

THE RULES COMMITTEE ON CIVIL PRACTICE AND PROCEDURE
SEEKS COMMENTS FROM THE BENCH, THE BAR AND THE
PUBLIC ON THE PROPOSED AMENDMENT TO RULES AND
REGULATIONS GOVERNING CERTIFIED COURT REPORTERS

Comments should be filed with the Clerk of the Supreme Court,
Gartin Justice Building, P.O. Box 249, Jackson, Mississippi 39205-0249.

Deadline: October 3, 2011.

Field Code Changed

West's Annotated Mississippi Code Currentness

Mississippi Rules of Court State

→ Rules and Regulations Governing Certified Court Reporters [FN*]

I. DEFINITIONS

As used in these rules and regulations, the following terms have the following meanings, unless expressly otherwise provided, or as may result from necessary implication:

- (A) **Applicant.** Individual applying for certification as a certified ~~shorthand~~court reporter or individual applying for temporary permission as a noncertified court reporter or an individual applying for temporary permission as a nonresident court reporter.
- (B) **Board.** Board of Certified Court Reporters.
- (C) **Clerk.** Clerk of the Supreme Court.
- (D) **Court.** Supreme Court of Mississippi.
- (E) **Notify or Notified.** Notice by the Board shall be effective when mailed by regular first class mail, postage prepaid, to the

address listed by the applicant on his/her application. Applicants shall notify the Board in writing of any change in mailing address occurring after their applications have been received by the Board.

(F) Rules and Regulations. The Rules and Regulations Governing Certified Court Reporters as adopted by the Board and approved by the Supreme Court.

(G) Secretary. Secretary of the Board of Certified Court Reporters.

(G)(H) Court Reporting. Means the making of a verbatim record by means of written symbols or abbreviations in pen shorthand, machine shorthand, or oral stenography (also known as steno mask) of testimony or proceedings relevant to matters under the jurisdiction of the courts of the State of Mississippi, all state agencies or the Legislature or any committee or subcommittee thereof, or where appeal to any court of the State of Mississippi is allowable by law. The making of a verbatim record includes the taking of a deposition.

Comment [MSOffice1]:
Now tracks exact language of 9-13-123 (c)

(I) ~~(H)~~ Certification. Authorization by the Board to engage in the practice of court reporting as regulated by the Board.

Comment [MSOffice2]: Note: Previously H

~~(H)~~(J) ~~(I)~~ Certified Shorthand Court Reporter. A person holding a permanent certificate/licensure card issued by the Board permitting the person to engage in the practice of court reporting activities as regulated by the Board. The licensure card shall indicate the method or methods by which the court reporter has successfully passed examination, and a court reporter shall be licensed to use only that method of reporting. Upon being granted licensure, a court reporter is entitled to use the title "Certified Court Reporter" or the abbreviation "CCR."

~~(H)~~(K) Temporary Permission. A person holding a licensure card issued by the Board which gives authorization to a Noncertified Court Reporter or a Nonresident Court Reporter

to engage in the practice of court reporting in the State on a limited basis as set forth in these rules and as regulated by the Board. Said licensure card shall state that the court reporter has Temporary Permission as a Noncertified Court reporter or as a Nonresident Court Reporter, and it shall also state the method or methods by which said court reporter is authorized to practice.

~~(J)~~(L) **Noncertified Court Reporter.** A person with Mississippi residency who is granted temporary permission by the Board to engage in the practice of court reporting on a limited basis without obtaining full certification and after meeting the qualifications and requirements as set forth in these rules. A Noncertified Court Reporter shall not be entitled to use the title “Certified Court Reporter” or the abbreviation “CCR.”

~~(K)~~(M) **Nonresident Court Reporter.** A person who does not reside in the State of Mississippi and is granted temporary permission by the Board to engage in the practice of court reporting on an annual basis after meeting the qualifications and requirements as set forth in these rules.

~~(L)~~(N) **Reciprocity.** Only applies to those applicants seeking certification by reciprocity and not certification by examination. Agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters, such as the National Court Reporters Association (NCRA), the National Verbatim Reporters Association (NVRA), if the Board finds that the state, agency, or other entity has substantially the same or more stringent requirements as the Mississippi Board of Certified Court Reporters.

(O) **NCRA.** The National Court Reporters Association.

~~(M)~~(P) **RPR.** Registered Professional Reporter certificate issued by NCRA to a court reporter who successfully completes the examination requirements.

~~(N)~~(Q) **NVRA.** The National Verbatim Reporters Association.

~~(Q)~~**(R)** **CVR.** Certified Voice Reporter certificate issued by NVRA to a court reporter who successfully completes the examination requirements.

~~(P)~~**(S)** **Revoke a license.** To unconditionally prohibit the conduct authorized by the license.

~~(Q)~~**(T)** **Suspend a license.** To prohibit, whether absolutely or subject to conditions which are reasonably related to the grounds for suspension, for a defined period of time, the conduct authorized by the license .

~~(R)~~**(U)** **Official Court Reporter.** A competent and properly licensed court reporter who has been appointed by a circuit, chancery, or county court judge in his/her county or district by entry of an order to that effect upon the minutes of the court to make a verbatim record of testimony or proceedings relevant to matters under the jurisdiction of the courts of the State of Mississippi, all state agencies, or the Legislature or any committee or subcommittee thereof, or where appeal to any court of the State of Mississippi is allowable by law. That reporter shall be known as the official court reporter of said district or county.

~~(V)~~**(V)** **Freelance Court Reporter.** A competent and properly licensed court reporter engaged in the practice of court reporting which is defined as the following: Making a verbatim record of testimony or proceedings relevant to matters under the jurisdiction of the courts of the State of Mississippi, all state agencies, or the Legislature or any committee or subcommittee thereof, or where appeal to any court of the State of Mississippi is allowable by law. The taking of a deposition shall be defined as the making of a verbatim record.

II. BOARD OF CERTIFIED COURT REPORTERS

(A) Creation. By virtue of Section 9-13-101 Et seq., Mississippi Code of 1972, the Mississippi Legislature created a judicial

board to be known as the Board of Certified Court Reporters to oversee the licensing of certified court reporters certification of shorthand reporters and the granting of temporary permission to noncertified and nonresident court reporters in order to aid the proper administration of the judicial branch of government.

(B) Appointment--Term of Office. The Board shall be composed of nine (9) members. Two (2) members shall be judges, one (1) from the Supreme Court and one (1) from a trial court, appointed by the Chief Justice of the Supreme Court with the approval of the full court. Two (2) of the Board members shall be practicing attorneys and shall be appointed by the Chief Justice, with the approval of the full court, on nomination by the Mississippi Bar. Two (2) of the members shall be official shorthandcourt reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination by the Board of Directors of the Mississippi Court Reporters Association. Two (2) of the members shall be free-lance court reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination of the Board of Directors of the Mississippi Court Reporters Association. The ninth Board member shall be the Supreme Court Clerk, who shall serve as a permanent member of the Board. Initially, for judges, lawyers and court reporters, one (1) of the two (2) shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. For shorthandcourt reporters, one (1) official shall be appointed for a term of one (1) year and one (1) for a term of two (2) years and one (1) free-lance reporter shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. After each member's term expires, his/her successor shall be appointed for a term of two (2) years. The Chief Justice of the Supreme Court shall fill any vacancy for the duration of an unexpired term by appointing a person having the appropriate qualifications. The Supreme Court may remove any member for cause. Members may be appointed to successive terms.

- (C) Duties and Powers. The Board is charged with the duties and vested with the power and authority:
- (1) To determine the content of and administer examinations to be given to applicants for certification as Certified Shorthand Court Reporters.
 - (2) To determine an applicant's ability to make a verbatim record of proceedings which may be used in any court in this State by any recognized system designated by the Board and to pass upon the eligibility of applicants for certification, Temporary Permission as a Noncertified Court Reporter or Temporary Permission as a Nonresident Court Reporter.
 - (3) To issue certificates/licenses to those found qualified as Certified Shorthand Court Reporters, to grant Temporary Permission to those Noncertified Court Reporters with Mississippi residency who meet the qualifications and requirements as set forth in these rules, and to grant Temporary Permission to those Nonresident Court Reporters who meet the qualifications and requirements as set forth in these rules.
 - (4) To promulgate, amend and revise regulations relevant to the duties of the Board, subject to the approval of the Supreme Court.
 - (5) To make studies and, from time to time, recommendations to the Supreme Court concerning matters pertaining to Certified Shorthand Court Reporters and to reporters granted Temporary Permission as Noncertified Court Reporters or as Nonresident Court Reporters.
 - (6) To account to the Supreme Court in all fiscal matters following recognized accounting procedures of the State Auditor.
 - (7) To exercise jurisdiction over disciplinary matters with regard to Certified Shorthand Court Reporters or Court Reporters

who are granted Temporary Permission as Noncertified Court Reporters or as Nonresident Court Reporters in accordance with the rules and regulations adopted by the Board.

(8) To enter into contracts, hire staff and do such other things as may be necessary to carry out the administration of the duties of the Board.

(8)(9) To maintain a current roll of Certified Court Reporters and a current roll of court reporters granted Temporary Permission as Noncertified or Nonresident Court Reporters, and said rolls shall be matters of public record.

(D) Oath. Each member of the Board shall take a prescribed oath to be administered by one (1) of the Justices of the Supreme Court, or by another person authorized by law to take oaths, to fairly, impartially and to the best of his/her ability discharge the duties of the office and agree to keep confidential all communications, discussions, and actions of the Board, unless ordered by a court of competent jurisdiction.

(E) Officers. At the first meeting of the calendar year, the Board may elect a Chairman and a Vice-Chairman. The Board's Administrator shall serve as a Secretary and a Treasurer.

(F) Compensation and Expenses. The members of the Board shall receive all reasonable and necessary travel expenses incurred in the performance of their duties. All fees collected by the Board shall be paid to the State Treasurer, who shall issue receipts therefore and who shall deposit such funds in the State Treasury in a special fund to the credit of the Board. All expenses incurred by the Board shall be paid out of such special fund pursuant to legislative appropriation. An annual budget shall be prepared by the Supreme Court and submitted to the Board for its approval prior to submission by the Court of its budget to the Mississippi State Legislature.

(G) Quorum. The Board shall act upon each application at a special or regular meeting of the Board at which a quorum is present. A quorum shall consist of a majority of the members.

Action on any matter at the meeting of the Board may be taken by a majority of a quorum. The Board may act upon any matter without a meeting by a written poll conducted by the Chairman. Action taken upon such a poll may be taken only upon majority vote of the entire Board. The action of the Board taken by written poll shall be placed in the minutes of the Board at its next meeting.

(H) Headquarters. The office of the Board shall be located at ~~656450 North State Street~~High Street, Jackson, Mississippi, 39201. The mailing address of the Board is P.O. Box 369, Jackson, Mississippi, 39205-0369, and the telephone number is ~~(601) 576-4623354-6056.~~

III. APPLICATIONS FOR CERTIFICATION OR TEMPORARY PERMISSION AS A NONCERTIFIED COURT REPORTER OR AS A NONRESIDENT COURT REPORTER

(A) Application Forms and Fees. Upon request, the Board shall forward to any person application forms, statement of reference forms, and copies of the statutes and regulations of the Board. There shall be a fee of ~~\$525.00~~\$25.00 for the packet of official confidential application forms (money order, certified check or cash only). A packet may be obtained by writing to the Board. Only official confidential application forms obtained from the Board shall be processed or considered by the Board.

Applicants applying for for eCertification (Mississippi residency required), Temporary Permission as a Noncertified Court Reporter (Mississippi residency required), or Temporary Permission as a Nonresident Court Reporter s-as-Certified Shorthand Reporters, other than those admitted without examination under Section 9-13-101, et seq., shall file with the Board a written application in the form prescribed by the Board, together with payment of a nonrefundable fee of \$100 and a cover letter to the Board stating the type of licensure he/she is requesting and why he/she would like to be a licensed reporter in the State of Mississippi.

No application shall be accepted which is not filed on official forms and which is not accompanied by the full amount of fees due. Payment of fees shall be made to "Board of Certified Court Reporters." Applications must be complete at time of filing. The applicant must give a full and direct response to all inquiries on the application and must furnish all additional documents as required by the application. If complete documentation is not provided where applicable, said application shall not be processed or considered by the Board.

Applicants applying for Temporary Permission as a Nonresident Court Reporter shall sign and submit to their home state in which he/she is licensed any necessary privacy release form(s) which would enable the Board to obtain documents, records, and any other information pertaining to said applicant. It is the duty of the applicant to know whether or not a privacy release form is required by his/her home state prior to any information being released to the Board. If this document is not provided where applicable, said application shall not be processed or considered by the Board.

(B) Qualifications of Applicants. Applications shall be screened by the Board, and those applicants twenty-one (21) years of age and or older and of good moral character and a resident of the State of Mississippi, where applicable, shall be deemed eligible to take the Mississippi BCCR Examination and considered for Temporary Permission as a Noncertified Court Reporter, or considered for Temporary Permission as a Nonresident Court Reporter, or considered for Certification by Reciprocity. If applying for Temporary Permission as a Noncertified Court Reporter, ~~A~~an application must be filed with the Board at least thirty (30) days before the date fixed for examination. Each applicant shall be advised of the time and place the examination will be conducted, and the dates for said examinations shall be posted on the Board's website.

(C) Denial of Application. All decisions of the Board denying an application for Certification, Temporary Permission as a Noncertified Court Reporter, or Temporary Permission as a Nonresident Court Reporter ~~sh~~~~temporary~~ ~~or~~ ~~permanent~~

~~certification~~ shall be made in writing, and the reasons for denying the application shall be included in the decision of the Board. The applicant shall be notified within thirty (30) days of the Board's decision.

IV. REVIEW BEFORE THE BOARD

Comment [MSOffice3]: Note: Used to be Section VII of original rules

- (A) **Petition for Review.** If an application for Certification or Temporary Permission is not acted upon favorably by the Board, the applicant may file a Petition for Review. Such Petition must be filed not later than forty-five (45) days after the date on which the Board has notified the applicant by mail of its decision.
- (B) **Content of Petition.** A Petition for Review shall be verified under oath by the applicant and shall designate the reasons for such Petition. The Petition shall particularize how the decision of the Board is unjustified. No generalized claims shall be considered by the Board.
- (C) **Review by Board.** Upon receipt of a Petition for Review, a review committee of not less than three (3) members of the Board shall review the application. In the event that a majority of the members of the Review Committee finds clear and manifest evidence that the application should not have received favorable consideration, the Review Committee shall so report to the Board and the Board, as a whole, shall review the application. In the event that a majority of the members of the Review Committee finds that the application should have received favorable consideration, such determination shall be final without further action by the Board as a whole. Upon completion of the review process, an order shall be entered in the Board minutes granting or denying the applicant's Petition. The applicant shall be notified within thirty (30) days of the Board's final decision on the Petition.

V. TEMPORARY PERMISSION AS A NONCERTIFIED COURT REPORTER **(MISSISSIPPI RESIDENCY REQUIRED)**

Applying for Temporary Permission as a Noncertified Court Reporter.

- (A) Requirements: A ~~non~~Noncertified ~~e~~Court ~~r~~Reporter may make application to the Board for ~~t~~temporary permission to do verbatim reporting within the State. To be granted temporary permission, the applicant must make application on the same official forms as required of other applicants, must pay the Board a fee of \$100, and must ~~(1)~~furnish proof that he/she has previously been a competent practicing reporter in another state that is not governed by certification and/or licensure rules and regulations or ~~(2)~~furnish proof of attendance at a court reporting program with documentation of ~~with~~a passing grade at the speed of ~~200~~225 words per minute of Multi-Voice Testimony (Question and Answer), shall furnish proof that he/she is a resident of the State of Mississippi, and shall provide all documentation as required by the official application form.
- (B) Temporary Permission status~~status~~ may be granted upon a finding by the Board that the applicant is ~~at least~~twenty-one (21) years of age or older, is of good moral character, is a resident of the State of Mississippi, and has previously been a competent practicing reporter in another state that is not governed by certification and/or licensure rules and regulations or attended a court reporting program with a passing grade at the speed of ~~200~~225 words per minute of Multi-Voice Testimony (Question and Answer), and has provided all documentation as required by the official application form. Temporary Permission status~~status~~ shall be renewed on or before January 2nd of the succeeding year upon payment of the annual fee for a period not to exceed thirty-six (36) months after being granted said temporary permission unless extended by the Board in accordance with Miss. Code Ann. §9-13-121(2).
- (C) A Noncertified Court Reporter who is granted temporary status permission ~~must~~ shall take the next scheduled examination examinations until each portion of said examination is passed in accordance with Rule XI. The court reporter shall immediately notify the Board in writing when he/she passes both Part A and Part B of the examination and request ~~permanent Certification~~Certification by Examination licensure. If the

applicant does not pass ~~one of the three (3) consecutive examinations given after temporary permission is granted, such permission shall be further extended only under the provisions of Miss. Code Ann. §9-13-121(2) both Part A and Part B of the examination within the time provided in Miss. Code Ann. § 9-13-121(2), the court reporter shall no longer be eligible for temporary permission and must apply to the Board for Certification by Examination or Certification by Reciprocity licensure. The Board shall grant temporary permission to a noncertified court reporter one time.~~

~~(B)~~(D) The Board shall issue to each successful applicant a licensure card containing the following information: Temporary Permission as a Noncertified Court Reporter number, temporary permission expiration date, and method of reporting to be used. A court reporter shall only use that method of reporting in which he/she has applied for and has been granted temporary permission. Said temporary permission number shall be placed on any transcript title page and certificate page, along with the signature of said court reporter. No court reporter granted temporary permission may authorize the use of the court reporter's temporary permission number on any transcript not produced through the court reporter's personal effort and/or supervision.

~~(C)~~(E) A Noncertified Court Reporter shall comply with provisions set forth in Rule IX and the continuing education requirements as set forth in Rule X(C).

~~(F)~~ A Noncertified Court Reporter shall not be entitled to use the title "Certified Court Reporter" or the abbreviation "CCR."

VI. TEMPORARY PERMISSION AS A NONRESIDENT COURT REPORTER

(B) Non-Resident Court Reporters Applying for Temporary Permission as a Nonresident Court Reporter.

(A) **Requirements:** ~~A n~~Non-resident ~~court r~~eporters wishing to make a verbatim record of any testimony of a proceeding, the

jurisdiction of which is within the courts of Mississippi or where appeal to any court of the State of Mississippi ~~is~~ allowable by law, shall make annual application for temporary permission as a ~~a non-resident~~ court reporter certificate. The applicant must make application on the same official forms as required of other applicants, must pay the Board a fee of \$100, and must present proof that he/she is a competent practicing reporter in good standing in another state that is governed by certification and/or licensure rules and regulations or holds a Registered Professional Reporter (RPR) certificate issued by the National Court Reporters Association (NCRA) and is in good standing with NCRA or holds a Certified Voice Reporter (CVR) certificate issued by the National Verbatim Reporters Association (NVRA) and is good standing with NVRA, and shall provide all documentation as required by the official application form. The Board shall only consider applications for nonresident temporary permission from reporters in states that grant similar privileges to applicants from this state.

(B) The Board shall issue temporary permission to a nonresident court reporter upon a finding that the applicant is at least twenty-one (21) years of age or older, is of good moral character, and is a competent practicing reporter in good standing in another state that is governed by certification and/or licensure rules and regulations or holds a Registered Professional Reporter (RPR) certificate issued by the National Court Reporters Association (NCRA) and is in good standing with NCRA or holds a Certified Voice Reporter (CVR) certificate issued by the National Verbatim Reporters Association (NVRA) and is good standing with NVRA, and has provided all documentation as required by the official application form. Such temporary permission certificate shall be valid for a period not greater than one year. A ~~non-resident~~ court reporter must reapply annually on the same official forms as required for initial application. An annual fee of \$100 or such fee as the Board may hereafter set is required.

~~(B)~~(C) The Board shall issue to each successful applicant a licensure card containing the following information: Temporary Permission as a Nonresident Court Reporter number, temporary permission expiration date, and method of reporting to be used.

A court reporter shall only use that method of reporting in which he/she has applied for and has been granted temporary permission. Said temporary permission number shall be placed on any transcript title page and certificate page, along with the signature of said court reporter. No court reporter granted temporary permission may authorize the use of the court reporter's temporary permission number on any transcript not produced through the court reporter's personal effort and/or supervision.

(D) A Nonresident Court Reporter shall comply with the provisions set forth in Rule IX and the continuing education requirements as set forth in Rule X(D).

VII. CERTIFICATION BY EXAMINATION

(A) Examination Requirements: A court reporter may make application to the Board for Certification by examination to do verbatim reporting within the State of Mississippi. To be granted Certification by examination, the applicant must make application on the same official forms as required of other applicants, shall provide all documentation as required by the official application form, must pay the Board a fee of \$100, provide proof of residence in the State of Mississippi, meet all other requirements of the Board for certification, and provide proof that the applicant has successfully passed the examination administered by the Mississippi Board of Certified Court Reporters as set forth in Rule XI. Examinations, either written knowledge or skills portions/legs, given in other states will not be valid and not qualify the applicant for certification by examination as set forth in this subsection.

(A)(B) Certification shall be granted upon a finding by the Board that the applicant is twenty-one (21) years of age or older, is of good moral character, is a resident of the State of Mississippi, has provided all documentation as required by the official application form, and has provided proof that the applicant has successfully passed the examination administered by the Mississippi Board of Certified Court Reporters as set forth in Rule XI.

- (C) The Board shall issue to each successful applicant a licensure card containing the following information: Certification number, certification expiration date, and method of reporting. A court reporter shall be certified to use only that method of reporting in which he/she has been examined/certified. Said CCR number shall be placed on any transcript title page and certificate page, along with the signature of said court reporter. No licensed court reporter may authorize the use of the court reporter's CCR number on any transcript not produced through the court reporter's personal effort and/or supervision.
- (D) **Annual Fee.** The designation "Certified Court Reporter (CCR)", once granted by the Board, shall remain in effect upon the payment to the Board of an annual fee of \$100.00, or such other amount as may be hereafter established by the Board, on or before January 2nd of each succeeding year unless such designation is suspended or revoked. Upon payment of the annual fee and compliance with continuing educational requirements under Rule IX(A) herein, a court reporter shall have renewal of their license on or before January 2nd of each succeeding year.
- (E) The Board may reinstate an expired license if, not later than the 120th day after the date of expiration, the applicant pays the renewal fee and a penalty fee of \$50.00. The reinstatement dates from the original date of expiration. The Board may reinstate a license that has expired for more than 120 days if the Board finds, on a sworn affidavit of the applicant, that the applicant has retained the professional skills required for original certification and has paid all delinquent renewal fees and a penalty fee of \$50.00. If the Board finds otherwise, the court reporter must reapply for certification.
- (F) A Certified Court Reporter shall comply with the provisions set forth in Rule IX and the continuing education requirements as set forth in Rule X(B).
- (G) Upon being granted certification, a court reporter is entitled to use the title "Certified Court Reporter" or the abbreviation "CCR" in conjunction with their names.

VIII. CERTIFICATION BY RECIPROCITY

- (A) **Reciprocity Requirements:** A court reporter from another state may make application to the Board for Certification by reciprocity to do verbatim reporting within the State of Mississippi. To be granted Certification by reciprocity, the applicant must make application on the same official forms as required of other applicants, shall provide all documentation as required by the official application form, must pay the Board a fee of \$100, provide proof of residence in the State of Mississippi, meet all other requirements of the Board for certification, and provide proof that the applicant has successfully passed any of the following: The Registered Professional Reporter (RPR) examination administered by the National Court Reporters Association (NCRA), the Certified Voice Reporter (CVR) examination as administered by the National Verbatim Reporters Association (NVRA), or any state, agency, or other entity that licenses, certifies, or registers court reporters, if the Board finds that the state, agency, or other entity has substantially the same or more stringent requirements as the Mississippi Board of Certified Court Reporters. The applicant must ensure that his/her examination scores and a copy of his/her certificate and/or license are furnished to the Mississippi Board of Certified Court Reporters by said state, agency, association, or other entity.
- (B) Certification shall be granted upon a finding by the Board that the applicant is twenty-one (21) years of age or older, is of good moral character, is a resident of the State of Mississippi, has provided all documentation as required by the official application form, and has provided proof that the applicant has successfully passed any of the following: The Registered Professional Reporter (RPR) examination administered by the National Court Reporters Association (NCRA), the Certified Voice Reporter (CVR) examination as administered by the National Verbatim Reporters Association (NVRA), or any state, agency, or other entity that licenses, certifies, or registers court reporters, if the Board finds that the state, agency, or other entity has substantially the same or more stringent requirements as the Mississippi Board of Certified Court Reporters (the applicant must ensure that

his/her examination scores and a copy of his/her certificate and/or license are furnished to the Mississippi Board of Certified Court Reporters by said state, agency, association, or other entity).

- (C) The Board shall issue to each successful applicant a licensure card containing the following information: Certification number, certification expiration date, and method of reporting. A court reporter shall be certified to use only that method of reporting in which he/she has been examined/certified. Said CCR number shall be placed on any transcript title page and certificate page, along with the signature of said court reporter. No licensed court reporter may authorize the use of the court reporter's CCR number on any transcript not produced through the court reporter's personal effort and/or supervision.
- (D) **Annual Fee.** The designation "Certified Court Reporter (CCR)", once granted by the Board, shall remain in effect upon the payment to the Board of an annual fee of \$100.00, or such other amount as may be hereafter established by the Board, on or before January 2nd of each succeeding year unless such designation is suspended or revoked. Upon payment of the annual fee and compliance with continuing educational requirements under Rule IX(A) herein, a court reporter shall have renewal of their certificate on or before January 2nd of each succeeding year.
- (E) The Board may reinstate an expired license if, not later than the 120th day after the date of expiration, the applicant pays the renewal fee and a penalty fee of \$50.00. The reinstatement dates from the original date of expiration. The Board may reinstate a license that has expired for more than 120 days if the Board finds, on a sworn affidavit of the applicant, that the applicant has retained the professional skills required for original certification and has paid all delinquent renewal fees and a penalty fee of \$50.00. If the Board finds otherwise, the court reporter must reapply for certification.
- (F) A Certified Court Reporter shall comply with the provisions set forth in Rule IX and the continuing education requirements as set forth in Rule X(B).

(G) Upon being granted certification, a court reporter is entitled to use the title “Certified Court Reporter” or the abbreviation “CCR” in conjunction with their names.

IX. REQUIREMENTS FOR CERTIFIED COURT REPORTERS AND COURT REPORTERS GRANTED TEMPORARY PERMISSION

(A) **Roll of ~~Shorthand~~Court Reporters.** The Board shall maintain ~~a current roll~~rolls containing ~~the n~~names and pertinent information on all individuals who have been certified as Certified Court Reporters or individuals granted Temporary Permission as Noncertified or Nonresident Court Reporters, and said rolls shall be matters of public record. ~~This~~These ~~roll~~rolls ~~will~~shall contain a roster of all ~~official shorthand~~court—reporters ~~holding appointments and of individuals~~eligible and available for appointment.

(B) Certified ~~Court Shorthand~~Reporters and individuals granted Temporary Permission as Noncertified or Nonresident Court Reporters must notify the Board in writing within thirty (30) days of any change in employment, home, or business address, and/or telephone number.

(C) **Oath.** Upon ~~e~~Certification, ~~a free lance~~ or the granting of Temporary Permission, a court reporter shall taken an oath, on a form provided by the Board, that (s)he/she will faithfully discharge his/her duties; the oath so taken shall be submitted to the Mississippi Board of Certified Court Reporters.

Before entering into his/her office, ~~an official~~ official court reporter shall take, in open court, an oath that he/she will faithfully discharge the duties thereof; the oath so taken shall be entered into the minutes of the court, pursuant to Miss. Code Ann. §9-13-3(1974).

(D) **Bond.** All ~~C~~ court reporters ~~and free lance reporters~~ shall give bond in a penalty of not less than two thousand dollars, pursuant to Miss. Code Ann. §9-13-9(1974).

The bond of an official court reporter shall be approved by the court, conditioned for the faithful discharge of duties and shall be filed in the office of the clerk of the court of any county in the district, who shall, at the cost of the court reporter, certify a copy thereof to the clerk of said court in each of the other counties of the district, to be filed and preserved in his office, and said copies shall be competent evidence in any proceedings. Such bond shall be recorded at length in the bond record of the county where the original is filed.

~~The bond of a free lance reporter shall be approved by the Board of Certified Court Reporters, conditioned for the faithful discharge of duties, and such bond shall be filed in the office of the Board of Certified Court Reporters, who shall, at the cost of the reporter, certify a copy thereof to the clerk of any other court, to be filed and preserved in his office, and said copies shall be competent evidence in any proceedings.~~

(E) Code of Professional Ethics. Each reporter shall abide by the following code of ethics which has been adopted by the Board:

- (1) Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
- (1)(2) Be alert to situations that are conflicts of interests or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the reporter shall disclose that conflict or potential conflict.
- (2)(3) Guard against not only the fact but the appearance of impropriety.
- (3)(4) Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the reporter by any of the parties in a proceeding.
- (4)(5) Be truthful and accurate when making public statements or when advertising the reporter's qualifications, certifications, or the services provided.
- (5)(6) Refrain, as an official reporter, from freelance reporting activities that interfere with official duties

and obligations.

- (6)(7) Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.
- (7)(8) Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys or their staff, clients, witnesses, insurance companies, or any other persons or entities who retain the services of a court reporter, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year, or, (2) pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.
- (8)(9) Maintain the integrity of the reporting profession.
- (10) Reporters granted certification or temporary permission shall place their Certification or Temporary Permission number on any transcript title page and certificate page, along with the signature of said court reporter. No court reporter granted certification or temporary permission may authorize the use of the court reporter's number on any transcript not produced through the court reporter's personal effort and/or supervision.
- (11) Abide by the rules and regulations governing Certified Court Reporters and Court Reporters granted Temporary Permission in this state, any and all applicable Mississippi Supreme Court rules, and any and all applicable laws as set forth in the Mississippi Code of 1972, as amended.

X. CONTINUING EDUCATION

~~**Requirement.**— In order to maintain certification. All certified shorthand reporters and holders of a non resident certificate will be required to obtain a minimum of thirty (30) continuing education credits over a three year period in courses approved by the Board or in compliance with the continuing education requirements of the National Reporters Association. The three year period will begin on~~

Comment [MSOffice4]: Note: Portions of Original Rule VI have been moved to its current location, IX. Other portions have been added to completely new sections. Please refer to Section VI of the original rules for comparison

~~January 2nd of the year during which the reporter is initially certified. No credits may be carried over to the following three year term.~~

- (A) Continuing Education Definition: Continuing education credits must contribute directly to the competence and professionalism of court reporters. The Board shall be authorized to approve continuing education activities which include but are not limited to the following subject areas: language; academic knowledge; health and wellness; statutes, rules and regulations; court reporting technology; business practice; and ethical practices-professionalism.
- (B) Requirement for Certified Court Reporters. In order to maintain certification, all certified court reporters shall be required to obtain a minimum of thirty (30) continuing education credits over a three-year period in courses approved by the Board or in compliance with the continuing education requirements of the National Court Reporters Association or the National Verbatim Reporters Association. The three-year period will begin on January 2nd of the year during which the reporter is initially certified. No credits may be carried over to the following three-year term, and the court reporter shall comply with the provisions as set forth in Rule X(E) for reporting continuing education credits earned.
- (C) Requirement for Court Reporters Granted Temporary Permission as Noncertified Court Reporters. In order to maintain temporary permission, all noncertified court reporters shall be required to obtain a minimum of thirty (30) continuing education credits over a three-year period in courses approved by the Board or in compliance with the continuing education requirements of the National Court Reporters Association or the National Verbatim Reporters Association. The three-year period will begin on January 2nd of the year during which the reporter is initially granted temporary permission. After the court reporter becomes certified, either by examination or reciprocity, any credits earned during that current year may be carried over to fulfill the continuing education requirements for certified court reporters as set forth in Rule X(B). The court reporter shall comply with the provisions as set forth in Rule X(E) for reporting

continuing education credits earned.

(D) Requirement for Reporters Granted Temporary Permission as Nonresident Court Reporters. All Nonresident Court Reporters shall be required to maintain good standing with respect to the continuing education requirements as set forth and governed by the rules and regulations of his/her home state of original certification and/or licensure or with respect to the continuing education requirements as set forth and governed by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA).

(E) Report. Each eCertified shorthand Court Reporter and reporters granted Temporary Permission as Noncertified or Nonresident Court Reporters shall make a written report to the Board, in such form as the Board shall prescribe, concerning his/her completion of the continuing education requirements for credit other than Mississippi Judicial College or Mississippi Court Reporters Association seminars which are already reported by those associations, on or before January 2nd at the conclusion of the third year. The Administrator of the Board shall be the recorder of continuing education credits.

(F) Non-compliance and Sanctions. If the Board's records reflect that a court reporter had not attained the required continuing education credits at the end of each three year period as set out hereinabove, the Board shall serve, by certified mail, the shorthand court reporter with an order to show cause within sixty (60) days why the reporter's certification certificate or temporary permission or temporary permission should not be suspended. The reporter shall furnish the Board with an affidavit. Upon receipt of an order to show cause, the court reporter shall furnish the Board with an affidavit setting forth the following:

- (1) Indicating that That the court reporter has complied with the requirements prior to the expiration of sixty (60) days and proof thereof, or
- (2) Setting forth a valid excuse for failure to comply with the requirements because of illness or other good cause.

(G) **Reinstatement.** If a reporter's certification is suspended, he/she may file an affidavit, together with a reinstatement fee of \$100, with the Board indicating compliance with the continuing education requirements, and the Board may agree to reinstate the court reporter's certification or temporary permission. ~~If a reporter's certification is revoked, the reporter must reapply for certification.~~ Upon receipt of the affidavit and reinstatement fee, the Board shall review the same within thirty (30) days.

If the Board finds that the court reporter has complied with the requirements as set forth in IX(C)(1)(2), the reporter's certification or temporary permission shall be reinstated.

If the Board finds that the court reporter has not complied with the requirements as set forth in IX (C)(1)(2), the court reporter's certification or temporary permission shall continue to be suspended until such time as the continuing education requirement is fulfilled, and the court reporter shall not be permitted to practice court reporting in the State of Mississippi during the period of said suspension, and any violation shall subject the reporter's certification or temporary permission to being revoked. If a court reporter's certification or temporary permission is revoked, the court reporter must reapply for certification or temporary permission.

XI. MISSISSIPPI COURT REPORTER EXAMINATION

(A) Certified ~~Shorthand~~Court Reporter Examination Defined.

The State of Mississippi's Certified ~~Shorthand~~Court Reporter examination shall be ~~either~~ the Mississippi Court Reporter Examination, ~~or the National Court Reporters Association's Registered Professional Reporter (RPR) examination.~~ The Mississippi Court Reporter Examination shall be administered biannually under the direction of the Board of Certified Court Reporters. For the Mississippi Court Reporter Examination, all grading decisions of the Board of Certified Court Reporters shall be final.

~~The Registered Professional Reporter examination shall be~~

Comment [MSOffice5]: Note: Previously Section V of original rules

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~~administered by the National Court Reporters Association in accordance with their specifications for the RPR designation. For the Registered Professional Reporter examination, all grading decisions of the National Court Reporters Association will be final.~~

~~(A)~~**(B)** Mississippi Court Reporter Examination.

(1) Fees for the Mississippi Court Reporter Examination shall be as follows:

Application fee	\$
35.00 <u>50.00</u>	
Examination fee, written <u>knowledge</u> only	\$
50.00 <u>75.00</u>	
Examination fee, oral <u>skills</u> only	\$
75.00 <u>100.00</u>	
Examination fee, written <u>knowledge</u> and skills <u>oral</u>	\$
75.00 <u>125.00</u>	

The ~~\$35.00~~\$50.00 application fee is a one-time, nonrefundable fee. If only the written knowledge portion of the examination is to be taken, the examination fee is ~~\$50.00~~\$75.00; if only the ~~skills~~ oral portion is to be taken, the examination fee is \$100.00; or if both the written knowledge and the skills portion are to be taken, the ~~examination~~ fee is ~~\$75.00~~\$125.00. This ~~\$75.00~~\$100.00 fee is the same regardless of how many legs of the skills portion (Part A) of the Oral Examination are to be taken. First time applicants must pay both the application fee and the examination fee.

Payments are due thirty (30) days before the examination, upon registration. Refunds of the examination fees will be given if the cancellation is received before the deadline of thirty (30) days prior to the examination, or the applicant may apply payment to the next scheduled test. Payments may be in the form of a check or a money order. All checks must be made payable to the Administrative Office of Courts.

(2) Administration of Mississippi Court Reporters Examination

(a) ~~(a)~~ Oral Skills Examination-Part A.

The oral skills portion of the test ~~consists of 5 minutes of 2-voice (Question and Answer) is a three-part dictation consisting of the following:~~ 5 minutes of two-voice dictation of testimony (Question and Answer) given at 225 words per minute; 5 minutes of dictation of jury charge given at 200 words per minute; and 5 minutes of dictation of selected literary material given at 180 words per minute. Each of these legs will have one minute of warm up material. Each applicant shall personally take down the test, either in his/her own hand-writing (pen shorthand) ~~(or by stenotype machine shorthand (stenotype),)~~ or by his/her own—voice (oral stenography/steno mask), and reduce to writing the ~~taken down~~ on a typewriter, word processor/computer with or without the aid of CAT (computer aided transcription) equipment. The minimum passing grade on each section of Part A of the test shall be ninety-five percent (95%) accuracy. An error shall be charged for each wrong word, each omitted word, for each added word not dictated, for each contraction where read as two words, for two words where read as a contraction, for each misspelled word, for each plural or singular where the opposite was dictated, and for each wrong number. Applicants may use a dictionary during Part A of the test. Applicants shall have seventy-five (75) minutes (1 1/4 hours) to transcribe each leg of the skills examination ~~three (3) hours to type (Part A) of the test.~~ If time permits, the applicant may review his/her transcript but shall use only his/her original shorthand notes (pen shorthand), steno machine notes, or voice file/tape (mask/voice writer) ~~taken down~~ from which his/her transcript was prepared. If applicant passes any one leg of Part A of the test with ninety-five percent (95%) accuracy, he/she need not retake that leg on re-examination and may consider that leg passed.

Applicants for testing must furnish their own equipment and supplies for taking down and transcribing the skills

portion (Part A) of the examination. Realtime translation is allowed in the dictation room. However, the screen must be situated in such a manner so that the display will not be visible to other testing candidates. No audio assist or backup of any kind is permitted during test dictation or during transcription. Candidates must disable their computer's and/or writer's microphone by either changing the settings on their computer and/or writer or by bringing an external adapter/plug.

All shorthand notes, steno machine notes, voice files/voice tapes, floppy disks, or any other external storage devices as outlined below, and any printed material becomes property of the Board of Certified Court Reporters. These must be turned in after the examination, and before leaving the testing site, the Chief Examiner shall verify that all tests from Part A (Skills Examination) are deleted from the hard drive of the applicant's word processor or computer and, if applicable, the steno machine's RAM (Random Access Memory) and any other applicable external storage devices. If an applicant's steno machine does not use a disk, e.g. a RAM memory, eliminate any jobs that may be in your steno machine's memory as you will be asked to reformat your steno machine's memory after the exam. If you do not reformat your steno machine's memory, your steno machine will be impounded by the Chief Examiner. Those using steno machines or systems with flashcards/SD cards and/or USB/flash drives will need to bring the equipment necessary to delete the flashcard/SD cards and/or USB/flash drives or will need to turn in the flashcard/SD cards and/or USB/flash drives to the Chief Examiner with a self addressed, padded, and stamped envelope for mailing. Candidates who do not bring a self-addressed stamped envelope will have to forfeit their flashcards/SD cards and/or USB/flash drives.

The approximate allowable number of errors for each leg of the oralskills examination is:

Testimony (Q&A)	57
Jury Charge	50
Literary	45.

(b) Written [Knowledge](#) Examination-Part B.

The written [knowledge](#) examination is a ~~forty five (45) minute~~, fifty (50) question, multiple choice test based on the following areas of court reporting. Approximately thirty percent (30%) of the questions will be on reporting [and ethics](#), thirty percent (30%) on transcription; twenty percent (20%) Mississippi court procedures, and twenty percent (20%) grammar, [vocabulary](#), and punctuation. These approximations are intended for general guidance only. [Applicants shall have forty-five \(45\) minutes to complete the written knowledge examination \(Part B\). If applicant passes Part B \(Written Knowledge Examination\) with a grade of 75% or more, he/she need not retake Part B and may consider that portion passed.](#)

Materials recommended for study in preparation for the written portion of the examination include ~~5~~ but are not limited to:

National Court Reporters Association Professional Education Series, (a) English, (b) law, and (c) medical;

National Court Reporters Association Publications: (a) Systematic Guide to Medical Terminology, (b) Grammar for Shorthand Reporters, and (c) Punctuation for Shorthand Reporters:

Mississippi Rules of Civil Procedure applying to the duties and responsibilities of court reporters;

Mississippi Rules of Appellate Procedure.

Rules and Regulations Governing Certified Court Reporters

(c) **Test Results (Skills & Written Knowledge).**

Test results are mailed four (4) to six (6) weeks after the examination. No results will be given over the telephone. The written knowledge examination candidates receive the numeric scores, in addition to Pass or Fail conclusions. The skills ~~oral~~ examination candidates receive numeric scores as well as a Pass or Fail conclusion on each leg.

(d) **Appeals.**

All appeals must be in writing to the Board of Certified Court Reporters and must be postmarked no more than twenty (20) days from the mailing date of the examination results. Applicants may request a regrade. The regrade fee is ~~\$35.00~~50.00 and is due at the time of the appeal.

XII. DISCIPLINE

(A) Jurisdiction.

- (1) The Board of Certified Court Reporters has jurisdiction of matters pertaining to discipline of certified court shorthand reporters, those reporters granted temporary permission as noncertified or nonresident court reporters, those holding themselves out in the State of Mississippi to be court reporters, and anyone engaged in the unauthorized practice of court reporting within the State of Mississippi. ~~and h~~Hereafter, such proceedings shall be conducted in accordance with these rules.
- (2) Nothing contained in these rules shall be construed to deny to any court such powers as may be necessary for that court to maintain control over its proceedings.
- (3) The Supreme Court may, for default in the professional obligations of any shorthand~~court~~ reporter or court reporter pro tempore, if such default threatens and adversely affects the efficiency of the judicial system, enter an order referring an

Comment [MSOffice6]: Note:
This language tracks new SB 2708 lang. 9-13-105(g)

apparent offender to the Board of Certified Court Reporters for the State of Mississippi for a disciplinary hearing as provided in these rules.

(B) Initiation and Filing of Complaints.

- (1) Any matter touching on the misconduct of a shorthandcourt reporter certified or granted temporary permission by the Mississippi Board of Certified Court Reporters, those holding themselves out in the State of Mississippi to be court reporters, or anyone engaged in the unauthorized practice of court reporting within the State of Mississippi ~~State of Mississippi~~ shall be called to the attention of the Board verbally or in writing. All shorthandcourt reporters, courts and their officers shall have the affirmative duty to notify the Board in writing of unprofessional or unethical conduct by a courtshorthand reporter and any action taken by the court.
- (2) The Board ~~shall may~~ act ~~based on its own motion on information and belief or may act only~~ upon a written complaint filed ~~with the Board by any person~~. A written complaint shall be filed on the complaint form provided by the Board. A written complaint shall contain the name, mailing address, and phone number of the complainant, the name and address of the accused shorthandcourt reporter, a statement of the facts of the complaint, a list of witnesses, with addresses and phone numbers if known, and copies of any statements by the witnesses and documents in support of the statement of facts of the complaint.
- (3) No complaint shall be considered by the Board unless received, discovered or otherwise brought to the attention of the Board within three (3) years after the date of discovery of the facts upon which the complaint is based.
- (3)(4) If the written complaint, upon receipt, is found to be deficient, it shall be returned to the complainant with a statement of the deficiency and an opportunity to cure same. If the deficiency has not been cured within forty-five (45) days of the date upon which the same was returned to the complaining

Comment [MSOffice7]: Note: tracks new statute lang. here again 9-13-105(g)

person, the complaint is subject to dismissal as provided in section "C" below. The Board may dismiss any complaint without merit and retire the file.

(B)(C) Investigation and Hearing.

Comment [MSOffice8]: Note: Portions of this section remain the same and has been added to – refer to Section IX of the original rules

- (1) Upon receipt of a written complaint, if it appears on its face that the complaint is deficient or without merit, the Board may retire same to the file. The Board may conduct an investigation, either with or without notice to the accused, as in the Board's discretion appears appropriate.
- (2) Upon receipt of a written complaint, if it appears on its face that the complaint may have merit, the Board may conduct an investigation, either with or without notice to the accused court reporter, as in the Board's discretion appears appropriate. If the Board believes that a hearing is advisable, the Board shall set a date for the hearing and notify the accused by registered or certified mail. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The accused shall have fifteen (15) days from date of notice in which to respond.
- (3) Results of any investigation into a written complaint shall be brought to the attention of the Board within sixty (60) days from the date the investigation was authorized by the Board. The Board shall conduct any investigation or investigatory hearing fairly and impartially and shall seek to elicit any and all facts which might be exculpatory or incriminatory of the accused. The Chairman or the Chairman's designee shall preside at the hearing. The accused and/or his/her counsel may appear at the hearing for the purposes of examining or cross-examining all witnesses and for presenting witnesses and evidence on behalf of the shorthand reporter.
- (4) If after investigation and receipt of the report the Board determines that the matter may have merit such that a hearing is advisable, the Board shall provide the accused with a copy of the written complaint and simultaneously set a date for hearing and notify the accused reporter of the date of the

hearing. Notification under this section shall be by registered, certified mail. The notice shall state the cause of any contemplated disciplinary action and the time and place of the hearing. The accused shall have fifteen (15) days from the date of notice in which to file a written response with the Board.

(5) The Chair of the Board may enlarge the time for completion of an investigation or, for good cause shown, the time for the accused to file a written response.

(6) The Board shall conduct any investigation or disciplinary hearing fairly and impartially and shall seek to elicit any and all facts which might be exculpatory or incriminatory of the accused. The Chairman, the Chair's designee, or the Board member serving as a Supreme Court Justice or trial court judge shall preside at the hearing.

(7) The accused shall appear at the hearing either with or without counsel. The accused reporter and/or counsel shall have the opportunity to present witnesses and evidence on behalf of the accused court reporter and also the opportunity to examine or cross-examine all witnesses.

(4)(8) The Board may assess costs incurred in the investigation or hearing of any disciplinary matter as justice may require. Such costs and expenses shall include actual and necessary expenses. An accused court shorthand reporter exonerated of the charges may recover from the Board any sums assessed by and actually paid to the Board, and costs paid to the Clerk of the Court. The accused court shorthand reporter shall recover no other costs or expenses.

(D) Grounds for Disciplinary Action. The following shall be considered by the Board as grounds for disciplinary action against an accused certified shorthand court reporter:

(1) Fraud or corruption;

(1)(2) Dishonesty;

~~(2)~~(3) Willful or negligent violation or failure of duty;

~~(3)~~(4) Incompetence in the performance of duties authorized by the certificate or temporary permission;

~~(4)~~(5) Fraud or misrepresentation in obtaining certification or temporary permission;

~~(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~~ felony;

~~(5)~~(7) A conviction of a criminal offense, either felony or misdemeanor, involving moral turpitude that indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a certified court shorthand reporter or of a court reporter granted temporary permission;

~~(8)~~ Engaging in the practice of court reporting without certification or temporary permission issued by the State of Mississippi;

Comment [MSOffice9]: Previously No. 7

~~(6)~~(9) Engaging in the practice of court reporting while certification or temporary permission is suspended;

~~(10)~~ Engaging in the practice of court reporting by a method for which said court reporter has not been certified or granted temporary permission by the Board to use.

~~(7)~~(11) Adjudication of insanity or incompetency;

Comment [MSOffice10]: Previously No. 8

~~(8)~~(12) Violation of any rule or order promulgated by the Supreme Court governing the obligations or duties of court shorthand reporters;

Comment [MSOffice11]: Previously No. 9

~~(12)~~(13) Unprofessional conduct; or

Comment [MSOffice12]: Previously No. 10

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~~(13)~~(14) Other sufficient cause.

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(E) Disciplinary Action.

(1) At the conclusion of a hearing, the Board, upon majority vote, shall render a written opinion incorporating findings of fact and conclusions of law.

(2) The discipline may provide for one or more of the following:

~~— If the Board should find a minor ethical violation or instance of relatively trivial misconduct which does not warrant disciplinary action but should not be dismissed as being without merit, a letter of admonition shall be sent to the shorthand reporter and a copy thereof to the person making complaint. Informal admonition shall not be used as a substitute for and shall not be considered discipline. However, the fact, nature and cause of such admonition may be disclosed in any subsequent disciplinary proceedings of a similar nature against the shorthand reporter.~~

~~(2) At the conclusion of a hearing, the Board, upon majority vote, shall render a written opinion incorporating a finding of fact and a judgment which may:~~

(a) Exonerate the accused court reporter and dismiss the complaint; ~~or~~

(b) Publicly or privately reprimand the accused court reporter. Public reprimand shall result in the court reporter appearing before the Circuit Court of the court reporter's county of residence on the first day of a term convening next after the date the reprimand becomes final or on some other similar day when a maximum number of the Bar and public are present. When a reprimand becomes public, a copy shall be given to the person filing the complaint, the Chief Justice of the Mississippi Supreme Court, and to the judges of the circuit and chancery districts in the counties where the court reporter works, and shall be published in one or more of the following publications or websites administered by any of the following: the Mississippi Bar, the Mississippi Board of Certified Court

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Reporters, the Mississippi Court Reporters Association. If said court reporter was granted temporary permission as a Nonresident Court Reporter, a copy of said reprimand shall be forwarded to his/her home state of original certification and/or licensure for appropriate action to be taken therewith according to that state's governing rules and regulations. If said court reporter is a member of the National Court Reporters Association (NCRA) and/or the National Verbatim Reporters Association (NVRA), a copy of said reprimand shall be forwarded to said association(s) for appropriate action to be taken therewith according to that association's governing bylaws, rules, and regulations. A final public reprimand shall be read by the senior judge or the senior judge's designee at the time herein indicated and placed on the minutes of the Court; ~~or~~

~~(b)~~(c) Suspend the accused court reporter with or without probation for a fixed period of time and specify conditions precedent to reinstatement. Orders of suspension shall immediately become matters of public record and shall be placed upon the minutes of the circuit and chancery courts in the court reporter's county of residence and in the counties where the reporter works. A copy of the Order of suspension shall be given to the person filing the complaint, the Chief Justice of the Mississippi Supreme Court, and to the judges of the circuit and chancery districts in the counties where the court reporter works, and shall be published in one or more of the following publications or websites administered by any of the following: the Mississippi Bar, the Mississippi Board of Certified Court Reporters, and the Mississippi Court Reporters Association. If said court reporter was granted temporary permission as a Nonresident Court Reporter, a copy of said Order of suspension shall be forwarded to his/her home state of original certification and/or licensure for appropriate action to be taken therewith according to that state's governing rules and regulations. If said court reporter is a member of the National Court Reporters Association (NCRA) and/or the National Verbatim Reporters Association (NVRA), a copy of said Order of suspension shall be forwarded to said association(s) for appropriate action to be taken therewith

according to that association's governing bylaws, rules, and regulations. A court reporter who is suspended may not continue to work in the State of Mississippi until all conditions precedent have been met and the Board approves reinstatement; ~~;~~

~~(e)~~**(d)** Revoke the certification or temporary permission of the court reporter. A copy of the Order of revocation shall be given to the person filing the complaint, the Chief Justice of the Mississippi Supreme Court, and to the judges of the circuit and chancery districts in the counties where the court reporter works, and shall be published in one or more of the following publications or websites administered by any of the following: the Mississippi Bar, the Mississippi Board of Certified Court Reporters, and the Mississippi Court Reporters Association. If said court reporter was granted temporary permission as a Nonresident Court Reporter, a copy of said Order of revocation shall be forwarded to his/her home state of original certification and/or licensure for appropriate action to be taken therewith according to that state's governing rules and regulations. If said court reporter is a member of the National Court Reporters Association (NCRA) and/or the National Verbatim Reporters Association (NVRA), a copy of said Order of revocation shall be forwarded to said association(s) for appropriate action to be taken therewith according to that association's governing bylaws, rules, and regulations.

(e) Impose a civil fine of five hundred dollars (\$500.00) upon any person who undertakes or attempts to undertake the practice of court reporting for remuneration without having first procured a certificate or temporary permission under Sections 9-13-101 through 9-13-123; or who knowingly files false information with the Board for the purpose of obtaining certification or temporary permission under Sections 9-13-101 through 9-13-123. Each day's violation shall be considered a separate infraction. A person who is not authorized to practice court reporting under Sections 9-13-101 through 9-13-123 shall not bring or maintain an action to recover fees for court reporting services that the person performed in violation of Section 9-13-118.

Comment [MSOffice14]: DISCUSS LANGUAGE
This is all new since new legislation was recently passed – tracks 9-13-118 (newly created section)

(3) If the Board finds an ethical violation or instance of misconduct which does not warrant disciplinary action but should not be dismissed as being without merit, a letter of admonition shall be sent to the court reporter and a copy thereof to the person making the complaint. Informal admonition shall not be used as a substitute for, and shall not be considered as, disciplinary action. However, the fact, nature, and cause of such admonition shall be retained in the Board's file on said court reporter and shall be disclosed in any subsequent disciplinary proceedings.

(F) Admissions and Irrevocable Resignations

(1) Any time after the court reporter has been formally notified as provided in (C)(4), the Board may, in its discretion and upon majority vote, accept admissions. Upon acceptance by the Board, the proceedings may be terminated. Nothing contained herein, however, shall prevent the further receipt of evidence for purposes of determining the final disposition to be made.

~~(1)~~(2) Admissions shall fully address the factual matters alleged in the complaint, shall set out that the court reporter could not defend her/himself on the matters admitted, and that the court reporter submits to discipline on the matters admitted.

(3) Irrevocable resignations may be tendered to the Board at any time. An irrevocable resignation shall acknowledge every disciplinary matter then pending, state that the court reporter does not desire to defend same, and request permission to resign with prejudice. Upon receipt and acceptance of the irrevocable resignation, the disciplinary proceedings then pending shall terminate and the Board shall enter an Order accepting the resignation, revoking the court reporter's certification or temporary permission and barring forever thereafter the court reporter's right to seek reinstatement or new certification or new temporary permission. An irrevocable resignation and order accepting same shall be considered disciplinary action on the matter charged. A copy of the Order of resignation shall be given to the person filing

Comment [MSOffice15]: NOTE:
This section is completely new material

the complaint, the Chief Justice of the Mississippi Supreme Court and to the judges of the circuit and chancery districts in the counties where the court reporter works, and shall be published in one or more of the following publications or websites administered by any of the following: the Mississippi Bar, the Mississippi Board of Certified Court Reporters, and the Mississippi Court Reporters Association. If said court reporter was granted temporary permission as a Nonresident Court Reporter, a copy of said Order of resignation shall be forwarded to his/her home state of original certification and/or licensure for appropriate action to be taken therewith according to that state's governing rules and regulations. If said court reporter is a member of the National Court Reporters Association (NCRA) and/or the National Verbatim Reporters Association (NVRA), a copy of said Order of resignation shall be forwarded to said association(s) for appropriate action to be taken therewith according to that association's governing bylaws, rules, and regulations.

(2)(4) Failure to renew a certificate or temporary permission as provided herein on or before March 1 of each calendar year shall constitute resignation by the court reporter. Any court reporter whose resignation is for failure to timely renew his/her certification or temporary permission (Noncertified Court Reporters only – Nonresident Court Reporters must reapply annually) may be reinstated as provided in these rules.

XIII Reinstatement.

- ~~(1) No shorthand reporter whose certificate has been revoked or suspended for a period of six (6) months or longer shall be reinstated except upon petition to the Board.~~
- ~~(2) All reinstatement petitions shall be addressed to the Board, shall state the cause or causes for suspension or revocation, the reasons for justifying reinstatement, and requisite moral character and professional skills to~~

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~~be reinstated to the privilege of shorthand reporting.~~

~~(3) If a petition for reinstatement is denied, no other petition shall be filed until one (1) year after the date of the prior adverse decision.~~

(1) All reinstatement petitions shall be addressed to the Board, shall state the cause(s) for suspension or revocation, give the names and current address of all persons, parties, firm, or legal entities who suffered pecuniary loss due to the improper conduct of the reporter, the making of full amends and restitution, the reasons justifying reinstatement, and requisite moral character and proof by sworn affidavit that he/she has retained the professional skills required for original certification or temporary permission to be reinstated to the privilege of being a certified court reporter in the State of Mississippi or being granted temporary permission as a noncertified court reporter in the State of Mississippi.

~~(1)(2) No court shorthand reporter whose certification or temporary permission has been revoked or suspended for a period of six (6) months or longer shall be reinstated except upon petition to the Board. The petition for reinstatement shall not be filed until two (2) years after the date of the order of revocation.~~

Comment [MSOffice16]: Note: Previously No. 1

(3) A court reporter whose certificate or temporary permission has been suspended for a period of less than six (6) months shall be automatically reinstated upon expiration of the period of suspension. No court reporter whose certification or temporary permission has been suspended for a period of six (6) months or longer shall be reinstated except upon Petition to the Board. The petition for reinstatement shall not be filed until the expiration of the period of suspension. No petition for reinstatement shall be filed until the conditions of suspension have been met.

(4) Reinstatement to reporting following any discipline shall be only upon proof of compliance with any such sanctions and approval of the Board.

(5) A court reporter who has been convicted of a felony offense shall be ineligible for reinstatement.

(6) A court reporter who has been placed on probation is subject to having the probation revoked upon proof that the court reporter has failed to meet the terms of the probation.

(2)(7) Prior to reinstatement of any court reporter eligible for reinstatement, the Board may require the court reporter to take the written knowledge examination (Part B) as prepared by the Mississippi Board of Certified Court Reporters and as set forth in Rule XI(2)(b) and obtain a score of not less than seventy-five (75). A court reporter whose certification or temporary permission has been revoked may also be required to take and pass all three (3) legs of the skills portion of the examination (Part A) currently used to certify court reporters in the State of Mississippi and as set forth in Rule XI(2)(a).

(3)(8) If a petition for reinstatement is denied, no other petition shall be filed until one (1) year after the date of the ~~prior adverse decision~~ denial of the **petition for reinstatement**.

Comment [MSOffice17]: Note: Previously No. 3

(4)(9) All petitions for reinstatement shall be public record, **Rule XIII notwithstanding**, and shall be published in one or more of the following publications or websites administered by any of the following: the Mississippi Bar, the Mississippi Board of Certified Court Reporters, and the Mississippi Court Reporters Association.

(10) All decisions of the Board denying a petition for reinstatement of Certification, Temporary Permission as a Noncertified Court Reporter, or Temporary Permission as a Nonresident Court Reporter shall be made in writing and the reasons for denying the petition shall be included in the decision of the Board. The court reporter shall be notified within thirty (30) days of the Board's decision. The decision of the Board shall be final.

XIV. Discipline In Another Jurisdiction

Comment [MSOffice18]: Note: All new material

- (1) When any court reporter in the State of Mississippi, whether with or without certification or temporary permission issued by the Board, is subjected to disciplinary action and/or sanctions in another jurisdiction, such sanction shall be grounds for disciplinary action in this state. Certification of such sanction by the appropriate authority of such jurisdiction to the Board or to the Mississippi Supreme Court shall be conclusive evidence of the guilt of the offense or unprofessional conduct on which said action and/or sanction was ordered, and it will not be necessary to prove the grounds for such offense in the disciplinary proceeding in this state.
- (2) The sole issue to be determined in the disciplinary proceeding in this state shall be the extent of the final discipline to be imposed on the court reporter, which may be more or less severe than the discipline imposed by the other jurisdiction.

XV Confidentiality

- (1) All members of the Board, their assistants, staff and employees, members of the Mississippi Bar, the Mississippi Court Reporters Association, all clerks and receivers, and court reporters hired by the Board to report any proceedings are strictly enjoined to keep and maintain confidential all things arising under these rules and all proceedings thereon. The accused court reporter may make such public statement or disclosure as he/she desires. The period of confidentiality shall end, however, upon the accused court reporter making any public statement or disclosure about a proceeding under these rules.
- (2) The Board shall have authority to share information with law enforcement officials concerning any alleged violation of any federal or state criminal laws by a court reporter.
- (3) These rules shall not prohibit any complainant, the accused court reporter, or any witnesses from discussing publicly the

Comment [MSOffice19]: Note: All new material

existence of the proceeding(s) under these rules or from disclosing any information relating thereto, including the disclosing of any documents involved in the disciplinary proceeding(s).

XVI. Immunity From Civil Suit

Comment [MSOffice20]: Note: All new material

- (1) All complaints filed, statements made, documents, or other tangible things produced pursuant hereto shall be absolutely privileged, and no civil suit predicated therein may be instituted, and each person, firm, association, or legal entity filing such a complaint shall be immune from any civil suit pending thereon.
- (2) The members of the Board and all their assistants, staff, employees, and receivers shall be immune from civil suit for any conduct arising out of the performance of their official duties. Every person shall be immune from civil suit for all evidence or testimony given or submitted in the course of any investigation, investigatory hearing, formal hearing, or review proceedings held and conducted under these rules.

XVII. Costs and Expenses

Comment [MSOffice21]: Note: All new material

- (1) The Board may assess costs incurred in the investigation and hearing held in any disciplinary matter as justice may require.
- ~~(1)~~(2) Such costs and expenses shall include the actual and reasonably necessary expenses of the Board.

XVIII. Repealer and Severability

Comment [MSOffice22]: Note: All new material

- (1) If any of these rules or sections, or any part thereof, are declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

- (2) Unless the contrary intent shall clearly appear in every amendment hereinafter made, each and every amendment made hereafter shall be read and construed as though the provisions hereof form an integral part of such amendments, whether expressly set out therein or not.