

ABCR Meeting Minutes July 23, 2010

The Alabama Board of Court Reporting met on Friday, July 23, 2010, in Montgomery at the Board office for the purpose of conducting Board business. Those present were as follows: Sabrina Lewis, Chair; Aubrey Ford, Jr., Vice-Chair; Lois Robinson, Secretary; Tammy August, Member; Suzanne Frazier, Member; Bill Dawson, Member; Kent Garrett, Member. Also present were Paula Scout McCaleb, Executive Director; Bettie Carmack, Assistant Attorney General; and Brandy L. Isenhour, Operations Manager and Recording Secretary.

The meeting was called to order at 10:01 a.m. with a quorum present in the following: Suzanne Frazier, Aubrey Ford, Jr., Sabrina Lewis, Lois Robinson, Tammy August, Bill Dawson, and Kent Garrett.

This meeting was advertised on the Secretary of State's web site and the Board web site, in accordance with the Open Meetings Act.

Suzanne Frazier made a motion to approve the Minutes from May 14, 2010, as presented. The motion was seconded by Judge Ford and unanimously approved by the Board.

Judge Ford made a motion to adopt the proposed language for Rules and Regulations as follows:

257-X-3-.06 Renewal

(a) Every Court Reporter License in Alabama shall expire on September 30th of each year. The

holder of the license may renew such license during the 60 days preceding the expiration date

thereof by paying the required fee and completion of the application for renewal.

(b) It is the responsibility of each licensee to notify the Board of any change of address within 30

days. Failure to receive a renewal form from the Board shall not constitute an excuse for failure

to renew licensure.

(c) Late Renewals may be received up to ~~60 days~~ six (6) months following expiration of license with

the required late renewal fee and application for renewal.

257-X-7 Appendices I Fee Schedule

License Fee	\$200
Application Fee	\$50
Renewal Fee	\$200
Late Renewal Fee	20% of License Fee each month
Temporary License Renewal Fee	\$50
ReInstatement Fee	\$300

257-X-3-.03 Temporary Licensure

~~(a) Any person who has engaged in the practice of court reporting in the State of Alabama for less~~

~~than one year on June 1, 2006 may apply for temporary licensure.~~
~~(b) Temporary Licenses are valid until the 60th day following the date upon which the next board-approved examination for licensure is given. No more than two additional temporary licenses shall be issued to any applicant who fails to pass the scheduled examination for licensure. The temporary license application will consist of the following:~~
~~(1) Proof of graduation from an accredited high school or its equivalent;~~
~~(2) Three affidavits from licensed attorneys, unrelated to the person by blood or marriage, who have utilized his or her services, and who can attest to the person's proficiency in court reporting;~~
~~(3) Temporary License Fee.~~

(a) Effective on April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.

(b) Temporary licenses are valid from the date of graduation and shall expire 18 months after issuance.

(c) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm.

(d) The temporary license application will consist of the following:

(1) Proof of graduation from a school of court reporting in a form approved by the board;

(2) Complete application forms as approved by the Board;

(3) Application and temporary license fee as approved by the Board.

(e) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:

(1) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter;

(2) Temporary licensees may not direct bill for court reporting services provided; such services may be billed through the employing court reporter firm or a fully licensed court reporter;

(3) The temporary license will be reflected by the initials, "TL" for temporary license followed by their assigned number.

(4) All individuals, having been issued a temporary license, shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Alabama Code Section 34-8B-1, et seq.

Failure of any temporary licensee to meet any of the requirements enunciated in Reg. 257-X-3-.03 shall subject the temporary licensee to disciplinary action provided by Reg. 257-X-5.

257-X-4-.01 Standards of Professional Conduct

1) In order to establish and maintain a high standard of integrity in the practice of court reporting, the following Standards of Professional Conduct shall be binding on every person holding a CCR (Certified Court Reporter) or a Temporary License from the Board.

a.) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.

b.) A licensee should only accept an assignment if his/her level of competence will result in

the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.

c.) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties. The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified and provide immediate notification of delays.

d.) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.

e.) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee's responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.

f.) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.

g.) It is the licensee's responsibility to preserve his/her shorthand notes for a period of no less than five years, except as otherwise prescribed by law, through storage of the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.

h.) A licensee's signature, license number and expiration date shall be affixed to a transcript of his/her stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.

i.) A licensee shall not permit the use of his/her name or firm's name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.

j.) A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.

k.) A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.

l.) A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.

257-X-6-.03 CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean the following:

a) The National Court Reporters Association;

b) The National Verbatim Reporters Association;

c) The Alabama Court Reporters Association (ACRA) or any state court reporters association whose course or program has been approved for CE credits under the guidelines of the National Court Reporters Association;

d) Any computer users group whose program or course has been approved for CE credits under the guidelines of the National Court Reporters Association;

e) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;

f) A university or college course or adult education program that contributes directly to the Court Reporter's knowledge, ability or competence to perform his/her duties; and

g) Any other school, college or university, State agency, or any other person, firm or association that has been approved by ACRA to coordinate and present CE Courses and programs in conjunction with this Section.

h) All courses approved by the Alabama State Bar for continuing legal education.

2) All programs shall:

a) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual licensee in the practice of court reporting;

b) Include one or more of the following subjects directly related to the court reporter's ability to produce accurate and timely transcripts:

i) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, transcript styles;

ii) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, specialized medical fields, (i.e. neurology, dentistry, radiology, gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;

iii) Legal, including terminology, research techniques, presentations on the various subdivisions of law (i.e., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (i.e., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, history of the American/world legal system;

iv) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the shorthand reporter during litigation (i.e., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);

v) Technology related to new developments in the field of reporting (i.e., computer technology, computer techniques, video, telecommunications, equipment maintenance);

vi) General litigation procedures as they relate to court, deposition and administrative proceedings (i.e., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, notary responsibilities, making exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);

vii) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, proofreading; and

viii) Management, including financial, marketing, personnel, equipment maintenance, time and stress management;

c) Be relevant to the needs of court reporters and also to the reporting service needs of the users;

d) Be developed and presented by persons with education and/or experience in the subject matter of the program;

e) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and

f) Specify the number of CE hours that may be applied to fulfilling the CE requirements for renewal of the license.

3) Each CE program shall provide a mechanism for evaluation of the program by the participants, the evaluation may be completed on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

a) An approved sponsor may subcontract with individuals and organizations to provide programs.

b) Continuing education credits may be awarded for home study courses and correspondence courses provided they are courses administered by approved sponsors.

c) All programs given by approved sponsors shall be open to all licensed court reporters and

not be limited to members of a single organization or group.

d) Continuing Education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the Alabama Board of Court Reporting.

e) License of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a license of attendance or participation. The sponsor's license of attendance shall contain:

f) The name, address, and license number of the sponsor;

g) The name and address of the participant;

h) A brief statement of the subject matter;

i) The number of hours attended in each program;

j) The date and place of the program; and

k) The signature of the sponsor.

l) The sponsor shall maintain attendance records for not less than 5 years.

The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

257-X-7 Appendix I Fee Schedule

License Fee \$200

Application Fee \$50

Renewal Fee \$200

Late Renewal Fee 20% of License Fee each month

~~Temporary License Renewal Fee \$50~~

Temporary License Fee \$300

Re Instatement Fee \$300

The motion was seconded by Lois Robinson and was unanimously approved by the Board.

Suzanne Frazier made a motion that all applications to be grandfathered must be reviewed by the

Board at the following Board meeting. The motion was seconded by Judge Ford and was unanimously approved by the Board.

Lois Robinson made a motion to accept the proposed temporary application as presented with

changes. The motion was seconded by Tammy August and was unanimously approved by the Board.

A motion was made by Judge Ford for the Board to go into executive session at 10:45 a.m. to

consider the general reputation and character, physical condition, professional competence, and

mental health of Applicant "A" and Applicant "B" in accordance with Section VII(1) of the Open Meetings Act. The motion was seconded by Suzanne Frazier. Voting "Aye" were Sabrina

Lewis, Aubrey Ford, Jr., Lois Robinson, Tammy August, Kent Garrett, Bill Dawson, and Suzanne Frazier. Voting "nay" were none, the motion passed. The Chair announced that the Board would be in executive session for approximately twenty (20) minutes.

Judge Ford made a motion to approve Shana Leaks' grandfathering application. The motion

was
seconded by Kent Garrett and was unanimously approved by the Board.

Bill Dawson made a motion to authorize Kent Garrett to write a letter to Jacquelyn Kelley asking her to provide additional information regarding her application and requesting her to be present at the next Board meeting to discuss her application. The motion was seconded by Judge Ford and was approved by the Board with Tammy August abstained from voting.

The time being 11:37 p.m. and there being no further Board business, the meeting was adjourned. The Chair announced that the next meeting of the Board was scheduled for November 12, 2010.

Respectfully submitted,

Sabrina Lewis, Chair

Judge Aubrey Ford, Jr., Vice-Chair

Paula McCaleb, Executive Director

Brandy L. Isenhour, Operations Manager, Serving as Recording Secretary