

(Amended 06/01/2006)

***Standards and Rules for Certification
of Certified Shorthand Reporters as
Promulgated by the Supreme Court of Texas***

The purpose of this program is to advance the administration of justice for the general welfare of the public, by upgrading the practice of shorthand reporting through required certification and the establishing of disciplinary procedures for those found guilty of unprofessional conduct, fraud, dishonesty, corruption, willful violation of duty or incompetence.

Therefore, pursuant to the authority vested in the Supreme Court of Texas, under Chapter 52 of the Government Code, V.T.C.A., (hereinafter referred to as the "Act"), the court hereby prescribes the following standards, rules, and regulations governing the certification of shorthand reporters. (Amended Jan 1, 1984; eff. Jan. 1, 1984.)

I. GENERAL REQUIREMENTS AND DEFINITIONS

- A. No person may be appointed an official court reporter or deputy court reporter or may engage in the practice of shorthand reporting for use in litigation in the courts of this state unless that person is certified as a shorthand reporter by the Supreme Court of Texas. A certification must be for one or more of the following methods of shorthand reporting: written shorthand, machine shorthand or oral stenography. (Amended Jan. 1, 1984, eff. Jan. 1, 1984.) Source: Sec. 52.021, Government Code, V.T.C.A.
- B. A person engaging in the practice of shorthand reporting who violates the provisions of Section 1 of the Act is guilty of a Class A misdemeanor, and each day of violation shall constitute a separate offense. (Amended Jan. 1, 1984, eff. Jan. 1, 1984.) Source: Sec. 52.032, Government Code, V.T.C.A.
- C. In the Act, "the practice of shorthand reporting for use in litigation in the courts of this state" means the making of a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner by means of written symbols or abbreviations in shorthand or machine shorthand writing or oral stenography. (Amended Jan. 1, 1984, eff. Jan. 1, 1984.) Source: Sec. 52.001, Government Code, V.T.C.A.
- D. Each person to whom a certification is issued shall, as a condition precedent to its issuance and in addition to any other fee which may be payable, pay the initial certification fee which shall be fixed by the Court Reporters Certification Board hereinafter referred to as the "Board," subject to approval by the Supreme Court. (Amended Jan. 1, 1984, eff. Jan. 1, 1984.) Source: Secs. 52.013(a) and 52.026, Government Code, V.T.C.A.
- E. Each certification issued under this Act that has not been renewed shall expire at 12:01 a.m. on January 1 following the second anniversary of the date of the issuance of the certification and every second year thereafter.

1. To renew certification, the certified shorthand reporter shall, on or before the expiration date of the certification, pay the renewal fee which shall be fixed by the Board, subject to approval by the Supreme Court. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.013 and 52.026(c), Government Code, V.T.C.A.*
 2. The Board may reinstate an expired certification if, not later than the 120th day after the day of expiration, the applicant pays the renewal fee and any penalty fee established by the Board and approved by the Supreme Court. The reinstatement dates from the original date of expiration. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.026(d), Government Code, V.T.C.A.*
 3. The Board may reinstate a certification that has been expired for more than 120 days if the Board finds, on a sworn affidavit of the applicant or by another method determined by the Board, that the applicant has retained the professional skills required for original certification and had good cause for not timely paying the renewal fee, and has paid all delinquent renewal fees and any penalty fee established by the Board and approved by the Supreme Court. Reinstatement under this subsection expires on January 1 nearest the second anniversary of the reinstatement. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.026(e), Government, V.T.C.A.*
 4. A person certified under this Act prior to September 1, 1983, may retain a general certification authorizing the person to use any method of shorthand reporting authorized in this section, but the person must keep the certification in continuous effect. (*Amended Sept. 15, 1982, eff. Sept. 15, 1982; Jan. 1, 1984, eff. Jan. 1, 1984.*)
- F. Nothing in the Act shall be construed to prohibit the employment of a shorthand reporter not certified until a certified shorthand reporter is available in the judicial district where services of a shorthand reporter are desired. Oral depositions, however, may be reported by a person not certified under the Act only if the non-certified reporter delivers to the parties or their counsel present at the deposition an affidavit that no certified shorthand reporter is then available or, on stipulation on the record at the commencement of the deposition, by the parties or their counsel present at the deposition. The provisions of this section do not apply to depositions taken outside this state for use in this state. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.031, Government Code, V.T.C.A.*
- G. The provisions of the Act shall not apply to a party to the litigation involved, his attorney, or to a full-time employee of either. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.033, Government Code, V.T.C.A.*

H. On certification, a court reporter is entitled to use the title "Certified Shorthand Reporter" or the abbreviation "CSR." A certified shorthand reporter may administer oaths to witnesses anywhere in this state. (Amended Jan. 1, 1984, eff. Jan. 1, 1984.) Source: Sec 52.025, Government Code, V.T.C.A.

I. Certification of transcriptions

1. The transcription of any oral court proceeding, deposition or proceeding before a grand jury, referee or court commissioner, or any other document certified by a certified shorthand reporter for use in litigation in the courts of Texas, shall contain as a part of the certification thereof, the signature, address and telephone number of the certified shorthand reporter and his or her State certification number and the date of expiration of certification, substantially in the following form:

I, _____, a certified shorthand reporter of the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of

(insert description of material or document certified)

Certified to on this the _____ day of _____, 19 _____.

(Signature of Reporter)

(Typed or Printed Name of Reporter)

Certification Number of Reporter: _____

Date of Expiration of Current Certification: _____

Business Address: _____

Telephone Number: _____

2. A certification of a transcript of a court proceeding by an official court reporter shall contain a certificate signed by the court reporter substantially in the following form:

"THE STATE OF TEXAS

COUNTY OF _____

I, _____, official reporter in and for the _____ court of _____ County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all the proceedings (or all proceedings directed by counsel to be included in the statement of facts, as the case may be), in the above styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this transcription of the record of the proceedings truly and correctly reflects the exhibits, if any, offered by the respective parties.

WITNESS my hand this the _____ day of _____, 19 _____.

(Signature)
Official Court Reporter"

(Typed or Printed Name of Reporter)

Certification Number of Reporter: _____

Date of Expiration of Current Certification: _____

Business Address: _____

Telephone Number: _____

3. A person not certified who performs the functions of a court reporter pursuant to Section 52.031, Government Code, V.T.C.A., shall attach to and make a part of the certification of any deposition which requires certification, an affidavit that no certified shorthand reporter was available to take the deposition, which shall be sworn to by that person and the parties to the proceedings, or their attorneys present. The certification of a transcription of a court proceeding reported pursuant to section 52.031, Government Code, V.T.C.A., by a person not certified shall contain an affidavit sworn to by that person, the attorneys representing the parties in the court proceeding, and the judge presiding that no certified shorthand reporter was available to perform the duties of the court reporter. *(Paragraph I. amended November 20, 1994, eff. Jan. 1, 1985.)*

J. Official Court Reporters.

1. Official court reporters, deputy court reporters and substitute court reporters shall abide by the provisions of Rules 11, 12(b),(c) and 53(j) Texas Rules of Appellate Procedure, in the conduct of the business of their offices.
2. The presiding judge of a court may allow the official court reporter thereof to be absent from official duties for a reasonable time for vacations but the reporter shall receive salary for such time only to the extent allowed for other employees of the county. (*Paragraph J. amended November 20, 1984, eff. Jan. 1, 1985.*)

II. POWERS AND DUTIES OF THE COURT REPORTERS CERTIFICATION BOARD

- A. The Court Reporters Certification Board shall consist of the following twelve (12) members appointed by the Supreme Court of Texas:
1. one (1) active district judge who shall serve as the chairman of the Board; (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011(1), Government Code, V.T.C.A.*
 2. two (2) active members of the State Bar who have been practicing members of the Bar during more than five (5) consecutive years next preceding their appointment; (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011(2), Government Code, V.T.C.A.*
 3. three (3) active official court reporters and three (3) active freelance certified shorthand reporters who have been engaged in the practice of shorthand reporting for use in litigation in the courts of this state during more than five (5) consecutive years next preceding their appointment; and (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011(3),(4), Government Code, V.T.C.A.*
 4. three (3) citizens of this state who are not and whose spouses are not judges licensed to practice law in this state, shorthand reporters, elected public officials, or full-time governmental employees. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011, Government Code, V.T.C.A.*
- B. The regular term of office of Board members shall be six (6) years. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011, Government Code, V.T.C.A.*
3. Board members shall hold office until the appointment and qualifications of their successors. An interim vacancy shall be filled for the unexpired portion of the term in the same manner as the appointment at the expiration of a full term. Board members may succeed themselves in office only if they have served less than three (3) consecutive years. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011, Government Code, V.T.C.A.*
- D. Board members shall receive no compensation for their services but are entitled to receive actual and necessary expenses for traveling and other necessary expenses incurred in the discharge of their duties as members of the Board. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.011(i), Government Code, V.T.C.A.*
- E. The Board may hold its meetings, hearings, examinations, and other proceedings at such times and places as it shall determine but shall meet in Austin, Texas, at least once each year. Five (5) members constitute a quorum for the transaction of business. The Board shall keep a

complete record of all of its proceedings and all certifications issued, renewed, or revoked, together with a detailed statement of receipts and disbursements. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.012 and 52.013, Government Code, V.T.C.A.*

1. Examination questions and materials, examinations taken by applicants, completed application forms, statements of reference, statements of proficiency, complaints, correspondence and other documents or information in the file of an applicant or certificate holder in the possession of the Board shall be confidential and the contents thereof shall not be disclosed except for names, addresses and certificate status of applicants and such statistical abstracts of information in the files as may be necessary for the Board to evaluate the examination process. (*Amended Sept. 15, 1982, eff. Sept. 15, 1982; Jan. 1, 1984, eff. Jan. 1, 1984.*)
 2. Not less than two years following an examination administered by the Board, all answer sheets and all transcriptions of dictation of applicants taking the examination shall be destroyed upon approval by the Board. (*Amended Sept. 15, 1982, eff. Sept. 15, 1982; Jan. 1, 1984, eff. Jan. 1, 1984.*)
- F. The Board is charged with the executive functions necessary to effectuate the purposes of the Act under such rules as may be promulgated by the Supreme Court. The Board may appoint subcommittees as it deems necessary or proper. The Board may employ the employees it deems necessary for the performance of the duties and exercise of the powers conferred on the Board and may pay from funds available to it all expenses reasonably necessary to effectuate the purposes of the Act. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.013, Government Code, V.T.C.A.*

II. CERTIFICATION BY EXAMINATION

- A. Persons are required to pass an examination administered by the Court Reporters Certification Board in one or more of the methods of shorthand reporting authorized by the Act in order to qualify for certification. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)
- B. Each applicant for certification under the Act shall file an application with the Board at least thirty (30) days before the date fixed for examination, accompanied by the required fee. The fee for an examination given by the Board shall be fixed by the Board, subject to the approval of the Supreme Court. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.013(a)(2) and 52.022, Government Code, V.T.C.A.*
- C. Each test shall be given in two (2) parts to be designated Part A and Part B. Part A shall be composed of five (5) minutes of two-voice dictation of questions and answers given at 225 words per minute, five (5) minutes of dictation of jury charge given at 200 words per minute, and five (5) minutes of dictation of selected literary material given at 180 words per minute. Each applicant shall personally take down the test, either in his own writing or his own voice, and shall reduce to writing the takedown on either a manual or electric typewriter or computer. The minimum passing grade on each section of Part A of the test shall be ninety-five (95%) percent accuracy. An error shall be charged for each wrong word, for each omitted word, for each added word not dictated, for each contraction where read as two (2) words, for two (2) words where read as a contraction, for each misplaced word, for each

misplaced period that would materially alter the sense of a group of words or a sentence, for each misspelled word, for each plural or singular where the opposite was dictated and for each wrong number. The use of a dictionary will be permitted during Part A of the test. Applicants will be allowed three (3) hours to complete the transcription of Part A of the test. If time permits, the applicant may review his transcript but shall use only his original takedown from which his transcript was prepared to review the transcript. Part B of the test shall consist of objective questions touching on elementary aspects of the court reporting, spelling and grammar. The use of a dictionary will not be permitted during Part B of the test. The minimum passing grade on Part B will be seventy-five (75%) percent. Anyone discovered cheating on the test is disqualified and will not be eligible for retesting for a period of two (2) years. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.013 and 52.023, Government Code, V.T.C.A.*

- D. The Board shall determine the qualifications and pass on the eligibility of all persons applying for certification or recertification under the Act. After notice and an opportunity for a hearing, the Board may refuse to certify to the Supreme Court the application of a person convicted of:
 - 1. A criminal offense, involving moral turpitude, that indicates a clear and rational likelihood that the person will not properly discharge the responsibilities of a certified shorthand reporter; or
 - 2. a criminal offense involving fraud or corruption. (*Paragraph D. amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.013 and 52.024, Government Code, V.T.C.A.*

- E. The Board shall certify to the Supreme Court the names of applicants who are determined on examination by the Board to be qualified in professional shorthand reporting and the method or methods of reporting used by each successful applicant in taking the examination. Certificates and other indicia of office issued to applicants successfully completing examination shall indicate the approved method or methods in which the applicant is certified. Such methods shall be limited to written shorthand, machine shorthand or oral stenography, as proved by Section 52.001, Government Code, V.T.C.A. (*Amended November 23, 1982, eff. Jan. 1, 1983; Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.021 and 52.024, Government Code, V.T.C.A.*

- F. An applicant who has passed Part A or Part B of the examination but who has failed the other part, will not be required to be re-examined on the part passed by such applicant. (*Amended May 9, 1978; eff. May 9, 1978; Jan. 1, 1984, eff. Jan. 1, 1984.*)

IV. REVOCATION OF CERTIFICATION

- A. The Board may revoke or suspend any certification issued under this Act or issue a reprimand to a certified shorthand reporter on a verified complaint after notice and opportunity of a hearing for:
 - 1. fraud or corruption;
 - 2. dishonesty;
 - 3. willful or negligent violation or failure of duty;
 - 4. incompetence;
 - 5. fraud or misrepresentation in obtaining certification;

6. a final conviction of a criminal offense, involving moral turpitude, that indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a certified shorthand reporter;
7. engaging in the practice of shorthand reporting for use in litigation in the courts of this state by using a method for which the reporter is not authorized to practice or while certification is suspended;
8. unprofessional conduct;
9. violation of the Code of Professional Conduct for Court Reporters and Court Reporting Firms; or
10. other sufficient cause as determined by the Board. (*Paragraph A. amended Jan. 1, 1984, eff. Jan. 1, 1984; June 19, 2006, eff. June 19, 2006.*) *Source: Sec. 52.029, Government Code, V.T.C.A.*

B. For the purpose of Section 52.029(a)(9), of the Government Code, unprofessional conduct shall include, but not be limited to:

1. failing to deliver a transcript or statement of facts to a client or court in a timely manner as determined by statute, court order or agreement;
2. producing an inaccurate transcript or statement of facts;
3. producing an incomplete transcript or statement of facts except upon order of a court, agreement of the parties or request of a party;
4. failing to disclose as soon as practical to the parties or their attorneys existing or past financial, business, professional, family, or social relationships, including contracts for court reporting services, which might reasonably create an appearance of partiality;
5. advertising or representing falsely the qualifications of a certified shorthand reporter or that an unlicensed individual is a certified shorthand reporter;
6. failing to charge all parties or their attorneys to an action the same price for an original transcript or statement of facts and failing to charge all parties or their attorneys the same price for a copy of a transcript or statement of facts or for like services performed in an action;
7. failing to disclose in writing to all parties or their attorneys upon request at any time an itemization of all rates and charges to all parties or their attorneys;
8. reporting of any proceeding by any person who is a relative of a party or their attorney within the second degree by affinity or consanguinity unless:

(A) as soon as practicable, the reporter discloses the relation in writing to all parties and the court; and

(B) either

- (1) no party or the court objects to the use of the reporter on the grounds of the relation. An objection under this subparagraph must be made as soon as practicable after the relation is disclosed; or
- (2) the court enters an order finding that, under the circumstances, the relation does not reasonably create an appearance of partiality and that good cause exists to permit use of the reporter.

9. reporting of any proceeding by any person who is financially interested in the action or who is associated with a firm which is financially interested in the action;
 10. failing to notify all parties or their attorneys of a request for a transcript or statement of facts, or any part thereof, in sufficient time for copies to be prepared and delivered simultaneously with the original;
 11. going "off the record" during a deposition when not agreed to by all parties or their attorneys unless otherwise ordered by the court;
 12. giving, directly or indirectly, benefitting 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 \$25 per transaction and \$50 in the aggregate per recipient each year; and
 13. charging for a copy at a rate more than one-third (1/3) the per page cost of the original and first copy. (*Paragraph B. adopted Dec. 20, 1994, eff. Jan. 1, 1995.*)
 14. failing to comply with the requirements of the Uniform Format Manual for Texas Court Reporters.
- C. A person desiring to file a complaint against a certified court reporter shall file such on the official complaint form authorized by the Board. The complaint shall be completed and signed under oath, with all pertinent documentary evidence attached thereto. On receipt of the complaint properly executed, it is the duty of the Board to duplicate and furnish copies of the complaint and attachments to the certified shorthand reporter against whom the complaint was filed. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.027, Government Code, V.T.C.A.*
- D. If the Board deems a hearing advisable, it shall set the hearing within thirty (30) days from the date the verified complaint is received by the Board and shall immediately notify the holder of the certification of the date of the hearing. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.028, Government Code, V.T.C.A.*
- E. The notice shall state the cause for the contemplated disciplinary action and the time and place of the hearing and shall be mailed to the registered address of the holder of the certification at least 30 days before the hearing. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.028, Government Code, V.T.C.A.*
- F. The Board shall govern the treatment of the request for continuances with regard to hearings before the Board. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.028(e), Government Code, V.T.C.A.*
- G. Five members of the Board shall constitute a quorum. The chairman or his designee shall preside at the hearing. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Secs. 52.012 and 52.028, Government Code, V.T.C.A.*
- H. At the hearing, the Board will adhere to the general rules of evidence applicable in non-jury civil cases before the district courts of the state. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Irrelevant, immaterial or unduly

repetitious evidence shall be excluded. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984; Nov. 20, 1984, eff. Jan. 1, 1985.*)

- I. Each Board member is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, and take evidence and require the production of any records concerning any matter within the jurisdiction of the Board at the direction of a majority of the Board.
 1. On its own motion or on the written request of any party to a disciplinary matter pending before it, on a showing of good cause, as determined by the Board, the Board or a member thereof shall issue a subpoena addressed to the sheriff or any constable of any county in the state to require the attendance of witnesses and the production of books, records, papers or other objects as may be necessary and proper for the purpose of the proceedings.
 2. On its own motion or on the written request of any party to a disciplinary matter pending before it, on a showing of good cause, as determined by the Board, the Board or a member thereof shall issue a commission, addressed to the several officers authorized by statute to take depositions, to require that the deposition of a witness be taken, which commission shall authorize the issuance of any subpoenas necessary to require that the witness appear and produce, at the time the deposition is taken, books, records, papers, or other objects as may be necessary and proper for the purposes of the proceeding. The deposition of a member of the Board may not be taken after a date has been set for hearing.
 3. Before the issuance of any subpoena or commission as provided in 1. and 2. above, the Board shall require the party requesting such to deposit sums that will reasonably insure payment of the amounts estimated to accrue under Subsections 11(a) and (b) of this section. The amount of sums to be deposited shall be as determined by the Board. The Board may require the deposit of additional sums if it determines that the expenses accrued under Subsections 11(a) and (b) will exceed the amounts previously deposited.
 4. The place of taking the depositions shall be in the county of the witness' residence, or where the witness is employed or regularly transacts business in person. The commission shall authorize and require the officer or officers to whom it is addressed, or either of them, to examine the witness before him on the date and at the place named in the commission and to take answers under oath to questions which may be propounded to the witness by the parties to the proceeding, a member of the Board, or the attorneys for the parties. The commission shall require the witness to remain in attendance from day to day until the deposition is begun and completed.
 5. The witness shall be carefully examined, the testimony shall be reduced to writing or typewriting by the officer taking the deposition, or by some person under the officer's personal supervision, and if in this State, under the provisions of Chapter 52 of the Government Code, V.T.C.A., or by the deponent in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent.

6. The officer taking the oral deposition may not sustain objections to any of the testimony taken, or exclude any of it, and the objections of any of the parties or attorneys engaged in taking testimony shall be reserved for the action of the Board. The officer conducting the hearing is not confined to objections made at the taking of the testimony.

7. When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and read to or by the witness, unless the examination and reading are waived by the witness and by the parties in writing. However, if the witness is a party to a disciplinary matter pending before the Board with an attorney of record, the deposition officer shall notify the attorney of record in writing by registered mail or certified mail that the deposition is ready for examination and reading at the office of the deposition officer, and if the witness does not appear and examine, read and sign the deposition within 20 days after the mailing of the notice, the deposition shall be returned as provided in these rules for unsigned depositions. In any event, the witness must sign the deposition at least three days prior to the hearing, or it shall be returned as provided in these rules for unsigned depositions. Any changes in the form or substance which the witness desires to make shall be entered on the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties present at the taking of the deposition by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver, illness, or absence of the witness or the fact of the refusal to sign, together with the reason, if any, given for failure to sign. The deposition may then be used as fully as though signed.

8. A deposition may be returned to the Board either by mail, or by a party interested in taking the deposition, or by any other person. If returned by mail, the Board shall endorse on the deposition that it was received from the post office and shall cause the employee so receiving the deposition to sign it. If not sent by mail, the person delivering it to the Board shall make affidavit before the Board that he received it from the hands of the officer before whom it was taken, that it has not been out of his possession since, and that it has undergone no alteration.

9. A deposition, after being filed with the Board, may be opened by any employee at the request of either party or his counsel. The employee shall endorse on the deposition on what day and at whose request it was opened, signing the deposition, and it shall remain on file with the Board for the inspection of any party.

10. Regardless of whether cross interrogatories have been propounded, any party is entitled to use the deposition in the matter pending before the Board.

11. A witness or deponent who is not a party and who is subpoenaed or otherwise compelled to attend any hearing or proceeding to file a deposition or to produce books, records, papers, or other objects that may be necessary and proper for the purposes of the proceeding under the authority of this section is entitled to receive:

(a) mileage of 23 cents a mile for going to, and returning from the place of the hearing or the place where the deposition is

taken, if the place is more than 25 miles from the person's place of residence; and
(b) a fee of forty (\$40) dollars a day for each day or part of a day the person is necessarily present as a witness or deponent.

12. Mileage and fees to which a witness is entitled under this section shall be paid by the party at whose request the witness appears or the deposition is taken, on presentation of proper vouchers sworn by the witness and approved by the Board or a member thereof.

13. Process issued by the Board or a member thereof shall extend to all parts of the state. In the case of failure of a person to comply with a subpoena or commission issued under the authority of the Act, the Board, acting through the attorney general, or the party requesting the subpoena or commission, may bring suit to enforce the subpoena or commission in a district court in Travis County. The court, if it determines that good cause exists for the issuance of the subpoena or commission, shall order compliance with the requirements of the subpoena or commission. Failure to obey the order of the court may be punished by the court as contempt.

14. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. On request, parties shall be given the opportunity to compare the copy with the original.

15. In any hearing, a party may conduct cross-examinations required for a full and true disclosure of the facts.

16. In connection with any hearing held under the provisions of these rules official notice may be taken of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the Board's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data, and they must be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the Board and its staff may be utilized in evaluating the evidence.

17. Hearings shall be reported by a certified shorthand reporter upon the request of any party and the deposit by that party of such sums as the Board may determine necessary to reasonably insure payment of the reporter's services.

18. The Board may meet in closed or executive session for the purpose of grading examinations, the deliberation of disciplinary matters, other purposes as determined by a unanimous vote of the board member present and voting, or for any other purpose for which closed meetings are permitted for other governmental bodies which are subject to Article 6252-17, V.T.C.S. (Texas Open Meetings Act). During such closed or executive sessions only board members and essential staff shall be present, provided that the Board may allow the presence of such persons as it may determine are essential to the purpose of the closed or executive session. The Board shall officially release the results of the closed or executive session or have such results inserted into the official minutes of the Board, without however revealing any of the discussion had or other matter considered during the closed or executive session. All board members and all other persons present during a closed or executive session shall not reveal any discussion had or other matter considered during the closed or

executive session except for the actual results as officially released by the Board or included in the official minutes.

19. The Board shall reduce to writing a summary of the evidence given before it and shall make a written finding of the facts thereon. (*Paragraph G. amended Jan. 1, 1984, eff. Jan. 1, 1984; Nov. 20, 1984, eff. Jan. 1, 1985.*)

- J. In complaints involving alleged incompetency, in lieu of a hearing, the Board may by a majority vote require the certified shorthand reporter to take the standard examination provided for in Section IV.C., hereof. Passing the examination shall be prima facie proof of competence and the complaint shall thereupon be dismissed. Failure to take the examination or failure to achieve a passing grade on the examination shall be grounds for revocation of a certification. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)
- K. The Board may suspend a certification:
1. for a designated period of time, not exceeding 12 months;
 2. until the person has corrected the deficiencies that were the grounds for suspension; or
 3. until the person has complied with any conditions imposed by the Board to ensure the future performance by the shorthand reporter. *Source: Sec. 52.029, Government Code, V.T.C.A.*
- L. The 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. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.029, Government Code, V.T.C.A.*
- M. The Board on its own motion may conduct a hearing to inquire into a person's suspension and may revoke the certification of a shorthand reporter if it finds that the person has not corrected the deficiencies or has not complied with the conditions imposed. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.029(d), Government Code, V.T.C.A.*
- N. A copy of the findings and rulings of the Board shall be forwarded to the complainant and to the aggrieved person. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.028(g), Government Code, V.T.C.A.*
- O. A disciplinary action of the Board may be appealed by the aggrieved person on trial de novo, with or without a jury, to the district court in the county of the aggrieved person's residence. If the aggrieved party is the official court reporter or deputy court reporter of the court in which the proceeding would be heard, the presiding judge of the administrative judicial district shall appoint the judge of another court or a retired judge to hear and determine the complaint. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*) *Source: Sec. 52.030, Government Code, V.T.C.A.*
- P. The rules set in Section VII. hereof shall govern appeals taken by an applicant whose certification has been revoked. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)

V. APPLICATIONS FOR CERTIFICATION

- A. **Form and Content.** Applications shall be typewritten on forms furnished by the Court Reporters Certification Board. Each question shall be answered or shown as "not applicable." All applications and the information contained therein shall be sworn to by the applicant as being true and complete. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984.)*
- B. **Supplementary Information.** In order to ascertain entitlement to certification, the Board may require an applicant to submit information in addition to that called for on the application form, including requiring an applicant to submit to a personal interview before the Board, any of its individual members, or any authorized representatives. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984.)*
- C. **Filing Fees.** The application shall not be deemed complete until and unless the filing fee in the amount required by the Board has been paid. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984.)*
- D. **Filing Timeliness.** The completed application, request for exam assignment, valid statement of proficiency, application fee and examination fee shall be submitted to the Board not later than midnight on the date established by the Board. For the purpose of determining filing timeliness, the required forms and fees shall be deemed submitted when actually delivered at the office of the Board or when postmarked as having been mailed prior to midnight on the date established by the Board. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Jan. 21, 1998, eff. April 1, 1998.)*
- E. **Statement of Proficiency.** Prior to or simultaneously with the submission of the first official Request for Assignment Form, each applicant shall submit a Statement of Proficiency. Such statement shall be on the official form provided by the Court Reporters Certification Board and shall be certified to by an instructor of a court reporting school. This Statement of Proficiency must be countersigned by the appropriate administrative officer of the court reporting school if the applicant attended and learned the skills at a court reporting school. Effective October 1, 1985, the person so certifying shall certify that the applicant has satisfactorily passed at the rate of ninety-five percent (95%) accuracy at least two tests on new material, dictated and graded by the person so certifying and taken by the method of shorthand reporting for which the applicant has applied for examination, of each of the following: five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charge given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Failure by the applicant to submit this Statement of Proficiency shall preclude the applicant from assignment to any examination until such statement is filed. *(Amended May 22, 1979, eff. July 1, 1979; Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985; eff. Aug. 20, 1985.)*
- F. **Processing.** Upon receipt, each application shall be checked to determine whether all items have been completed and whether the applicant has indicated completion of all requirements. An application complete and sufficient on its face shall be assigned an appropriate number and filed. The contents may thereafter be verified from official sources. An incomplete application shall be returned to the applicant for completion or for explanation of any

omission or incompleteness on the application. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984.)*

VI. FEES

- A. **Certification Fee.** A fee of eighty-five (\$85) dollars shall be charged for each application submitted. Rejection or withdrawal of application will not entitle applicant to a refund of the fee or any part thereof. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Sept. 1, 1985.)*
- B. **Examination Fee.** A fee of fifty (\$50) dollars for Part B, one hundred (\$100) dollars for Part A, or one hundred dollars (\$100) for Parts A & B combined shall be due and payable not later than midnight on the date established by the Board. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Sept. 1, 1985; January 21, 1998; eff. April 1, 1998; Jan. 3, 2000, eff. Jan. 1, 2000..)*
- C. **Renewal Fee.** A fee of two hundred ten (\$210) dollars shall be paid on or before the expiration date of the certification. Unless this fee is timely paid or the certification reinstated as provided in Rule I.E., the certification previously issued shall expire at the date of the second anniversary of the date of the issuance of the certification. *(Amended Sept. 15, 1982, eff. Sept. 15, 1982; Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985; eff. Sept. 1, 1985; Jan. 21, 1998, eff. April 1, 1998, Aug. 28, 2000, eff. Sept.01, 2001.)*
- D. **Penalty Fee.** A fee of one hundred (\$100) dollars shall be charged for reinstatement of an expired certification pursuant to Rules I.E.2 or I.E.3. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Sept. 1, 1985.)*
- E. **Regrading Fee.** A fee of thirty-five (\$35) dollars shall be paid by any applicant requesting a regrade of an examination. *(Amended Oct. 1, 1978, eff. Oct. 1, 1978; Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Sept. 1, 1985; June 19, 2006, eff. June 19, 2006.)*
- F. **Payment of Fees.** Payment of each fee shall be in the form of a money order, cashier's check or bank-certified check made payable to the Board or the State of Texas. Personal checks not certified or cash will not be accepted. *(Amended Sept. 15, 1982, eff. Sept. 15, 1982; Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985; eff. Sept. 1, 1985; June 19, 2006, eff. June 19, 2006.)*
- G. **Refund Policy for Examination Fees.** Applicants who cancel by written notification on or before the deadline date established by the Board will receive a full examination fee refund. No refunds will be granted after the deadline date. *(Adopted January 21, 1998; eff. April 1, 1998; June 19, 2006, eff. June 19, 2006.)*

VII. RECONSIDERATION AND APPEALS

- A. **Board Action and Notice Thereof.** If the Board or Committee appointed by the Board, after review of the applications, finds any application to be insufficient and/or not in compliance with the Standards for Certification, the applicant shall be notified in writing of the fact. The notification shall state the nature of the deficiency and the action of the Board

or Committee. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)

- B. **Petition for Reconsideration.** Within fifteen (15) days of receipt of notice that an application has been rejected, either for insufficiency of the application or for failure to comply with requirements for certification, the applicant may petition the Board for reconsideration. The petition may be informal, but must be in writing and must adequately identify the point(s) or matter(s) about which reconsideration is requested, the date on which notice thereof was received, and the reasons upon which the applicant bases the request for reconsideration. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)
- C. **Reconsideration by the Board.** At its next regular meeting or special called meeting, the Board in session either:
1. may review and take favorable action upon the petition, and notify the applicant thereof, or
 2. shall reaffirm its previous decision and notify the applicant of his or her right to appeal such decision. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)
- D. **Request for Hearing.** In lieu of a petition for reconsideration, an applicant may request a hearing before the Board. The applicant shall notify the Board in writing of such request for hearing within fifteen (15) days of receipt of notice, and set forth in detail the basis upon which the appeal is predicated. In such request the applicant shall list the names of prospective witnesses and identify documentation and other evidence to be introduced in support of appeal. (*Amended Jan. 1, 1984, eff. Jan. 1, 1984.*)
- E. **Hearing Procedures.**
1. **Notice: Time and place of hearing.** The Board shall fix a time and place of the hearing as soon as practical after the receipt of the request for a hearing is received from the applicant and shall notify the applicant thereof. Such notice shall be given to the applicant at least fifteen (15) days prior to the time fixed for the hearing.
 2. **Quorum.** A quorum of the Board shall be necessary to conduct the hearing with the majority of those in attendance necessary to accept or reject the application.
 3. **Representation by Counsel: Witnesses.** The applicant may be represented by counsel or represent himself at such hearing and may produce witnesses and documents and may cross-examine any witness.
 4. **Written briefs.** The appellant is urged to submit a written brief in support of the appeal prior to the hearing, for distribution to all Board members. However, written briefs are not required as a condition for such hearings.
 5. **Depositions.** Should the applicant or Board desire to take the deposition of any voluntary witness who cannot attend the Board hearing, such intention to take, and request to take, the deposition of a witness may be applied for in writing to the Chairman of the Court Reporters Certification Board. The request shall include a written consent signed by the potential witness to submit to such deposition and a statement by the potential witness indicating the reasons for such unavailability at the hearing. The party seeking to take the deposition of a witness shall state in detail what the witness is expected to testify. If the Chairman is satisfied that such deposition from a possible witness will be relevant to the issue in question before the Board, the Chairman may authorize the taking of the deposition and authorize a member of the Board to arrange for the taking of the deposition. The Chairman may also authorize the Board member to act as a hearing officer at the taking of the deposition. The

decision of the Chairman to refuse the taking of the deposition is subject to review by the Board at the hearing upon proper written request filed with the Chairman. The decisions of the Board member in ruling upon objections at the taking of the deposition are subject to review at the hearing upon proper written request filed with the Chairman of the Board.

6. **Deposition Costs.** The cost connected with the taking of depositions shall be borne by the party requesting the deposition.

7. **Burden of Proof: Preponderance of the evidence.** The Board shall apply the preponderance of the evidence rule in determining whether or not to accept the application for certification. The burden of proof rests with the applicant.

8. **Conduct of Hearings: Rights of parties.**

a. Hearings shall be reported by a certified shorthand reporter. The applicant shall pay the costs of the transcript and shall arrange for the payment therefor with the reporter prior to its preparation. The Board in its discretion may pay or may refund to the applicant the reporting and transcript costs. The applicant shall be entitled to counsel at all stages of the investigation and at all hearings. The applicant and his or her counsel shall have the right to attend all hearings. The applicant and his or her counsel shall have the right to attend all hearings. Oral evidence at hearing shall be taken only on oath or affirmation. The applicant shall have the right to testify unless he or she specifically waives such right or fails to appear at the hearing. If the applicant does not testify on his or her behalf, the applicant may be called and examined by the Board, the Executive Director, or any attorney appointed by the Board to represent it as if under cross-examination. Failure to appear at the hearing ordered by the Board, after receipt of written notice, shall constitute a waiver on the part of the applicant of his right to appeal to the Board.

b. At any hearing, the Board, the Executive Director, or any attorney appointed by the Board to represent it, and the applicant shall have these rights:

- (1) to call and examine witnesses;
- (2) to introduce exhibits;
- (3) to cross-examine witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
- (4) to impeach any witness regardless of who first called such witness to testify, and to rebut any evidence.

c. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

d. Any hearing may be recessed or adjourned from time to time at the discretion of the Board to allow the development of additional evidence if such is deemed necessary to a full, fair, and just determination of the issue before the Board.

e. The hearing must be completed within ninety (90) days of the giving of notice thereof to the applicant.

9. **Notices.** Every notice required by these rules may be served by delivering a copy of the notice or the document to be served, as the case may be, to the party to be served, or his duly authorized agent, or his attorney of record, either in person, by registered mail, or by certified mail to his last known address on file at the offices of the Board.

10. **Time period is jurisdictional.** The time period specified for perfecting appeal under

these rules is jurisdictional and may not be waived. Filing of any notice, petition or request shall be considered as having been timely filed if delivered to the office of the Board prior to midnight, or if postmarked prior to midnight on the date required by these Standards.

11. **Travel Expenses.** All expenses related to travel to the Board hearing for the applicant, his attorney, and witnesses called by the applicant shall be borne by applicant and shall not be paid for by the Board. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984.)*

VIII. RESULTS OF EXAMINATION

- A. **Notification of Grades.** Successful examinees will be notified of the number of errors on their examination; unsuccessful examinees will be notified of the number of errors made on the section of the examination which was graded and which they failed. *(Amended Aug. 20, 1985; eff. Aug. 20, 1985.)*
- B. **Petition for Regrading.** Within twenty (20) days after the date of mailing of notice that applicant has failed the examination, the applicant may petition for regrading by sending a written notice of the request for regrading to the Board office. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985; eff. Aug. 20, 1985.)*
- C. **Regrading Committee.** The Board shall establish a regrading committee composed of members of the Board which shall regrade examinations of applicants who apply for regrading under the provisions of Rule VIII.B. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Aug. 20, 1985.)*
- D. **Regrading Procedure.** Upon receipt of the formal petition as provided by Rule VIII. B., the applicant's examination shall be submitted to the Regrading Committee. The Regrading Committee shall regrade the entire examination of any applicant requesting a regrading and shall either confirm the results of the prior grading or correct the prior grading results, and shall inform the applicant of the results of the regrading. The information provided the applicant will either confirm the prior information provided the applicant regarding the initial testing or indicate any change in the result of the examination as a result of this regrading; the applicant will be informed of the number of errors made on those portions of the exam which had not been previously communicated to the applicant. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985; eff. Aug. 20, 1985.)*
- E. **Request for Hearing.** Following the notification to the applicant of the results of the action of the Regrading Committee, the applicant may request a personal review of the examination with a member of the Regrading Committee or a hearing before the Board. Such request for a personal review or hearing shall be in writing and shall be filed with the Board within twenty (20) days after the date of mailing of notice of the action of the Regrading Committee. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Aug. 20, 1985.)*
- F. **Hearing Procedures.** The rules set forth in Section VII hereof shall govern appeals taken by an applicant who fails an examination. *(Amended Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Aug. 20, 1985.)*

IX. RE-APPLICATION TO TAKE EXAMINATION

- A. An applicant denied certification by reason of failure to pass either Part A or Part B, or both Parts, of the first examination taken by the applicant, may apply for and take additional examinations of the Part or Parts failed, at subsequently administered examinations, pursuant to these rules. (*Amended May 22, 1979, eff. July 1, 1979; Jan. 1, 1984, eff. Jan. 1, 1984; Aug. 20, 1985, eff. Aug. 20, 1985.*)

X. COURT REPORTING FIRMS (*Pursuant to SB 1223, effective September 01, 2001*)

- A. **Definition.** A firm shall be defined as any person, or entity that employs Certified Shorthand Reporters and/or engages independent contractors to provide court or shorthand reporting services.
- B. **Registration.** A firm shall be required to register any affiliate office under a separate registration number and pay a registration renewal fee.
- C. **Fees.**

Initial Registration Fee for NEW firms that register on or after 09/01/2001	\$200.00
Registration Renewal Fee (every two years, expiration date December 31)	\$200.00
Registration Certificate	\$15.00

XI. ADMINISTRATIVE PENALTY (*Added June 19, 2006, effective June 19, 2006*)

- A. After receiving a complaint and affording notice and an opportunity for a hearing, the Board may assess an administrative penalty against a certified shorthand reporter or court reporting firm that violates chapter 52 of the Texas Government Code, or a Board rule approved by the Supreme Court, or a provision of the Code of Professional Conduct for Court Reporters and Court Reporting Firms.
- B. In determining the amount of an administrative penalty assessed under this section, the Board shall consider:
 1. the seriousness of the violation, including but not limited to, the nature, circumstances, extent and the gravity of the prohibited act(s);
 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.
- C. The amount of the administrative penalty may not exceed that specified in a standardized penalty schedule established by the Board, approved by the Supreme Court, and published in a manner accessible to the public.