

As of 5/15/03

AN ACT RELATIVE TO THE LICENSURE OF COURT REPORTERS

Chapter 13 of the General Laws, as appearing in the most recent edition, is hereby amended by inserting after section 95 the following sections:

Section 96.

The Legislature hereby finds and declares that it is the policy of the commonwealth to promote the skill, art, and practice of court reporting; to assure that court reporters possess the necessary skills and qualifications; and that a Board be established to prescribe the qualifications of court reporters and issue a license to persons who demonstrate their ability and fitness therefor.

This Act is intended to establish and maintain a standard of competency for individuals engaged in the practice of court reporting and for the protection of the public, in general, and for all litigants whose rights to personal freedom and property are affected by the competency of court reporters. The examination, licensing and supervision of the conduct and proficiency of court reporters is integrally related to the effective, impartial and prompt operation of the judicial system of the Commonwealth of Massachusetts.

Section 97.

The following words and phrases, when used in this Act, shall have the meaning given to them in this section unless the context clearly otherwise requires:

"Licensed Court Reporter", a licensed shorthand reporter or a licensed stenomask reporter;

"Licensed Shorthand Reporter", a person who is qualified and licensed under this Act to practice court reporting as a shorthand reporter;

"Licensed Stenomask Reporter", a person who is qualified and licensed under this Act to practice court reporting as a stenomask reporter;

"Practice of Court Reporting", the making of a verbatim record of any Massachusetts trial, legislative public hearing, state agency public hearing, deposition, examination before trial, or hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or any testimony given under oath.

Section 98.

No person, except as otherwise provided by law, shall practice or attempt to practice court reporting in the commonwealth or hold himself/herself out as a court reporter unless he/she is a licensed court reporter.

Section 99.

There shall be a Board of Registration of Court Reporters, hereinafter called the Board, consisting of seven members appointed by the Governor. Members of the Board shall be citizens of the United States and residents of the commonwealth. One member of the Board shall be an attorney in good standing with the Massachusetts Bar with trial experience in the commonwealth for the five years immediately preceding appointment to the Board. One member of the Board shall be a representative of the public and shall not be an attorney, judge or court reporter. Two members of the Board shall be shorthand reporters holding at least a Registered Professional Reporter Certification issued by the National Court Reporters Association or its successor who have engaged in the practice of court reporting in the commonwealth for the five years immediately preceding appointment to the Board. Two members of the Board shall be stenomask reporters holding at least a Certified Verbatim Reporter Certificate issued by the National Stenomask Verbatim Reporters Association or its successor who have engaged in the practice of stenomask reporting in the commonwealth for the five years immediately preceding appointment to the Board. One member of the board shall be a sitting justice of any court in the commonwealth in which court reporters are regularly engaged to preserve the record. The Governor shall make the appointments of the shorthand reporters and stenomask reporters from a list submitted respectively by the Massachusetts Court Reporters Association and the Northeast Stenomask Verbatim Reporters Association or its successor.

The Board shall elect annually by majority vote a chairperson, a secretary and such other officers as are deemed appropriate. Five members of the Board shall constitute a quorum to conduct business. The Board shall meet twice each year or more frequently upon the call of the chairperson of the Board.

Appointments to the Board shall be for a period of two years except for initial appointments which shall be staggered as follows: public member, two years; attorney member, two years; one shorthand reporter and one stenomask reporter, one year; one shorthand reporter and one stenomask reporter, two years; representative of the Judiciary, one year. The Governor will fill initial appointments to the Board within ninety (90) days of the date of enactment of this Act. Members may be appointed to two successive two-year terms. Any member of the Board may be removed by the Governor for neglect of duty, misconduct, malfeasance or misfeasance in office after being given a written statement of the charges against him/her and sufficient opportunity to be heard thereon. The Governor shall fill any vacancy for the duration of an unexpired term by appointing a person having the appropriate qualifications. Board members shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses. The expenses of the Board shall not exceed the fees collected under this Act.

The Board is charged with the duty and vested with the power and authority to determine the content of and administer examinations to be given to applicants for licensure as licensed shorthand reporters or stenomask reporters and to issue numbered licenses to those found qualified as licensed shorthand reporters or licensed stenomask

reporters who are in compliance with this Act. The Board shall not mandate, establish, set, or control the rates that are charged by shorthand or stenomask reporters.

Section 100.

The Board shall examine and/or establish examination and testing procedures to enable the Board to ascertain the competency of persons wishing to be licensed as shorthand reporters or stenomask reporters, each such skills examination to be given at least twice each calendar year. Applications for such licenses, signed and sworn by the applicants, shall be made on forms furnished by the Board. An applicant who furnishes the Board with satisfactory proof of good moral character and graduation from an accredited high school or its equivalent, shall, upon payment of a fee determined by the secretary of administration and finance, be examined by the Board. All applicants who are found qualified to engage in the practice of court reporting as a machine shorthand reporter under the provisions of this Act shall be issued a license as a licensed shorthand reporter and an identifying number. All applicants who are found qualified to engage in the practice of court reporting as a stenomask reporter under the provisions of this Act shall be issued a license as a licensed stenomask reporter and an identifying number. Persons seeking to engage in the practice of court reporting as both a shorthand reporter and a stenomask reporter must apply for, pass specific examinations for, and pay full and separate application fees for each such license.

All transcripts produced by a licensed court reporter shall bear the license number of the court reporter within the document. No court reporter may authorize the use of his/her license number on any transcript not produced through his/her personal effort and such violation may be grounds for license suspension or revocation under Article 11.

Section 101.

Each person licensed hereunder shall apply to the Board every two years on dates determined by the Board for renewal of his/her license and pay a fee determined by the secretary of administration and finance to the Board and thereupon the Board shall issue a numbered license showing that the holder is entitled to practice for the period covered by said payment. The Board shall require specific continuing education as a condition for license renewal. The Board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee and/or examination prior to issuing said renewed license. Licensed court reporters must notify the Board in writing of any change of address within thirty days.

Section 102.

An applicant who has been engaged in the practice of court reporting in the Commonwealth for a minimum of two years prior to the effective date of this Act and who provides to the Board an affidavit setting forth his/her past education and work experience as a court reporter and the affidavits of three attorneys, unrelated to him/her, who are licensed to practice law in the commonwealth and who have utilized the services of the applicant, which attest to the applicant's proficiency in court reporting, shall,

without examination and upon payment of a fee determined by the secretary of administration and finance, be issued a license to practice as a shorthand reporter or stenomask reporter. Persons seeking to engage in the practice of court reporting as both a shorthand reporter and a stenomask reporter under this section must apply for, provide separate affidavits for, and pay full and separate application fees for each such license. Any applicant who provides written verification that he/she has passed the Massachusetts Superior Court examination shall be exempt from providing the affidavits of three attorneys. This section shall automatically terminate one year from the effective date of this Act.

Section 103.

The Board shall, without examination, license as a shorthand reporter any applicant who furnishes the Board with satisfactory proof that he/she holds either a valid Registered Professional Reporter (RPR) certificate or Registered Merit Reporter (RMR) certificate or similar certificate issued by the National Court Reporters Association or its successor or a valid Massachusetts Certified Shorthand Reporter (CSR) certificate issued by the Massachusetts Court Reporters Association. The Board shall, without examination, license as a stenomask reporter any applicant who furnishes the Board with satisfactory proof that he/she holds a valid Certified Verbatim Reporter (CVR) certificate or Certificate of Merit (CM) certificate or similar certificate issued by the National Stenomask Verbatim Reporters Association or its successor. .

Section 104.

An applicant who has engaged in the practice of court reporting in the Commonwealth of Massachusetts for less than two years on the date of enactment of this Act and provides to the Board satisfactory proof of graduation from an accredited high school or its equivalent and the affidavits of three attorneys, unrelated to him/her, who are licensed to practice law in the commonwealth and who have utilized the services of the applicant, which attest to the applicant's proficiency in court reporting, shall, upon application to the Board on forms approved by the Board and payment of a fee determined by the secretary of administration and finance, be issued a temporary license to practice as a shorthand reporter or voice reporter. Such temporary licenses shall expire on the sixtieth (60) day following the date upon which the next board-approved examination for licensure is given. No additional temporary license shall be issued to any applicant who fails to pass the scheduled examination for licensure.

Section 105.

The Board may, after a hearing pursuant to chapter 30A, revoke or suspend the license of, place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to a majority of the Board that said person:

- (a) obtained or attempted to obtain a license by fraud;

(b) has been dishonest or has violated any provision of the laws of the commonwealth relating to the practice of court reporting or any rule or regulation adopted by the Board;

(c) has violated Chapter 146 of the Acts of 2002

(d) has been convicted of a felony or of a crime involving moral turpitude;

(e) acted in a manner which is professionally unethical according to the ethical standards of the professions of shorthand or stenomask reporting;

(f) displayed gross incompetence while engaged in the practice of court reporting;

(g) been adjudged mentally ill or incompetent by a court of competent jurisdiction;

(h) used drugs or intoxicating liquors to an extent which adversely affected his/her practice; provided, however, that any person whose license is revoked under this provision may apply for relicensure one year from the date of revocation upon such terms and conditions as the Board may deem appropriate.

Section 106.

The Board shall maintain records of its proceedings and a registry of all persons licensed by it, which shall be public records and open to inspection. The Board shall make such rules and regulations as may be necessary for the proper conduct of its duties. The Board shall investigate all complaints of the violation of any provisions of this Act and, where appropriate, report the same to the proper prosecuting officers.

Section 107

All funds collected under the provisions of this Act shall be deposited into a special fund; hereby created in the treasury. All expenses incurred by the Board in implementing the provisions of this Act shall be paid out of such special fund, provided that the expenses of the Board shall not be in excess of the receipts from registration and other sources that have been received by the treasurer of the commonwealth from the Board.

Section 108.

Section 30 of chapter 233 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following:

The deponent shall then be examined by the justice or notary, and may be examined by the parties, and the testimony shall be taken by a licensed court reporter..

Section 109.

Section 80 of chapter 233 of the General Laws is hereby amended by inserting after the word "proceeding" in line 2 the following:-

or deposition;

; and is hereby further amended by striking the words "stenographer duly appointed for the purpose and sworn, when verified by the certificate of such stenographer" in lines 2, 3, 4 and 5 and inserting in place thereof the following:-

court reporter duly appointed for the purpose, and licensed and sworn, when verified by the certificate of such court reporter.

Section 110.

Superior Court official court reporters that are employees of the Massachusetts Trial Court and subject to competency standards of the Trial Court are exempt from the provisions of this Act. Any other state-employed court reporters subject to the rules and regulations of the Commonwealth as state-employees are also exempt from the provisions of this Act.