REGULATIONS OF THE BOARD OF CERTIFIED COURT REPORTER EXAMINERS

Section 1

The following definitions are set forth: The word "Section" refers to sections of the per curiam of July 5, 1983. "Board" hereinafter referred to, is the Certified Court Reporter Examiners Board. "Certified Court Reporter", or its abbreviation, "CCR", means any person holding a valid regular or temporary certificate in one of the methods approved herein as a certified verbatim reporter. The Certificate shall reflect the method of certification according to the system tested. "Verbatim Reporting" means the making of a verbatim record of court proceedings, depositions, or proceedings before any grand jury by means of manual or machine shorthand or mask dictation. No system of direct electrical recording shall be considered a means of verbatim reporting.

Section 2

Any court reporter serving in that capacity on or before January 1, 1983 may be issued a certificate as a Certified Court Reporter without examination provided the application is made prior to May 1, 1984 and is accompanied by a recommendation of a Circuit, Chancery or Court of Appeals Judge and two attorneys licensed to practice law in this state who certify that the applicant was a practicing court reporter on or before January 1, 1983.

Section 3

The Board shall set the following fees for the administration of these regulations:

(a) $75.00 application fee for in-state applicants; $150.00 application fee for out-of-state applicants.

(b) $50.00 certificate renewal fee.

(c) $100.00 penalty fee for failure to timely remit certificate renewal fee as set forth in Section 9 of these regulations.

Section 4

Applicants, other than those certified without examination pursuant to Section 6, shall file not later than 30 days prior to the next examination date, a written application in the form prescribed by the Court, together with an application fee as set forth in Section 3 of these Regulations, with the Clerk of the Supreme Court. Said application fee shall not be refunded in the event the applicant decides not to take the examination or fails the examination. Said application shall state by which method the applicant will test, and certification will be issued solely in that method if the applicant successfully passes the examination.

Section 5

Applicants and/or applications shall be screened by the Board and those deemed eligible to take the examination will be advised of the time and place the test will be conducted. Any applicant whose application is denied shall be promptly notified of the action of the Board and the application fee shall be refunded.

Section 6

Applicants for certification, deemed eligible by the Board, shall receive certification upon submitting the application, paying the application fee, and successfully passing the certification examination. Certification shall be issued solely in the method by which the applicant successfully tested.

Section 7

Examinations for certification shall be held at least semi-annually at times and places set by the Board.

Section 8

Certification granted by the Board shall remain in effect upon payment of the annual certificate renewal fees to the Clerk of the Supreme Court on or before January 1 of each year, unless suspended or revoked pursuant to Section 7 of the Rules of the Board of Certified Court Reporter Examiners.

Section 9

All certificate renewal fee payments must be postmarked on or before January 1. The Clerk of the Supreme Court shall provide a list of those reporters in violation of the January 1 deadline not later than January 15 to the Executive Secretary of the Board. The Executive Secretary shall thereafter cause a certified letter to be sent to each reporter in violation of the January 1 deadline. The letter shall inform the reporters in violation that their certificate shall be suspended on a date not to exceed 21 calendar days from the certified delivery date of the letter unless all delinquent renewal fees and a $100.00 penalty fee are received by the Clerk of the Supreme Court within the 21 calendar days. If all delinquent renewal and penalty fees are not received within the 21 calendar days, the certificate shall be suspended but may be reinstated during the remainder of the calendar year in which the certificate expired for failure to timely renew, if the Board finds, based on a sworn affidavit(s) or other credible evidence, that the applicant has retained the professional skills required for original certification and has paid all delinquent renewal and penalty fees. After December 31 of the calendar year in which the certificate expired, an expired certificate shall not be subject to renewal without examination.

Section 10

Each certified reporter shall procure a seal upon which shall be engraved the name, certificate number of the reporter, and the words "Arkansas Supreme Court-Certified Court Reporter", said seal to be included with signature, on all transcript certificates, to ensure compliance with Section 11 of the Rule Providing for Certification of Court Reporters.

Section 11

[Repealed]

Section 12

[Repealed]

Section 13

In the event of an emergency where no Certified Court Reporter is immediately available, a judge of a circuit court may, in his or her discretion, grant a one hundred twenty calendar day, non-renewable emergency certificate in order to continue the conduct of the court's business; provided a copy of the one hundred twenty day emergency certificate shall be forthwith filed with the Clerk of the Arkansas Supreme Court and Secretary of this Board. A circuit judge shall not grant an emergency certificate to a court reporter whose court reporter board certification is at the time of the issuance of the emergency certificate revoked or suspended in Arkansas or any other state.

Section 14

The tests shall be as follows:

(a) A written knowledge test consisting of spelling, vocabulary, punctuation, general knowledge, rules governing preparation of transcripts (Rules of the Supreme Court and Court of Appeals 3-1, 3-2, 3-3 and 3-4), and rules governing the regulation of the court reporting profession (Sections 19 and 22 of the Regulations of the Board of Certified Court Reporter Examiners) with a minimum of 75% accuracy.

(b) (1) Five minutes of one-voice dictation of literacy at 180 words per minute. (2) Five minutes of one-voice dictation of jury charge at 200 words per minute. (3) Five minutes of two- voice dictation of Q and A at 225 words per minute.

(c) Applicants shall be required to transcribe each dictation test with 95% accuracy.

(d) If an applicant shall pass one or more parts of the test but fail one or more parts, the applicant will not be required to take the part or parts passed at the next successive examination given, but only the part or parts failed. If the applicant does not pass the previously failed part or parts at the next successive examination, the applicant shall be required to retake the entire examination.

(e) For in-state applicants, a new application and application fee of $75.00 will be required for all subsequent testing. For out-of-state applicants, a new application and application fee of $150.00 will be required for all subsequent testing.

(f) Certification will be restricted to the method of reporting used by the applicant at the time of testing, and said method will be reflected on the certificate issued to the applicant upon successfully passing the certification examination.

(g) Each individual successfully passing the certification examination shall, prior to receiving certification from the Board, participate in an orientation session at a time and place set by the Board.

Section 15

Applicants for testing must furnish their own equipment and supplies for reporting and transcribing dictation test. No applicant is permitted to use an open microphone or other backup recording device during testing.

Section 16

The content and depth of this examination shall be a continuing subject of review by the Board, and may be altered by amendments to these regulations.

Section 17

The Executive Secretary of the Board will forward the files containing the names and pertinent information including address, phone number, and email address for all individuals who have passed the certification test to the Supreme Court Clerk's office where said files will be maintained and stored.

The Executive Secretary will maintain and store all other files pertaining to test results, including all verbatim notes or records, transcripts, and other papers used in connection with testing for a period of two years following the date of testing, at which time the Executive Secretary may dispose of said files.

It shall be the responsibility of the certified court reporter to provide the Office of the Supreme Court Clerk with written notification of any change of address within fourteen (14) working days. For the purposes of these regulations, written notification by certified or first class mail to the most recent address provided to the Office of the Clerk shall be deemed sufficient.

Section 18

Any person desiring to file a grievance against a Certified Court Reporter may file a written statement on a form provided by the Board, attaching any pertinent documentary evidence thereto, with the Board of Certified Court Reporters Examiners through the Office of the Clerk of the Arkansas Supreme Court, for delivery to the Executive Secretary of the Board for investigation and determination of probable cause for a formal Complaint.

Section 19.

Pursuant to Section 7 of the Rule Providing for Certification of Court Reporters, the Board may issue an admonition or revoke or suspend any certificate issued after proper notice and hearing, on the following grounds:

(a) Conviction of any felony, or having been adjudicated or found guilty, or entered a plea of guilty or *nolo contendere* to, any felony, or to any misdemeanor that reflects adversely on the reporter's honesty, trustworthiness, or fitness as a reporter in other respects, or to any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation of another to commit a felony.

(b) misrepresentation or omission of material facts in obtaining certification.

(c) any intentional violation of, noncompliance with or gross negligence in complying with any rule or directive of the Supreme Court of Arkansas, any other court of record within this State, or this Board.

(d) fraud, dishonesty, gross incompetence or habitual neglect of duty.

(e) unprofessional conduct, which shall include, but not be limited to:

(1) failing to deliver a transcript to a client or court in a timely manner as determined by statute, court order, or agreement;

(2) intentionally producing an inaccurate transcript;

(3) producing an incomplete transcript 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 or family 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 court reporter or that an unlicensed individual is a certified court reporter;

(6) failing to charge all parties or their attorneys to an action the same price for an original transcript and failing to charge all parties or their attorneys the same price for a copy of a transcript or for like services performed in an action;

(7) failing to disclose upon request an itemization in writing of all rates and charges to all parties in an action or their attorneys;

(8) reporting of any proceeding by any person, who is a relative of a party or their attorney, unless the relationship is disclosed and any objection thereto is waived on the record by all parties;

(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 deposition transcript, 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, 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; and

(13) charging an unreasonable rate for a copy of an original deposition transcript, or an official reporter charging fees in violation of Ark. Code Ann. Section 16-13-506.

Section 20.

No persons shall use the title "Certified Court Reporter," or its abbreviation "CCR," in conjunction with their names to indicate they are qualified verbatim reporters in this state, without having a valid certificate issued by the Board or an emergency certificate issued by a circuit judge pursuant to Section 13 of these Regulations.

Section 21. Official Court Reporter Records Retention Schedule

Part 1. Scope.

A. This records retention schedule applies to all official court reporters in the State of Arkansas. "Official court reporter" as used in this retention schedule means a court reporter, certified by the Arkansas Board of Certified Court Reporter Examiners, who is regularly employed by a circuit judge, or a "substitute court reporter," who serves in the absence of the regularly employed court reporter.

B. The term "records" as used in this retention schedule refers to any and all verbatim records produced by an official court reporter and all physical exhibits received or proffered in evidence in any court hearing, trial, or proceeding.

Part 2. Court Ordered Retention of Specific Records.

Upon the motion of any party demonstrating good cause or upon the court's own motion, the trial judge may enter an order directing that the records be retained for an additional period beyond the time established in PART 6. At the end of each additional court-ordered retention period, the judge may enter a new order extending the retention period.

Part 3. Responsibility for Storage; Sanctions.

A. During the period which the records are required to be retained, it shall be the responsibility of the official court reporter to maintain his or her records in an orderly, secure, and identifiable manner. It is highly recommended that space be provided in the county courthouse in the county where the official court reporter maintains an office or resides. If that is not feasible, it shall be the responsibility of the official court reporter to provide adequate space for the records.

B. When physical exhibits include firearms, contraband, or other similar items, such items may be transferred to the sheriff or other appropriate governmental agency for storage and safekeeping. The sheriff or governmental agency shall sign a receipt for such items and shall acknowledge that the items shall not be disposed of until authorized by subsequent court order. Other items of physical evidence which present storage problems may be transferred to the attorney of record for storage and safekeeping subject to approval of the trial court and upon appropriate documentation. Forms of orders and receipts for the transfer and disposal of exhibits are appended to Regulation 21.

C. If an official court reporter leaves his or her position for any reason other than his or her death, the reporter shall, within thirty (30) days, deliver or cause to be delivered, those records as defined in PART 1, to the trial court and retained by the court until a subsequent official court reporter is employed or retained, at which time the records shall be transferred to that reporter. A former official court reporter who maintains Arkansas certification may, with the court's permission, temporarily retrieve his or her former records necessary to prepare an appeal transcript or other documents which a party may request.

D. If an official court reporter dies while still in possession of those records subject to retention as defined in PART 1, the trial court shall take possession of those records within thirty (30) days of the official court reporter's death. The trial court shall retain possession of the records until a subsequent official court reporter is employed or retained. At that time the records shall be transferred to the possession of the subsequent official court reporter who shall safely maintain the records subject to the direction of the trial court.

E. Any person who fails to comply with or who interferes with these transfer provisions may be ordered to appear and show cause why he or she should not be held in contempt of court.

Part 4. Methods of Disposal of Records.

A. Paper records may be disposed of by burning or shredding.

B. Tapes may be erased and reused or may be dismantled to prevent their replaying.

C. Upon their written request, physical exhibits, other than weapons or contraband shall be returned to the party or attorney who proffered same. If no request is made within the time period for retention, the court reporter may dispose of the exhibit.

D. Exhibits such as weapons or contraband shall be disposed of in the following manner: (1) weapons, in whatever form, unless otherwise ordered by the trial court, shall be transferred to the sheriff, or his or her designee, in the county where the case was tried, for disposal pursuant to law; (2) contraband, in whatever form, shall be transferred to the sheriff, or his or her designee, in the county where the case was tried, for disposal pursuant to law.

Part 5. Log of Records, Sanctions.

A. Each official court reporter shall maintain an accurate, orderly log of his or her records which also notes the date and method of destruction of each record listed. Any work papers maintained by the reporter for the purpose of identifying the record of court proceedings shall suffice, as long as they are legible. When an official court reporter leaves his or her position for whatever reason, the trial court shall take possession of the log no later than the date he or she takes possession of the records as set out in PART 3. When a subsequent official court reporter is employed or retained, the log shall be transferred to the possession of the

subsequent official court reporter who shall safely maintain the log subject to the direction of the trial court.

B. Any person who fails to comply with or who interferes with this Section may be ordered to appear and show cause why he or she should not be held in contempt of court.

Part 6. Official Court Reporter Retention Schedule.

TYPE OF CASE	PERIOD OF RETENTION
Criminal Cases	
Death Penalty	Permanently
Life in Prison w/o Parole	Permanently
Other Felonies (transcript lodged with appellate court)	90 days after Mandate issues
Other Felonies (no transcript prepared)	5 years from date of verdict or sentencing
Misdemeanors	2 years from date of sentencing
Grand Jury Proceedings	1 year subsequent to adjournment
Civil Circuit	
All Cases (transcript lodged with appellate court)	90 days after Mandate issues
All Cases (no transcript prepared)	2 years from date of final order of trial court
Juvenile Division of Circuit Court	
All Cases (transcript lodged with appellate court)	90 days after Mandate issues
(cases where no transcript is prepared);	
Delinquency	3 years from date of final order of trial court or on date of expungement order, whichever occurs first
Families in Need of Services (FINS)	3 years from date of final order of trial court
Dependent/Neglect	7 years from date of final order of trial court

Part 7. Effective Date. This Official Court Reporter Records Retention Schedule is effective immediately upon publication. It applies to records of cases already tried and those to be tried.

Section 22

A. The purpose of this rule is to ensure the integrity of the record and to avoid the appearance or potential for deferential treatment of parties to an action. Court reporters serve as officers of the court and both the appearance and existence of impartiality are no less important for officers who take depositions than for judicial officers and other persons whose responsibilities are integral to the administration of justice.

B. The court reporter taking the deposition, or the firm or any other person or entity with whom such court reporter has a principal and agency relationship or is otherwise associated, shall not enter into a contractual or financial agreement, arrangement or relationship for court reporting services, whether written or oral, with any attorney, party to an action, insurance company, third- party administrator, or any other person or entity that has a financial interest in an action, which gives the appearance that the impartiality and independence of the court reporter has been compromised. Specific examples of arrangements that are prohibited include ones that:

(1) establish rates and terms for court reporting services that extend beyond a single case, action, or proceeding;

(2) include a court reporter on any list of preferred providers of court reporting services after exchanging information and reaching an agreement specifying the prices or other terms upon which future court reporting services will be provided, whether or not the services actually are ever ordered;

(3) allow the format of the transcript to be manipulated to affect pricing;

(4) require the court reporter taking the deposition to relinquish control of an original deposition transcript and copies of the transcript before it is certified;

(5) fail to offer comparable services, in both quality and price, to all parties or otherwise require the court reporter to provide special financial terms or other services that are not offered at the same time and on the same terms to all other parties in the litigation;

(6) allow the court reporter to communicate directly with a party of interest, other than a pro se party, except to provide invoices; and

(7) base the compensation of the court reporter on the outcome or otherwise give the court reporter a financial interest in the action.

C. These prohibitions do not apply to situations where fees or special services may be negotiated, provided that they are the same for all parties and are negotiated on a case-by-case basis. Also, these prohibitions do not extend to governmental entities, if they are required by law to obtain court reporting services on a long-term basis through competitive bidding.

D. Any violation of these prohibitions shall be enforceable by the court in which the underlying action is pending. Without otherwise limiting the inherent powers and discretion of the court, a deposition taken in violation of these prohibitions shall constitute a violation of

Rule 28(d) of the Arkansas Rules of Civil Procedure (disqualification for interest), and be subject to all sanctions for such a violation under the Rules of Civil Procedure. In addition, any court reporter, firm, attorney, or party that willfully violates these prohibitions may be subject to fine or sanction by the court, and a court reporter may be subject to disciplinary proceedings before the Board of Certified Court Reporter Examiners.

E. These rules shall be applicable to all court reporting services provided on or after February 21, 2008.

Section 23

A Certified Court Reporter may administer oaths to witnesses in court proceedings, depositions, grand jury proceedings, or as otherwise authorized by a court of record.

Section 24. Freelance Court Reporters Records Retention Schedule

Part 1. Scope.

(a) This records retention schedule applies to all freelance court reporters in the State of Arkansas. “Freelance court reporter,” as used in this retention schedule, means a court reporter, certified by the Arkansas Board of Certified Court Reporter Examiners, who is not regularly employed by a circuit judge, and not acting in the capacity of a substitute official court reporter.

(b) The term “source material,” as used in this records retention schedule, refers to any notes, audio files, or exhibits that the freelance court reporter may use to prepare a transcript.

(c) This records retention schedule applies to any type of deposition or proceeding in which a freelance court reporter is employed to take a record regardless of whether a transcript is prepared.

Part 2. Court Ordered Retention of Specific Records.

Upon the motion of any party demonstrating good cause or upon the court's own motion, the trial judge may enter an order directing that the records be retained for an additional period beyond the time established in Part 6 of this Rule. At the end of each additional court-ordered retention period, the judge may enter a new order extending the retention period.

Part 3. Responsibility for Storage.

During the period in which the records are required to be retained, it shall be the responsibility of the court reporter to maintain his or her records in an orderly, secure, and identifiable manner.

Part 4. Methods of Disposal of Records.

(a) Paper records may be disposed of by burning or shredding.

(b) Tapes may be erased and reused or may be dismantled to prevent their replaying.

(c) Audio files may be erased.

Part 5. Log of Records.

Each court reporter shall maintain an accurate, orderly log of his or her records that notes the date and method of destruction of each record listed.

Part 6. Records Retention Schedule.

(a) The court reporter shall maintain any notes and/or audio files that he or she used to prepare a transcript for a minimum of one year from the date upon which the proceedings occurred.

(b) If a transcript is not prepared from the proceedings at which the court reporter appeared, the court reporter shall maintain all source material that he or she would use to prepare a transcript for a minimum of five years from the date upon which the proceedings occurred. If the court reporter intends to destroy the material, he or she must give written notice to the parties at least forty-five days prior to the day upon which the destruction of the material will occur.

(1) It shall be the responsibility of the parties to provide the court reporter with written notification of any change of address.

(2) For the purposes of these Regulations, written notification by certified or first class mail to the most recent address provided to the court reporter shall be deemed sufficient.

(c) All electronic copies of prepared transcripts shall be retained for a minimum of five years from the date upon which the proceedings occurred.

Section 25. Preparation of a Transcript of a Deposition

A transcript of a deposition shall be prepared by a certified court reporter and shall comply with the following requirements:

(a) The transcript shall be on plain typewriting or computer or word processor printing of the first impression, not copies;

(b) The transcript shall be on 8 ½ x 11 paper;

(c) The transcript shall be fastened on the left of the page.

(d) The transcript shall have no fewer than 25 typed lines on standard 8 ½ x 11 paper;

(e) There shall be no fewer than 9 or 10 characters to the typed inch;

(f) The left-hand margins of the transcript shall be set at no more than 1 3/4 of an inch;

(g) The right-hand margins of the transcript shall be set at no more than 3/8 of an inch;

(h) Each question and answer in the transcript shall begin on a separate line;

(i) Each question and answer in the transcript shall begin at the left-hand margin with no more than 5 spaces from the "Q" and "A" to the text;

(j) The carry-over "Q" and "A" lines shall begin at the left-hand margin;

(k) Colloquy material, quoted material, parentheticals, and exhibit markings shall begin no more than 15 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;

(l) All transcripts shall be prepared in the lower case;

(m) All transcripts shall be prepared on only one side of the paper, not front and back.