state.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.0255. FIRM REGISTRATION.

(a) A shorthand reporting firm may not assume or use the title or designation "court recording firm," "court reporting firm," or "shorthand reporting firm" or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm, or offer services as a court reporting firm or shorthand reporting firm, unless the firm and its affiliate offices are registered with the board on a form prescribed by the board as required by this chapter.

(b) The board may enforce this section against a firm, its affiliate office, or both, if the firm or affiliate office is not registered with the board, by seeking an injunction or by filing a complaint in the district court of the county in which the firm or affiliate office is located or in Travis County. An action for an injunction is in addition to any other action, proceeding, or remedy authorized by law. The attorney general, a county or district attorney of this state, or counsel designated and empowered by the board shall represent the board.

Added by Acts 2001, 77th Leg., ch. 29, § 10, eff. Sept. 1, 2001.

§ 52.026. CERTIFICATION AND REGISTRATION FEE AND RENEWAL.

(a) A person who receives certification as a shorthand reporter or a shorthand reporting firm or affiliate office that registers with the board must pay the initial fee and any other required fee before receiving the certification or registration.

(b) A certification or registration expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification or registration is renewed. Thereafter, the certification or registration expires at 12:01 a.m. of each second January 1 unless renewed.

(c) A person who is otherwise eligible to renew a certification or registration may renew an unexpired certification or registration by paying the required renewal fee to the board before the expiration date of the certification or registration. A person whose certification or registration has expired may not engage in activities that require a certification or registration until the certification or registration has been renewed.

(d) A person whose certification or registration has been expired for 90 days or less may renew the certification or registration by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(e) A person whose certification or registration has been expired for more than 90 days but less than one year may renew the certification or registration by paying to the board a renewal fee that is equal to two times the normally required renewal fee.

(f) A person whose certification or registration has been expired for one year or more may not renew the certification or registration. The person may obtain a new certification or registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certification or registration.

(g) A person who was certified in this state, moved to another state, and is currently certified and has been in

practice in the other state for the two years preceding the date of application may obtain a new certification without reexamination. The person must pay to the board a fee that is equal to two times the normally required renewal fee for the certification.

(h) Not later than the 30th day before the date a person's certification or registration is scheduled to expire, the board shall send written notice of the impending expiration to the person at the person's last known address according to the records of the board.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 11, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 12, eff. Sept. 1, 2003.

§ 52.0261. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION.

The supreme court by rule may adopt a system under which certifications or registrations expire on various dates during the year. For the year in which the certification or registration expiration date is changed, the board shall prorate certification or registration fees on a monthly basis so that each certification or registration holder pays only that portion of the certification or registration fee that is allocable to the number of months during which the certification or registration is valid. On renewal of the certification or registration on the new expiration date, the total certification or registration renewal fee is payable.

Added by Acts 2003, 78th Leg., ch. 813, § 13, eff. Sept. 1, 2003.

§ 52.027. COMPLAINT.

(a) To file a complaint against a certified shorthand reporter or a shorthand reporting firm or affiliate office registered with the board, a person must:

- (1) have personal knowledge of the alleged violation;
- (2) complete a complaint form provided by the board;
- (3) sign the completed form; and
- (4) attach any pertinent documentary evidence to the form.

(b) On receipt of a properly executed complaint, the board shall furnish a copy of the complaint and any attachments to the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint.

(c) This section does not preclude the board or a court of this state from filing a complaint against a certified shorthand reporter or a shorthand reporting firm.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 11, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 14, 15, eff. Sept. 1, 2003.

§ 52.0271. COMPLAINT DISMISSAL.

(a) The board may adopt a policy allowing board employees to dismiss complaints that:

- (1) clearly do not allege misconduct; or
- (2) are not within the board's jurisdiction.

(b) Board employees shall inform the board of all dismissals made under this section.

(c) A person who files a complaint that is dismissed under this section may request that the board reconsider the complaint.

Added by Acts 2003, 78th Leg., ch. 813, § 16, eff. Sept. 1, 2003.

§ 52.028. NOTICE AND HEARING.

(a) If after receiving a verified complaint the board believes that a hearing on the complaint is advisable, the board shall set a date for the hearing not later than the 30th day after the date on which the board received the complaint.

(b) Immediately after setting the date for the hearing, the board shall notify the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The notice shall be mailed to the registered address of the shorthand reporter or shorthand reporting firm or affiliate office not later than the 30th day before the date on which the hearing is scheduled.

(c) The chairman or the chairman's designee shall preside at the hearing.

(d) At the hearing, the board shall apply the general rules of evidence applicable in a district court.

(e) The board shall rule on requests for continuances with regard to the hearing.

(f) At the direction of a majority of the board, each board member may administer oaths, subpoena witnesses and compel their attendance, take evidence, and require the production of records relating to a matter within the board's jurisdiction.

(g) The board shall produce a written summary of the evidence before it and a written finding of facts. The board shall forward a copy of its findings of fact and rulings to the complainant and any aggrieved party.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 2001, 77th Leg., ch. 29, § 12, eff. Sept. 1, 2001.

§ 52.029. DISCIPLINARY ACTIONS AGAINST COURT REPORTERS.

(a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Section 52.028, the board shall revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;

- (5) fraud or misrepresentation in obtaining certification;
 - (6) a final conviction of a felony or misdemeanor that directly relates to the duties and responsibilities of a certified court reporter, as determined by rules adopted under Section 52.0211;
 - (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
 - (8) engaging in the practice of shorthand reporting while certification is suspended;
 - (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
 - (10) entering into or providing services under a prohibited contract described by Section 52.034;
 - (11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this chapter; or
 - (12) other sufficient cause.
- (b) The board may suspend the certification:
- (1) for a designated period of time not to exceed 12 months;
 - (2) until the person corrects the deficiencies that were the grounds for the suspension; or
 - (3) until the person complies with any conditions imposed by the board to ensure the person's future performance as a shorthand reporter.
- (c) A suspended shorthand reporter may apply for reinstatement by presenting proof that:
- (1) the designated time has expired;
 - (2) the person has corrected the deficiencies; or
 - (3) the person has complied with the conditions imposed by the board.
- (d) On its own motion, the board may conduct a hearing to inquire into a suspension. If the board finds that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the board, the board may revoke the person's certification.
- (e) The supreme court may authorize and the board may adopt rules relating to the nonrenewal of the certification of a court reporter who is in default on a loan guaranteed under Chapter 57, Education Code, by the Texas Guaranteed Student Loan Corporation.
- (f) The board may place on probation a person whose certification is suspended. If a certification suspension is probated, the board may require the person to:
- (1) report regularly to the board on matters that are the basis of the probation;
 - (2) limit practice to the areas prescribed by the board; or
 - (3) continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1995, 74th Leg., ch. 91, § 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 729, § 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 29, § 13, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 813, § 17, eff. Sept. 1, 2003.

§ 52.0295. DISCIPLINARY ACTIONS AGAINST FIRMS.

- (a) After receiving a complaint and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by Section 52.028, the board shall reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:
- (1) fraud or corruption;
 - (2) dishonesty;
 - (3) conduct on the part of an officer, director, or managerial employee of the shorthand reporting firm or affiliate office if the officer, director, or managerial employee orders, encourages, or permits conduct that the officer, director, or managerial employee knows or should have known violates this chapter;
 - (4) conduct on the part of an officer, director, or managerial employee or agent of the shorthand reporting firm or affiliate office who has direct supervisory authority over a person for whom the officer, director, employee, or agent knows or should have known violated this chapter and knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the person's actions;
 - (5) fraud or misrepresentation in obtaining registration;
 - (6) a final conviction of an officer, director, or managerial employee of a shorthand reporting firm or affiliate office for a felony or misdemeanor that is directly related to the provision of court reporting services, as determined by rules adopted under Section 52.0211;
 - (7) engaging the services of a reporter that the shorthand reporting firm or affiliate office knew or should have known was using a method for which the reporter is not certified;
 - (8) knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification the shorthand reporting firm or affiliate office knew or should have known was suspended;
 - (9) unprofessional conduct, including a pattern of giving directly or indirectly or benefiting from or being employed as a result of giving any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
 - (10) entering into or providing services under a prohibited contract described by Section 52.034;
 - (11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this chapter; or
 - (12) other sufficient cause.
- (b) Nothing in Subsection (a)(9) shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.
- (c) The board may suspend the registration of a shorthand reporting firm or affiliate office:

- (1) for a designated period of time;
 - (2) until the shorthand reporting firm or affiliate office corrects the deficiencies that were the grounds for the suspension; or
 - (3) until the shorthand reporting firm or affiliate office complies with any conditions imposed by the board to ensure the shorthand reporting firm's or affiliate office's future performance.
- (d) A shorthand reporting firm or affiliate office whose registration is suspended may apply for reinstatement by presenting proof that:
- (1) the designated time has expired;
 - (2) the shorthand reporting firm or affiliate office has corrected the deficiencies; or
 - (3) the shorthand reporting firm or affiliate office has complied with the conditions imposed by the board.
- (e) On its own motion, the board may conduct a hearing to inquire into a suspension. If the board finds that a shorthand reporting firm or affiliate office has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed by the board, the board may revoke the registration of the shorthand reporting firm or affiliate office.
- (f) The board may place on probation a shorthand reporting firm or affiliate office whose registration is suspended. If a registration suspension is probated, the board may require the firm or office to:
- (1) report regularly to the board on matters that are the basis of the probation;
 - (2) limit practice to the areas prescribed by the board; or
 - (3) through its officers, directors, managerial employees, or agents, continue or review professional education until those persons attain a degree of skill satisfactory to the board in those areas that are the basis

Added by Acts 2001, 77th Leg., ch. 29, § 14, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 813, § 18, eff. Sept. 1, 2003.

§ 52.030. APPEAL OF DISCIPLINARY ACTION.

An aggrieved court reporter or shorthand reporting firm or affiliate office may appeal a disciplinary action of the board to a district court in the county of the court reporter's residence or the county in which the shorthand reporting firm or affiliate office is located or in Travis County. The appeal shall be by trial de novo, with or without a jury. If the aggrieved person is the official or deputy court reporter of the court in which the appeal will be heard or if the shorthand reporting firm or affiliate office provides the official or deputy court reporter of the court in which the appeal will be heard, the presiding judge of the administrative judicial region shall appoint the judge of another court or a retired judge to hear and determine the complaint.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 2, § 8.44(12), eff. Aug. 28, 1989; Acts 2001, 77th Leg., ch. 29, § 15, eff. Sept. 1, 2001.

§ 52.031. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS.

- (a) A noncertified shorthand reporter may be employed until a certified shorthand reporter is available.
- (b) A noncertified shorthand reporter may report an oral deposition only if:
 - (1) the noncertified shorthand reporter delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or
 - (2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.
- (c) This section does not apply to a deposition taken outside this state for use in this state.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.032. CRIMINAL PENALTY.

- (a) Except as provided by Section 52.031, a person commits an offense if the person engages in shorthand reporting in violation of Section 52.021 of this code. Each day of violation constitutes a separate offense.
- (b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 1037, § 3, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 813, § 19, eff. Sept. 1, 2003.

§ 52.0321. ADMINISTRATIVE PENALTY.

- (a) The board may assess an administrative penalty against a person who violates this chapter or a rule or provision of the code of ethics adopted under this chapter.
- (b) In determining the amount of an administrative penalty assessed under this section, the board shall consider:
 - (1) the seriousness of the violation;
 - (2) the history of previous violations;
 - (3) the amount necessary to deter future violations;
 - (4) efforts made to correct the violation; and
 - (5) any other matters that justice may require.

Added by Acts 2003, 78th Leg., ch. 813, § 20, eff. Sept. 1, 2003.

§ 52.033. EXEMPTIONS.

- This chapter does not apply to:
- (1) a party to the litigation involved;
 - (2) the attorney of the party; or

- (3) a full-time employee of a party or a party's attorney.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.034. PROHIBITED CONTRACTS.

- (a) A court reporter may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:
 - (1) undermines the impartiality of the court reporter;
 - (2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;
 - (3) requires a court reporter to provide any service not made available to all parties to an action; or
 - (4) gives or appears to give an exclusive advantage to any party.
- (b) This section does not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

Added by Acts 1997, 75th Leg., ch. 729, § 2, eff. Sept. 1, 1997.

SUBCHAPTER D. APPOINTMENT AND POWERS AND DUTIES OF OFFICIAL COURT REPORTERS

§ 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER.

Each judge of a court of record shall appoint an official court reporter. An official court reporter is a sworn officer of the court and holds office at the pleasure of the court.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.042. DEPUTY COURT REPORTER.

- (a) If an official court reporter is unable to perform his duties in reporting proceedings in court due to illness, other official work, or unavoidable disability, the judge of the court may appoint a deputy court reporter to perform the court reporting services during the absence of the official court reporter.
- (b) A deputy court reporter is entitled to receive the same salary and fees for the services performed during the absence of the official court reporter as the official court reporter receives. The deputy court reporter shall be paid in the same manner as the official court reporter.
- (c) The official court reporter is entitled to receive his regular salary while temporarily unable to perform his duties due to other official work. The official court reporter may not receive salary under this subsection for more than 30 days each year.
- (d) The salary of the official court reporter for absences due to illness or unavoidable disability shall be determined in accordance with the compensation and leave policies of the county or counties responsible for payment of the official court reporter's salary and Chapter 504, Labor Code.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 453, § 1, eff. Sept. 1, 1997.

§ 52.043. DEPUTY COURT REPORTER FOR THE 70TH JUDICIAL DISTRICT.

- (a) The official court reporter for the 70th Judicial District may appoint a deputy court reporter for the district.
- (b) The deputy court reporter shall have the same authority and duties as the official court reporter and shall provide court reporting services under the direction and in the name of the official court reporter.
- (c) Notwithstanding Section 52.042, neither the counties comprising the 70th Judicial District nor this state may pay the salary or other expenses of the deputy court reporter appointed under this section.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.044. ADDITIONAL DISTRICT COURT REPORTERS IN BEXAR COUNTY.

- (a) The judges of the district courts in Bexar County may employ additional official court reporters to serve the district courts in Bexar County if a majority of the district court judges believe more official court reporters are necessary.
- (b) The district court judges shall, by majority vote, determine the method of hiring the additional official court reporters.
- (c) The additional official court reporters receive the same compensation for services performed as the regular official court reporter receives.
- (d) The presiding civil judge shall determine the assignments of the additional official court reporters.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.045. OATH.

- (a) An official court reporter must take the official oath required of officers of this state.
- (b) In addition to the official oath, each official court reporter must sign an oath administered by the district clerk stating that in each reported case the court reporter will keep a correct, impartial record of:
 - (1) the evidence offered in the case;
 - (2) the objections and exceptions made by the parties to the case; and
 - (3) the rulings and remarks made by the court in determining the admissibility of testimony presented in case.

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Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.046. GENERAL POWERS AND DUTIES.

- (a) On request, an official court reporter shall:
- (1) attend all sessions of the court;
 - (2) take full shorthand notes of oral testimony offered before the court, including objections made to the admissibility of evidence, court rulings and remarks on the objections, and exceptions to the rulings;
 - (3) take full shorthand notes of closing arguments if requested to do so by the attorney of a party to the case, including objections to the arguments, court rulings and remarks on the objections, and exceptions to the rulings;
 - (4) preserve the notes for future reference for three years from the date on which they were taken; and
 - (5) furnish a transcript of the reported evidence or other proceedings, in whole or in part, as provided by this chapter.
- (b) An official court reporter of a district court may conduct the deposition of witnesses, receive, execute, and return commissions, and make a certificate of the proceedings in any county that is included in the judicial district of that court.
- (c) The supreme court may adopt rules consistent with the relevant statutes to provide for the duties and fees of official court reporters in all civil judicial proceedings.
- (d) A judge of a county court or county court at law shall appoint a certified shorthand reporter to report the oral testimony given in any contested probate matter in that judge's court.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.047. TRANSCRIPTS.

- (a) A person may apply for a transcript of the evidence in a case reported by an official court reporter. The person must apply for the transcript in writing to the official court reporter. The official court reporter shall furnish the transcript to the person not later than the 120th day after the date the:
- (1) application for the transcript is received by the reporter; and
 - (2) transcript fee is paid or the person establishes indigency as provided by Rule 20, Texas Rules of Appellate Procedure.
- (b) If an objection is made to the amount of the transcript fee, the judge shall determine a reasonable fee, taking into consideration the difficulty and technicality of the material to be transcribed and any time constraints imposed by the person requesting the transcript.
- (c) On payment of the fee or as provided by Rule 40(a)(3) or 53(j), Texas Rules of Appellate Procedure, the person requesting the transcript is entitled to the original and one copy of the transcript. The person may purchase additional copies for a fee per page that does not exceed one-third of the original cost per page.
- (d) An official court reporter may charge an additional fee for:
- (1) postage or express charges;
 - (2) photostating, blueprinting, or other reproduction of exhibits;
 - (3) indexing; and
 - (4) preparation for filing and special binding of original exhibits.
- (e) If an objection is made to the amount of these additional fees, the judge shall set a reasonable fee. If the person applying for the transcript is entitled to a transcript without charge under Rule 40(a)(3) or 53(j), Texas Rules of Appellate Procedure, the court reporter may not charge any additional fees under Subsection (d).
- (f) If the official court reporter charges an amount that exceeds a fee set by the judge, the reporter shall refund the excess to the person to whom it is due on demand filed with the court.
- (g) Notwithstanding Rule 53(j), Texas Rules of Appellate Procedure, an official court reporter who is required to prepare a transcript in a criminal case without charging a fee is not entitled to payment for the transcript from the state or county if the county paid a substitute court reporter to perform the official court reporter's regular duties while the transcript was being prepared. To the extent that this subsection conflicts with the Texas Rules of Appellate Procedure, this subsection controls. Notwithstanding Sections 22.004 and 22.108(b), the supreme court or the court of criminal appeals may not amend or adopt rules in conflict with this subsection.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1991, 72nd Leg., ch. 455, § 1, eff. Sept. 1, 1991. Amended by: Acts 2007, 80th Leg., R.S., Ch. 827, § 1, eff. September 1, 2007.

§ 52.048. COURT REPORTERS FOR FAMILY LAW MASTERS IN EL PASO.

Each El Paso family law master shall appoint an official shorthand reporter to serve that master. The official shorthand reporter must be well skilled in his profession. The reporter is a sworn officer of the court who holds office at the pleasure of the court.

Added by Acts 1989, 71st Leg., ch. 2, § 8.32(b), eff. Aug. 28, 1989.

SUBCHAPTER E. COMPENSATION AND EXPENSES

§ 52.051. COMPENSATION OF DISTRICT COURT REPORTERS.

- (a) An official district court reporter shall be paid a salary set by the order of the judge of the court. This salary is in addition to transcript fees, fees for a statement of facts, and other necessary expenses authorized by law.
- (b) The salary set by the judge may not be lower than the salary that official court reporter received on January 1, 1972.

(c) An order increasing the salary of an official district court reporter must be submitted to the commissioners court of each county in the judicial district not later than September 1 immediately before the adoption of the county budget for the next year. A commissioners court may allow an extension of this time limit.

(d) The official district court reporter may not receive:

(1) a salary that is more than 10 percent greater than the salary received during the preceding budget year without the approval of the commissioners court of each county in the judicial district if the court reporter serves in a county with a population of less than 1 million; or

(2) a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation in that fiscal year to all other employees of the county in which the reporter serves if the reporter serves in a county with a population of 1 million or more.

(e) A person appointed to succeed an official district court reporter may not receive a salary greater than the salary received by the person's predecessor in office.

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Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 188, § 1, eff. Sept. 1, 1993.

§ 52.052. COMPENSATION IN THE 222ND JUDICIAL DISTRICT.

Notwithstanding Section 52.051, the district judge of the 222nd Judicial District shall set the salary of the official court reporter at not less than \$15,000.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 517, § 1, eff. Aug. 31, 1987.

§ 52.053. COMPENSATION OF HILL COUNTY OFFICIAL COURT REPORTER.

(a) The salary of the official court reporter for the County Court of Hill County shall be set by the commissioners court in an amount not to exceed the salary received by the official court reporter of the district court in Hill County.

(b) This salary is in addition to transcript fees, fees for statement of facts, and all other fees.

(c) The salary shall be paid from the county general fund, jury fund, or any other fund available for the purpose, as determined by the commissioners court.

(d) The salary shall be paid in the same manner as salaries for other county officers are paid.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.054. APPORTIONMENT OF SALARY.

(a) Except as provided by Subsections (b) and (c), the salary of an official court reporter of a judicial district that is composed of more than one county shall be apportioned among the counties of the district. Each county shall pay a portion of the salary equal to the proportion that its population bears to the total population of the judicial district.

(b) The judge of the 31st Judicial District shall determine the proportionate amount of the salary of the official court reporter to be paid by each county in the district based on the annual case load in each county.

(c) Nueces County shall pay 50 percent of the salary of the official court reporter for the 105th Judicial District. Kleberg and Kenedy counties shall pay the remaining 50 percent. Kleberg and Kenedy counties' shares shall be equal to the proportion that each county's population bears to the total population of the two counties.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.055. EXPENSES OF DISTRICT COURT REPORTERS.

(a) Each official or deputy court reporter of a district court in a district composed of more than one county is entitled to reimbursement in the amount prescribed by Subsections (b) and (d) for actual and necessary expenses incurred while engaged in official duties in any county of the state other than the county of the reporter's residence. This reimbursement is in addition to the reporter's regular salary.

(b) Travel expenses reimbursed under this section may not exceed 25 cents per mile for the use of private conveyances, traveling the shortest practical route.

(c) The expenses shall be reimbursed after the completion of each court term by the respective counties of the judicial district for which the expenses were incurred, each county paying the expenses incidental to its own regular or special term. The commissioners court of each county shall pay the expenses for which the county is responsible from the county general fund.

(d) The expenses reimbursed under this section are subject to annual limitations based on the size of the judicial district. A court reporter may not receive more than the maximum reimbursement amount set for the reporter's judicial district in any one year. The maximum reimbursement amount is as follows:

(1) if the judicial district contains two counties, the maximum reimbursement amount is \$400;

(2) if the judicial district contains three counties, the maximum reimbursement amount is \$800;

(3) if the judicial district contains four counties, the maximum reimbursement amount is \$1,400; and

(4) if the judicial district contains five or more counties, the maximum reimbursement amount is \$2,000.

(e) To receive reimbursement under this section, a court reporter must prepare in duplicate a sworn statement of expenses that is approved by the district judge. The reporter must file a copy of the statement with the clerk of the district court of the county in which the district judge resides.

(f) This section applies to any additional official or deputy court reporter whose services are required when a district court convenes in a special term. The county in which the special term is convened shall pay the expenses. These expenses are in addition to the expenses provided for the official or deputy court reporter of the district.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1989, 71st Leg., ch. 367, § 2, eff. Aug. 28, 1989.

§ 52.056. EXPENSES OF VISITING COURT REPORTERS.

(a) An official or deputy court reporter of a judicial district who is required to leave the county of his residence to report proceedings as a substitute for the official court reporter of another county is entitled to reimbursement for actual and necessary travel expenses and a per diem allowance of \$30 for each day or part of a day spent outside his county of residence in the performance of duties as a substitute. These fees are in addition to the visiting reporter's regular salary.

(b) The commissioners court of the county in which the visiting reporter provides services shall pay the reimbursement and per diem allowance from the county general fund on receipt of a sworn statement by the court reporter that has been approved by the district judge presiding in the court in which the proceedings were reported.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985.

§ 52.057. EXPENSES OF COURT REPORTERS IN CERTAIN ENUMERATED DISTRICTS.

(a) Notwithstanding Section 52.055, the expenses of the official court reporters for the 31st, 46th, 104th, 112th, and 155th judicial districts shall be reimbursed as prescribed by this section.

(b) The official court reporters for the 31st and 112th judicial districts are entitled to receive travel expense allowances in the same amounts as a state employee. The allowances shall be paid as prescribed by Sections 52.055(c) and (e).

(c) In lieu of the expenses provided by Section 52.055, the official court reporter for the 46th Judicial District may receive, instead of reimbursement for actual expenses, an annual allowance of \$3,000 for travel and other expenses incurred in performing official duties. The allowance shall be paid in equal monthly installments by the counties in the judicial district. The amount each county pays shall be determined by the proportion that each county's population bears to the total population of the district.

(d) The annual allowance for actual and necessary expenses received by the official court reporter for the 104th Judicial District may not exceed \$400.

(e) In lieu of the expenses provided by Section 52.055, the official court reporter for the 155th Judicial District may receive an annual allowance of \$3,000 for travel and other expenses incurred in performing official duties. The counties in the district, other than the county in which the reporter resides, shall pay the allowance in equal shares.

Acts 1985, 69th Leg., ch. 480, § 1, eff. Sept. 1, 1985. Amended by Acts 1993, 73rd Leg., ch. 73, § 1, eff. Sept. 1, 1993.

§ 52.058. EXPENSES OF DISTRICT COURT REPORTERS IN CHANGE OF VENUE CASES.

(a) Each official or deputy court reporter of a district court is entitled to reimbursement in the amount prescribed by Subsection (b) for reasonable and necessary expenses incurred while engaged in official duties during a trial being held under a change of venue order in any county of the state other than the county of the reporter's residence. This reimbursement is in addition to the reporter's regular salary.

(b) Travel expenses reimbursed under this section may not exceed 25 cents per mile for the use of private conveyances, traveling the shortest practical route.

(c) The expenses shall be reimbursed as provided by Sections 52.055(c) and (e).

Added by Acts 1989, 71st Leg., ch. 367, § 3, eff. Aug. 28, 1989.

§ 52.059. CHARGES FOR DEPOSITIONS.

(a) Except as provided by Subsection (c), an attorney who takes a deposition and the attorney's firm are jointly and severally liable for a shorthand reporter's charges for:

- (1) the shorthand reporting of the deposition;
- (2) transcribing the deposition; and
- (3) each copy of the deposition transcript requested by the attorney.

(b) Except as provided by Subsection (c), an attorney who appears at a deposition and the attorney's firm are jointly and severally liable for a shorthand reporter's charges for each copy of the deposition transcript requested by the attorney.

(c) Prior to the taking of any deposition, a determination of the person who will pay for the deposition costs will be made on the record, if an attorney is unwilling to be bound by the provisions of Subsection (a) or (b).

(d) In this section:

(1) "Firm" means:

- (A) a partnership organized for the practice of law in which an attorney is a partner or with which an attorney is associated; or
- (B) a professional corporation organized for the practice of law of which an attorney is a shareholder or employee.

(2) An attorney "takes" a deposition if the attorney:

- (A) obtains the deponent's appearance through an informal request;
- (B) obtains the deponent's appearance through formal means, including a notice of deposition or subpoena; or
- (C) asks the first question in the deposition.

Added by Acts 1991, 72nd Leg., ch. 454, § 1, eff. Sept. 1, 1991.