

## Proposed Amendments to Rules and Regulations

The Alabama Board of Court Reporting is currently advertising proposed amendments to the Rules and Regulations of the Board. These proposed amendments are posted below in their entirety. Written comments, views, or arguments will be received by the Alabama Board of Court Reporting thru 4:30 p.m. on August 3, 2018. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241565, Montgomery, AL 36124-1565. All written comments will be reviewed by the ABCR at its next Board meeting (currently scheduled for August 17, 2018).

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**Chapter 257-X-1 - Organization and Administration**

**257-X-1.01 Meetings of the Board**

- (1) The Board shall comply with the Alabama Open Meetings Act.
- (2) A minimum of two (2) regular meetings shall be held each year. The annual meeting shall be the first meeting of the calendar year.
- (3) ~~A majority of the~~Four members of the ~~Board~~ shall constitute a quorum for the transaction of business.
- (4) At its first meeting each calendar year, the Board shall elect a Chair, a Vice Chair, and Secretary from its membership. No member shall be elected to serve more than two (2) consecutive years in the same office.
- (5) The Chair shall, in accordance with these rules, rule upon all questions of procedure at meetings of the Board and, ~~in the event that evidence is taken, on the admissibility of that evidence.~~ The decision of the Chair shall be final.
- (6) ~~All members of the Board, including the Chair, are entitled to vote and to make or second motions.~~ All proceedings of the Board shall be governed by Roberts Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.
- (7) Special meetings may be called by the Chair or by a quorum of the Board.
- (8) Notice of a meeting shall be given to all Board members at least seven (7) days in advance of the meeting, unless all Board members agree to waive the seven (7)-day notice.
- (9) Requests to present information to the Board during a regularly scheduled Board

meeting shall be in writing to the Executive Director at least fourteen (14) days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of the Chair. All requests are subject to review and approval by the Chair. The usual time limitation for presentations will be five (5) minutes with exceptions made by permission of the Chair. Written requests should include:

- (a) Contact information of the designated spokesperson; and ~~(b) Summary of information to be presented.~~

(10) The ~~Executive Director~~Secretary or designee shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting of the Board. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection. ~~The minutes shall reflect:~~

- ~~(b) The time and place of each regular meeting of the Board;~~
- ~~(c) Names of the Board members present;~~
- ~~(d) Names of guests present;~~
- ~~(e) Reflect where public notices of the meeting were posted;~~
- ~~(f) All official acts of the Board;~~
- ~~(g) The vote of the Board except when the votes are unanimous;~~
- ~~(h) When requested by a dissenting Board member, specific reasons shall be recorded; and~~
- ~~(i) A roll call vote may be taken upon the request of a Board member;~~

(11) All regular meetings of the Board shall be open and public except for executive sessions as provided by the Alabama Open Meetings Act.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.02 Duties of the Officers of the Board**

- (1) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the agenda~~rules of order~~ of Board meetings.
- (2) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.
- ~~(3) The Secretary shall~~ preside in the absence of the Chair and Vice Chair and shall assume the duties of the Chair in such instances pending the election of a Chairman Pro Tem. ~~be responsible for the approval of invoices submitted to the Board for payment.~~

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.03 Board Member Compensation**

- (1) Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees. Board members are also entitled to receive the same per diem provided to state employees, pursuant to Section 36-7-20, et seq., Code of Alabama, (1975).
- (2) ~~The reimbursement for travel expenses and per diem~~ shall be paid from funds derived from the Alabama Board of Court Reporting Fund. If funds are not available, ~~reimbursement~~ payment shall not be made.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007, effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.04 Employment of Personnel**

The Board may employ an executive director, investigators, ~~inspectors~~, attorneys, and any other agents and employees and assistants as may from time-to time be necessary to establish and maintain administration and enforcement of the Court Reporter Practice Act and rules and regulations established by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.05 Use of Forms**

Applications and forms shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board and on the Board website.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.06 Maintenance and Inspection of Board Records**

- (1) The Board shall maintain its records in accordance with the Alabama Open Meetings Act.
- (2) Public records maintained by the Board shall be subject to public disclosure pursuant to the Alabama Open Meetings Act and the Alabama Open Records Act.
- (3) Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours. The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee.
- (4) Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling, and postage.
- (5) Public records maintained by the Board that are available for inspection and duplication include, but are not limited to:
  - (a) Names and addresses of current licensees;
  - (b) Names of persons whose licenses have been suspended or revoked, including the type, date, infraction, the penalty incurred, and length of the penalty;
  - (c) Rules and regulations of the Board, as promulgated and published in accordance with Sections 41-22-1, et seq., Alabama Administrative Procedures Act, Code of Alabama (1975);
  - (d) Other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its duties and functions; and
  - (e) Final orders, decisions, declaratory rulings, and opinions issued by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1-.07 Rules and Regulations**

All rules and regulations of the Board shall be adopted, amended, or repealed in accordance with Sections 41-22-1, et.-seq., Alabama Administrative Procedures Act, Code of Alabama (1975).

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-1.08 Electronic Documents**

- (1) In satisfaction of the requirements under these rules, the Board shall accept any document submitted in electronic format, including, but not limited to, facsimiles, scans, pdfs with a resolution of 200 dots per inch (DPI) or higher, and picture images in an electronic mail attachment, in lieu of a paper submission; provided, however, that the Board reserves the right to require submission of an original paper copy of any such document upon the request of the Board.
- (2) Initial applications for temporary or court reporter licenses or for reinstatement of a revoked or expired license must be filed in paper format; electronic submission of such applications will not be accepted by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed June 20, 2018

### **CHAPTER 257-X-2 – Board Policies and Procedures**

#### **257-X-2-.01 Change of Name or Address**

- (1) The applicant or licensee shall notify the Board of any legal name change within thirty (30) days of change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license certificatecard.
- (2) The licensee shall notify the Board office of any change in the licensee's address within thirty (30) days of the change. The address of record is the address provided by the applicant or licensee.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

### **257-X-2-02 Lost License**

The licensee shall promptly report, in writing, the loss of a license ~~certificate~~card to the Board. A duplicate license ~~certificate~~card requires a completed form and replacement fee.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-2-03 Verification of Alabama License**

- (1) Verification of licensure will be available on a Board-maintained website.
- (2) Upon receipt of a written request and required fee, the Board's designee shall provide written verification of Alabama licensure.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 19, 2012; effective July 24, 2012.

### **257-X-2-04 Fees**

- (1) Fees and fines are not refundable.
- (2) Fees are payable by certified check, cashier's check, corporate or business check, or money order or personal check.
  - (a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.
  - (b) Personal checks by third parties are not acceptable.
  - (c) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.
  - (d) Statutory charges for returned checks shall be paid by the applicant or licensee within ten (10) business days from receipt of notice to remit full payment pursuant to Ala. Code § 13A-9-13.1 (b) (2) and shall bepay the maximum fee allowed by Ala. Code § 8-8-15.
- (3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.
- (4) The Board may allow payment of fees by electronic means.

- (5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.
- (6) A license may not be issued until payment in full for all applicable fees is funds are received by the Board.
- (7) The current schedule of fees isare included in the Appendix.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-2-.05 Inactive Status**

(1)A person not actively engaged in the practice of court reporting may place his/her~~their~~ license on inactive status by filing an Application for Inactive Status, together with the required application fee of Ten Dollars (\$10.00).

(2)An inactive court reporter may not practice court reporting in this state; however, he/she remains obligated to maintain transcripts, exhibits, and all other records in a civil case for five (5) years; in a criminal case, for twenty-five (25) years; and in a capital case, indefinitely, or as specified by Alabama law, whichever is longer.

(3)Any transcripts provided by an inactive court reporter must include his/her license number and the date that the court reporter became inactive from the practice of court reporting.

(4)Inactive court reporters who engage in the practice of court reporting may be subject to disciplinary action by the Board.

(5)An inactive licensee must be renewed annually, as provided in Rule 257-X-3-.05.

(6)The annual fee for an inactive license shall be Ten Dollars (\$10.00).

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-2-.06 Restoration**

(1)A person seeking restoration of a license after it has been placed on inactive status for up to five (5) years shall file an application with the Board together with the required fees. After, September 30, 2008, in order to restore a license, a person shall submit proof of fifteen (15) hours of continuing education completed within one (1) year before restoration. The applicant shall also submit either:

- (a) Certification of current licensure from another jurisdiction completed by the appropriate board or licensure authority; or
- (b) Affidavits from two (2) members of the bench or bar attesting to the applicant's active practice of court reporting in a state that does not require licensure for at least one (1) year immediately prior to the date of application; or
- (c) An affidavit attesting to military service; or
- (d) Other proof acceptable to the Board of the applicant's fitness to have the license restored.

(2)The applicant must receive a renewal certificate reflecting active status prior to providing any court reporting services, Failure to comply with this requirement may constitute unprofessional conduct as provided in Rule 257-X-4-.01.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-2-.07 Review Process**

All applications ~~must be received for Board review two (2) weeks prior to the next available Board meeting to ensure adequate processing time.~~ Upon receipt of an application and the appropriate fee, the Board shall ~~either~~ issue a licensed designation, notify the applicant in writing of the reasons for denying the application, or notify the applicant in writing of the deficiencies in the application. Applicants have one (1) year from the date of the notification of deficiencies to complete the application process. If the process has not been completed within one (1) year, the application shall be denied, and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. In the event of a hardship, the applicant may apply in writing for a one (1)-year extension to complete the process.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

## **CHAPTER 257-X-3 – Licensure**

### **257-X-3-.01 Temporary Licensure**

- (1) Effective on April 21, 2010, any person who is a graduate of a school of court reporting may apply for temporary licensure.
- (2) Temporary licenses shall expire eighteen (18) months after issuance.

- (3) Temporary licenses are not renewable. In the event that a temporary license expires without the temporary licensee having passed the examination for full licensure, court reporting services by the temporary licensee shall cease and desist immediately upon the expiration of the temporary license. The Board will issue a Cease and Desist notice upon the expiration of an expired Temporary License and copy the employer of record. The Board Investigator will follow up with the expired temporary licensee to ensure the individual is not operating with an expired temporary license (if the individual has not been issued their full licensure). Upon expiration of a temporary license, the temporary license number will be listed under the expired listing on the Board web site. The Board may not be held liable for lost income to the temporary licensee or to the court reporting firm.
- (4) The temporary license application will consist of the following:
  - (a) Proof of graduation from a school of court reporting in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;
  - (b) Complete application forms as approved by the Board;
  - (c) Application and temporary license fee as approved by the Board.
- (5) The temporary license allows the applicant to practice as a court reporter without passing the examination, subject to the following stipulations:
  - (a) The court reporter with a temporary license shall function under the supervision of a currently licensed court reporter;
  - (b) Temporary licensees may not direct bill for court reporting services provided; such services may be billed through the employing court reporter firm or a fully licensed court reporter.
  - (c) The temporary license will be reflected by the initials, "TL" for "Temporary License" followed by their assigned number.
  - (d) All individuals, having been issued a temporary license, shall be subject to regulation pursuant to any rules promulgated by the Alabama State Board of Court Reporting and Alabama Code Section 34-8B-1, et seq.
  - (e) Failure of any temporary licensee to meet any of the requirements enunciated in Reg. 257-X-3-.03 shall subject the temporary licensee to disciplinary action provided by Reg. 257-X-5.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 23, 2010; effective August 27, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

**Ed. Note:** Rule 01 was repealed per certification filed May 25, 2017; Rule .02 was repealed per certification filed August 22, 2012. Rule .03 is renumbered .01 per

certification filed May 25, 2017; effective July 9, 2017.

### **257-X-3-.02 Traditional Application for Licensure**

(1) Applicants for licensure as court reporters must meet the following requirements in order to obtain a license:

(a) Provide proof of graduation from court reporting program or its equivalent in the form of: Official Transcripts, Copy of Diploma, or Official Letter from the Court Reporting Program's Director;

(b) ~~(2)~~ Pass the Licensure Examination;

(c) ~~(3)~~ Complete the application and remit all appropriate fees.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended (Rule No. Only):** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012. Amended: Filed May 25, 2017; effective July 9, 2017.

**Ed. Note:** Rule 257-X-3-.04, Reciprocity, was repealed and rule.05 was renumbered to .04 as per certification filed October 6, 2009; effective November 11, 2009. Rule .04 is renumbered .02 per certification filed May 25, 2017; effective July 9, 2017.

### **257-X-3-.03 Examination**

Applicants for licensure must pass the Written Knowledge Examination administered by NCRA and provide documentation of having passed the NCRA Registered Professional Reporter Examination (RPR), or NVRA CRA Examination, or Alabama Skills Examination administered by ACRA. Passage of examination legs from the State and National Examination may be combined.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 7, 2008; effective November 11, 2008. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

**Ed. Note:** Rule .06 was renumbered to .05 as per certification filed October 6, 2009; effective November 11, 2009. Rule .05 is renumbered .03 per certification filed May 25, 2017; effective July 9, 2017.

### **257-X-3-.04 Renewal**

- (1) Every Court Reporter License in Alabama shall ~~expire~~lapse on September 30<sup>th</sup> of each year. The holder of the license may renew such license during the sixty (60) days preceding September 30<sup>th</sup> ~~the expiration date thereof~~ by paying the required fee and completion of the application for renewal.
- (2) It is the responsibility of each licensee to notify the Board in writing of any change of address or legal name within thirty (30) days of such change. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to renew licensure.
- (3) Late renewals may be received up to sixty (60) days following ~~lapse~~expiration of licensure with the required late renewal fee and application for renewal. An individual may not provide court reporting services under a lapsed or expired license. Failure to renew a lapsed license within the period for late renewal established by the board shall result in an expired license.
- ~~(4) All Licensees have a deadline of November 29<sup>th</sup> of the renewal year to submit the required CEUs for license renewal, to prevent the Board from pursuing any Disciplinary action.~~

~~(4) (5)~~The Board will ~~issue a Cease and Desist notifyee to~~ all individuals with expired licenses of their licensure status in writing, copy the employer of record, and post all expired licenses on the Board web site. The Board Investigator will follow up on each expired license to ensure that court reporting services are not being provided under an expired license and provide a report to the Board's Executive Director. Persons providing court reporting services under a lapsed or expired license shall be subject to disciplinary action by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended (Rule No. Only):** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed May 17, 2010; effective June 21, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed April 8, 2013; effective May 13, 2013. **Amended:** Filed May 25, 2017; effective July 9, 2017.

**Ed. Note:** Rule .07 was renumbered to .06 as per certification filed October 6, 2009; effective November 11, 2009. Rule .06 is renumbered .04 per certification filed May 25, 2017; effective July 9, 2017.

### **257-X-3-.05 Licensure by Reciprocity**

- (1) The Board may license an applicant if the applicant is licensed in another state which under like condition grants reciprocal licensure without examination to court reporters duly licensed by examination in this state, and that in the opinion of the Board,

has standards of practice or licensure equal to or stricter than the requirements imposed by this state subject to the following conditions:

(a) The applicant for licensure by reciprocity must possess a license in good standing in the reciprocating state.

(b) The applicant must not be the subject of any pending complaint or investigation in any state or jurisdiction in which the applicant holds or has held a license. The applicant must provide all information, including any information or documentation requested by the Board, in connection with any pending complaint or investigation for the Board's review. The pendency of any complaint or investigation may be considered by the Board as reason for denying licensure by reciprocity.

(c) The applicant must not have been disciplined in any state in which he or she holds or has held a license resulting from conduct which would constitute a violation of any of the grounds set forth in the Court Reporter Practice Act and the rules and regulations established by the Board.

(d) The applicant must be current with continuing education requirements of the reciprocating state.

(2) The applicant must complete all forms required by the Board including but not limited to an application for licensure by reciprocity. In addition, as part of the application process, and in order for the application to be considered complete, it shall be the responsibility of the applicant to submit the following:

(a) All applicable fees.

(b) Certification from the reciprocating state board that the applicant's license is currently in good standing. This certification from the Board(s) shall also include a statement that the applicant is in compliance with the provisions of paragraph (1) above.

(c) Any and all available information pertaining to the examination taken by the applicant which resulted in licensure in the reciprocating state.

(3)The Board may consider as part of the application process whether the applicant has ever been denied licensure in any state, regardless of the type of licensure. Upon request of the Board, the applicant shall submit any documentation in connection with such denial.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed June 20, 2018

### **257-X-3-.06 Non-Resident Licensure**

(1) Nonresident court reporters desiring to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Alabama or where appeal to any court of Alabama is allowable by law, shall make annual application for a nonresident license.

(2) The applicant shall make application on the same forms as required of other applicants, shall pay the appropriate licensure fee, and shall present proof that the applicant is a competent licensed court reporter in another state.

(3) The board shall issue a nonresident license upon the finding that the applicant is a competent license court reporter in another state.

(4) The license shall be valid for a period not to exceed one (1) year and shall be renewed annually in accordance with the procedures established by the Board, together with payment of the annual renewal fee.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed June 20, 2018

## **Chapter 257-X-4 - Standards of Professional Conduct**

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

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

- (a) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.
- (b) A licensee should only accept an assignment if his/her level of competence will result in the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.
- (c) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties. The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.
- (d) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.
- (e) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee's responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.
- (f) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.
- (g) It is the licensee's responsibility to preserve his/her shorthand notes and audio files (if any) for a period of no less than five (5) years, except as otherwise prescribed by law, e.g. the Alabama Unified Judicial System's Records Retention Schedule for the Circuit, District, Juvenile and

Municipal Courts, through storage of the audio files and the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.

- (h) Once the transcript is prepared, audio files (if any) must be maintained for one (1) year from the date the transcript is filed.
- (i) Audio files are the property of the licensee and shall be provided by request at the licensee's discretion or by order of the Court.
- (j) A licensee's signature, license number, and expiration date, and the date the transcript was certified shall be affixed to a transcript of his/her stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.
- (k) A licensee shall not permit the use of his/her name or firm's name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.
- (l) A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.
- (m) A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.
- (n) A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.
- (o) Licensees having knowledge of possible/probable violations of any of these Rules and Regulations shall file a complaint form with the Board and cooperate as necessary with the Board investigation of such violation.
- (p) Refrain from giving, directly or indirectly, any gift or anything of value to attorneys or their staff, other clients or their staff, or any other persons or entities associated with any litigation, which exceeds \$150 in the aggregate per recipient each year. Nothing offered in exchange for future work is permissible, regardless of its value. Pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations are permissible in any amount.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 23, 2010; effective August 27, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

## **Chapter 257-X-5 – Disciplinary Action**

### **257-X-5-.01 Definitions**

- (1) Fine: A monetary penalty up to \$1,000 imposed by the Board.
- (2) Probation: The monitored practice of court reporting which permits the court reporter to continue to practice pursuant to specified conditions as set forth by the Board.
- (3) Suspension: The temporary withdrawal of the license by Board action.
- (4) Revocation: The withdrawal of the license by Board action.
- (5) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-5-.02 Grounds for Denial of a License**

The following may be grounds for denial of a license:

- (1) Failure to meet any requirement or standard established by law or by rules and regulations adopted by the Board.
- (2) Engaging in fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing licensure or taking any examination required for licensure.
- (3) Having disciplinary action pending or having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory, or country.
- (4) Having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline.
- (5) Failure to produce evidence of good moral character.
  - (a) The decision as to whether the applicant is of good moral character is within the discretion of the Board.
  - (b) Failure to show good moral character includes but is not limited to a criminal history or pattern of illegal conduct or disregard for the law.
- (6) Any other reasons authorized by law.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-5-.03 Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement**

The Board may fine, suspend, revoke, or otherwise discipline any court reporter or deny an application for renewal or reinstatement of a court reporter's license upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:
  - (a) Filing false, forged, or altered documents or credentials, including required continuing education documentation;
  - (b) Misrepresenting or falsifying facts in applying for original licensure, renewal, restoration~~activation~~, or reinstatement of license;
  - (c) Having another person appear for a licensing or certification examination.
  
- (2) Has been convicted of, or has entered a plea of guilt, regardless of court disposition, to a charged criminal act that would tend to bring reproach upon the court reporter profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed detrimental to the public's health, safety, or welfare.
  
- (3) Is impaired due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the court reporter unsafe or unreliable, which includes, but is not limited to:
  - (a) Testing positive for alcohol and/or unauthorized drugs;
  - (b) A pattern of abuse or misuse of habit-forming and/or mood-altering drugs or alcohol;
  - (c) Impairment while providing court reporting services~~on duty~~ due to the use of drugs or alcohol;
  - (d) The use of alcohol or habit-forming or mood-altering drugs to the extent that medical or psychiatric treatment, rehabilitation, or counseling is medically determined or otherwise recommended by a legally authorized practitioner.
  
- (4) Has been convicted of any felony offense or has been convicted of any misdemeanor which would relate to the disqualifications contained elsewhere in Section 257-X-5-.03. In the event that a plea or finding of guilt is for a lesser or different offense, the Board shall have the authority to review the factual

circumstances of the initial charge, any amended charge, and/or the conviction in determining what action, if any, is appropriate.

- (5) Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters of court reporting, which includes, but is not limited to:
- (a) Failure to comply with the Alabama Court Reporting Act and Rules and Regulations as well as federal, state, or local laws, rules, or regulations applicable to the area of court reporting practice;
  - (b) Failure to practice court reporting in accordance with the standards of practice adopted by the Board;
  - (c) Practice beyond the scope of practice as determined by, but not limited to, educational preparation, license status, state and federal statutes and regulations, state and national standards appropriate to the type of practice, and court reporting experience;
  - (d) Gross negligence in the practice of court reporting;
  - (e) Falsification of credentials;
  - (f) Falsification of employment records;
  - (g) Representing oneself as a court reporter without a license.;
  - (h) Having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory, or country, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this state. A certified copy of the record of the agency that took such action shall be conclusive evidence of the grounds for discipline.
  - (i) Failure to keep the Board apprised of legal name change within thirty (30) days of name change.
  - (j) Failure to keep the Board apprised of change of address within thirty (30) days of address change.
  - (k) Non-compliance with the stipulated terms of a settlement agreement or consent order issued in this state or another jurisdiction pertaining to any license, certification or registration.
- (6) Has failed to respond to official Board correspondence, including, but not limited to, requests for information, subpoenas, or notices.
- (7) Has willfully or repeatedly violated any of the provisions of a statute or rule that includes but is not limited to:
- (a) Practicing or seeking to practice court reporting without a current license;
  - (b) Impersonating an applicant for licensure or another licensed court reporter/practitioner or permitting or allowing another person to use the court reporter's license;
  - (c) Continued violation of any statute or rule after notice by the Board;

- (d) Failure to comply with any stipulated terms and conditions of any Board order or settlement agreement~~or contract~~.
- (8) ~~Has f~~Failed to comply with continuing education requirements.
- (9) ~~Has s~~Submitted payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.
- (10) ~~Has a~~Authorizing his/her Court Reporter License number to be used on any transcript not produced through his or her personal effort or supervision, or both.
- (11) Poses a risk to public safety for any other reasons stated by law.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012. **Amended:** Filed May 25, 2017; effective July 9, 2017.

#### **257-X-5-.04 Investigation**

- (1) Upon self-disclosure or receipt of a written complaint on an ABCR Consumer Complaint Form signed by the person making the complaint, alleging that a court reporter has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Director shall perform a preliminary review of the facts stated to determine if a violation of the Board's law or its rules may have occurred~~there is merit and sufficient evidence to warrant formal proceedings~~. The Consumer Complaint Form must be complete before an investigation is launched. Complaints must be submitted to the Board within ninesixty (960) days of the alleged occurrence.
- ~~(2) When a preliminary review discloses that further investigation is not warranted, the Executive Director may close the investigative file without any further action. If a complaint is made regarding someone practicing court reporting without a valid license, it is the duty of Board counsel to investigate the complaint and to take or recommend appropriate action. This does not alter the other provisions concerning the filing of complaints, but affects only the licensing issue.~~
- (3) When the Executive Director determines there may be merit and sufficient evidence ~~exists to warrant~~ an investigation~~proceedings~~, an investigative committee shall be formed, consisting of one (1) Board member, ~~one (1)~~ Board counsel, and the Executive Director.
  - (a) Within five (5) business days of ~~self-disclosure or~~ receipt of a written complaint being filed against a licensee or unlicensed court reporter, the

Board or its designee shall ~~notify~~provide the court reporter of the allegations and provide against whom the complaint was made, written notification a copy of the complaint by certified mail, addressed to. A postmark date to the last known address of the licensee or unlicensed court reporter on file with the Board, within thirty (30) days of the receipt of the complaint, shall meet this requirement of the rules and regulations. The court reporter may submit, ~~to the Executive Director,~~ a written response to the allegations, together with and any supporting documentation, to the Executive Director within fifteen (15) days of the receipt of the ~~written~~Board's notification. ~~A court reporter, in addition to submitting a written response to the allegations, a court reporter may submit a written request to speak to the investigative committee in person in response to the any complaint that has been filed within fifteen (15) days of receipt of the Board's notification. It is solely within the discretion of the investigative committee to grant or deny the request to meet with the investigative committee.~~

- (b) The committee shall review the complaint and other information submitted to determine if further investigation is warranted.
- (1) If further investigation is warranted, ~~the Board's an~~ investigator shall may be retained. The investigator shall work under the direction of the Executive Director to conduct a further investigation under the direction of the Executive Director;
  - (2) At the conclusion of the investigation, the investigator shall submit ~~an investigation~~ report to be reviewed by the investigative committee, which has the authority to act on the report.
  - (3) The investigative committee shall send written notification to the complainant and the court reporter, ~~against whom the complaint was made~~ of any action it decides to take in response to the ~~investigative~~ report.
- (c) If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file, The Executive Director shall notify the complainant and the court reporter against whom the complaint was made that the investigation has been closed.

~~(3) When a preliminary review discloses that further investigation is not warranted, the Executive Director may close the investigative file without any further action.~~

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

## 257-X-5-.05 Board Action Following Investigation

The investigative committee ~~Board or its authorized designee~~ shall have the power to act on the report of the investigation as follows:

- (1) Dismiss the complaint.
- (2) Enter into settlement negotiations.
- (3) Commence disciplinary proceedings.
- (4) Accept voluntary surrender of a license.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

#### **257-X-5-.06 Alabama Administrative Procedure Act**

The Board hereby adopts by reference as its rules Sections 41-22-1 et seq., ~~Alabama Administrative Procedure Act~~, Code of Alabama (1975), ~~as amended~~, governing contested cases, appeals, and related proceedings.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

#### **257-X-5-.07 Formal Disposition of Contested Cases**

- (1) At least thirty (30) days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or ~~licensee~~~~court reporter~~ via personally service or by registered or certified mail to the last known address ~~shown for the applicant or licensee~~ on file with the Board.
  - (2) The Board's complaint may be amended prior to the hearing, but no amendment shall be permitted on fewer than thirty (30) days' notice which is not germane to the initial charge or charges or which materially alters the nature of any offense charged in the initial complaint.
  - ~~(3) A complainant may withdraw a complaint filed with the Board up to ten (10) days after the complaint is filed with the Board.~~
  - ~~(4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board's designee. Pleadings shall be deemed filed upon actual receipt. (5)~~
- (3) Requests for subpoenas shall be filed with the Board at least fifteen (15) days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server, or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a

respondent, either for witnesses or related to production of documents, are the responsibility of the party requesting the issuance of said subpoena. ~~(6)~~

~~(4)~~ The hearing shall be conducted by the Board or by a hearing officer appointed by the Board in accordance with the hearing procedures set forth in the Alabama Administrative Procedure Act, Section 41-22-1, et seq., Code of Alabama (1975). The hearing officer shall have the authority to perform those acts set forth in Section 41-22-12©, Code of Alabama 91975), and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. All testimony provided at the hearing shall be under oath, and a record of the proceeding shall be transcribed by a court reporter scheduled by the Board.

~~(5) — A continuance may be granted by the Board or its designee upon the filing of a written motion detailing the reasons for the continuance. No motion for continuance shall be granted unless filed at least five (5) days prior to the hearing. This provision may be waived upon showing, by a filed affidavit, the existence of an emergency.~~

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-5-.08 Informal Disposition of Contested Cases**

(1) Complaints or controversies may be considered and resolved by the Board or Board designee through informal conferences, meetings, or other informal means. Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

(2) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default, or by another method agreed upon by the parties in writing, subject to the and as approved by of the Board.

(3) A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.

(4) Decisions of the Board approving the informal disposition of a contested case or denying approval of an application for licensure or renewal or reinstatement of a license shall be in writing in the form of an order. The Board's final order shall be rendered within thirty (30) days of the date of its consideration of the informal disposition of the contested case or the application for licensure or renewal or reinstatement of a license. A copy of the Board's final order shall be mailed to the applicant or court report by certified mail, return receipt requested, with a copy of the order delivered to the court reporter's attorney by first class mail.

(5) Appeals from decisions of the Board denying approval of an application for licensure or renewal or reinstatement of a license are to be made in writing to the Board office within ninety (90) days of the date of the final order. Further appeal is then available in Circuit Court pursuant to the requirements of the Alabama Administrative Procedures Act.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-5-.09 Decisions of the Board**

(1) Based upon the evidence presented at the administrative hearing ~~or pursuant to informal disposition~~, the Board may do one or more of the following:

(a) Dismiss the complaint.

~~(b) Reprimand the respondent.~~

~~(c) Probate the respondent's license.~~

~~(b)(d)~~ Suspend the court reporterrespondent's license. A suspended license is subject to expiration during the suspension period. and must still be renewed. Only a current license may be restored to the licensee at the end of the suspension period.

~~(c)(e)~~ Revoke the court reporterrespondent's license.

~~(d)~~ Deny approval of the application.

~~(e)~~ Deny renewal or reinstatement of a license.

~~(f)~~ Impose other sanctions or restrictions.

(2) The Board may levy a fine not to exceed one thousand dollars (\$1,000) per violation. Each incident, after Board notice of a violation of its rules and regulations or statute, may be considered as a separate violation.

(3) A majority of those members of the Board present and voting on any matter shall decide that matter before the Board.

(4) The decisions of the Board shall be in writing in the form of an order, which shall be made part of the record and include findings of fact and conclusions of law specifically stated. The Board's final order shall be rendered within thirty (30) days of the date of receipt by the Board of the hearing officer's recommended order. A copy of the Board's final orderwhich shall be mailed to the court reporter by certified mail, return receipt requested, or delivered to the respondent with a copy of the order delivered to or the court reporterrespondent's attorney by first class mail.

~~(5)~~(4)The decisions of the Board shall be subject to public dissemination; i.e., mass emails, website, newsletter, newspapers, etc.

~~(6)(5)~~ Requests for reconsideration of Appeals from decisions of the Board are to be filed ~~with~~ made in writing to the Board office within ninety (90) days ~~following~~ of the date of the Board's final order. Further appeal is then available in Circuit Court pursuant to the requirements of the Alabama Administrative Procedure Act.

~~(4)~~ — All members of the Board, including the Chair, are entitled to vote and to make or second motions in disciplinary matters except for any Board Member who may also serve on the Investigative Committee, serve as the Complainant, or have a conflict of interest in the case being decided. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007.

#### **257-X-5-.10 Application Following Denial of Licensure**

- (1) Application for a license following denial of licensure shall:
  - (a) Include evidence of rehabilitation, or elimination or resolution of the stated reasons ~~conditions~~ for denial in the Board's final order.
  - (b) Re-application may occur twelve (12) months after the denial of licensure.
- (2) Board action on applications following denial of licensure may be taken ~~resolved~~ ~~either~~ informally or through the formal hearing process.
- (3) In considering a subsequent application for licensure, the Board may evaluate factors that include but are not limited to:
  - (a) The severity of the act(s) or omission(s) which resulted in the denial of licensure;
  - (b) The conduct of the applicant subsequent to the denial of licensure;
  - (c) The lapse of time since denial of licensure;
  - (d) Compliance with any conditions stipulated by the Board as a prerequisite for a subsequent application;
  - (e) Evidence of rRehabilitation, attained by the applicant as shown ~~evidenced~~ by affidavits ~~statements~~ provided directly to the Board from qualified individuals who have professional knowledge of the applicant;
  - (f) Whether the applicant is in violation of any applicable statute or rule.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

#### **257-X-5-.11 Reinstatement of a Revoked, Suspended or Expired License**

(1) **Reinstatement of a revoked or suspended license due to violations of the statutes or rules and regulations:**

(a) Application for reinstatement:

- (1) May be made twelve (12) months after the effective date of revocation unless otherwise specified in the Board's final order revoking or suspending the court reporter's license and of Agreement;
- (2) Shall be made according to forms and guidelines provided by the Board.

(3) Applicants for reinstatement of revoked or suspended licenses are required to have paid all current and past due fees and fines to the Board. In addition, applicants for reinstatement of a revoked license must meet all current certification requirements, including passage of the Written Knowledge and skills examinations, and any additional requirements imposed under the Board's rules.

(b) Applications for reinstatement of a revoked or suspended license may be resolved informally or through the formal hearing process.

(c) In considering reinstatement of a revoked or suspended license, the Board may evaluate factors that include but are not limited to:

- (1) Severity of the act(s) that resulted in suspension or revocation of the license;
- (2) Conduct of the applicant subsequent to the suspension or revocation of license;
- (3) Lapse of time since suspension or revocation;
- (4) Compliance with all reinstatement requirements stipulated by the Board;
- (5) Evidence of rehabilitation attained by the applicant as shown evidenced by affidavits/statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant;
- (6) Whether the applicant is in violation of any applicable statute or rule;
- (7) Whether, directly or by implication, the applicant has represented in any way that he/she/the person is a licensed court reporter.

(2) **Reinstatement of an expired license/Revocation due to a failure to renew during the grace period:**

(a) Application for reinstatement:

- (1) May be made at any time after the license expired ~~has been revoked~~ due to a failure to renew during the grace period;
- (2) Shall be made according to forms and guidelines provided by the Board.

(3) An expired license may not be reinstated until the court reporter has paid all delinquent fees and met all current certification requirements.

including passage of the Written Knowledge and skills examinations, and any additional requirements imposed under the Board's rules.

- (b) Applications for reinstatement may be approved by the Executive Director or by a vote of the Board at a scheduled board meeting.
- (c) In considering reinstatement of an expired-revoked license, the Board or its Executive Director may evaluate factors that include but are not limited to:
  - (1) Whether the individual has continued to practice court reporting without a license;
  - (2) Whether the individual responded to Board correspondence;
  - (3) Whether the individual provided the Board's administrative office with updated addresses and telephone numbers.

(3) An affirmative vote of a majority of the members of the board is required to reinstate a revoked, suspended or expired license.

(4) Applicants for reinstatement of a revoked or suspended license must pay a reinstatement fee.

(5) Applicants for reinstatement of a revoked or suspended license must complete 0.5 Continuing Education Units (CEUs) for each renewal year the applicant has failed to renew the license, unless otherwise specified in the Board's final order revoking or suspending the court reporter's license.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2007; effective July 24, 2012.

### **257-X-5-12 Conflict and Bias**

(1) No Board member who has a disqualifying conflict or bias against an applicant or licensee shall participate or vote in the consideration of any application, information disposition of a contested case or any disciplinary proceeding before the Board concerning the applicant or licensee.

(2) Any challenge to a Board member's participation based upon any alleged conflict or bias shall be filed within the time set for the filing of motions as established by the hearing officer. Any such challenge shall be accompanied by an affidavit(s) stating with specificity the basis for the alleged conflict or bias.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed June 20, 2018

### **257-X-5-13 Reconsideration**

(1) A licensee may appeal a decision of the Board by submitting a request for

reconsideration to the Board office within ninety (90) days following the date of issuance of a final order of the Board.

(2)The request should be based upon newly discovered evidence which would justify relief from the decision rendered.

(3)Such requests should include, by written memorandum or brief, the detailed basis for such reconsideration. The opposing party shall have the opportunity to present a written reply memorandum or brief challenging such basis within thirty (30) days from the submission of the request for reconsideration.

(4)The Board shall review the written arguments of the parties at its next regular or special meeting and, based upon such review, determine in its discretion by a majority vote of those members on the Board present and voting on such matter, whether to sustain its previous decision or grant such relief from the decision as may be appropriate. In reviewing the request, the Board may, at its sole discretion, hear further oral argument or new sworn testimony or suggest supplemental responses. The Board shall render a written order setting forth the determination of the Board within thirty (30) days of the vote reflecting the decision of the Board.

(5)The filing of the request for reconsideration shall be at the option of the parties and should not be deemed as a prerequisite to, or hindrance of, a party's right to judicial review of a Board decision in accordance with the procedures provided under the Alabama Administrative Procedure Act, Chapter 22, Title 41, Code of Alabama (1975).

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed June 20, 2018

## **Chapter 257-X-6 - Continuing Education**

### **257-X-6-.01 Continuing Education Requirements**

- (1) Beginning with the September 30, 2008, renewal and every renewal thereafter, every licensee who applies for renewal of a license shall complete five (5) hours of continuing education (CE) relevant to the practice of court reporting. Additional CE Hours obtained may be rolled over to the next renewal for up to thirty-six (36) months.
- (2) A Renewal Period is the twelve (12) months preceding September 30<sup>th</sup> of each year.
- (3) A CE hour means a minimum of fifty (50) minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour (0.5) increments.
- (4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Alabama license.

- (5) Non-Resident Licensees shall comply with the CE Requirements set forth in this Section.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012.

### **257-X-6-.02 How to Acquire CE Credit**

- (1) CE hours may be earned from:
- (a) Verified attendance at or participation in a program, activity or course through the National Court Reporters Association (NCRA) or the Alabama Court Reporters Association ACRA;
  - (b) Verified attendance (e.g., license of attendance or license of completion) at or participation in a program, activity or course (“program”) presented by a continuing education sponsor in subsection (c) below;
  - (c) Verified attendance at a program that is of general informational value to court reporters but does not directly relate to the reporter’s ability to produce an accurate and timely transcript. A maximum of two-and-one-half (2.5) hours credit may be counted during a prerenewal period for such programs, which include:
    - (1) Professionalism, including knowledge and application of standards of professional responsibility, impartiality, public relations, attire; and,
    - (2) Office procedures, record-keeping, health, including a reporter’s approach to personal tax management, planning for retirement or changing careers within reporting, maintaining the individual reporter’s health and emotional adjustment, ability to listen, to concentrate, to communicate, or to cope.
  - (d) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker, or panel member at an approved course will be allowed as CE credit for actual presentation time, plus actual preparation time of up to two (2) hours ~~for~~ each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than five (5) hours of credit can be earned under this category in any one renewal period.
  - (e) Writing articles regarding the profession of court reporting that are published in a state or nationally recognized professional journal of court reporting or law. No more than three (3) hours of credit can be earned under this category in any one renewal period. Credits will not be allowed for the same article published in more than one publication.

- (2) Courses completed that are a part of the curriculum of a university, college or other educational institution. One semester of course work is equivalent to five (5) hours of CE, and one quarter of course work is equivalent to two-and-one-half (2.5) hours of CE.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012.

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

- (1) Continuing Education sSponsors and programs, as used in this Section, shall mean the following:
- (a) The National Court Reporters Association (NCRA);
  - (b) The National Verbatim Reporters Association (NVRA);
  - (c) The Alabama Court Reporters Association (ACRA) or any state court reporters association whose course or program has been approved for CE credits under the guidelines of the NCRAational Court Reporters Association;
  - (d) Any computer users group whose program or course has been approved for CE credits under the guidelines of the NCRAational Court Reporters Association;
  - (e) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;
  - (f) A university or college course or adult education program that contributes directly to the court reporter's knowledge, ability or competence to perform his/her duties; ~~and~~
  - (g) Any other school, college or university, state agency, or any other person, firm or association that has been approved by ACRA to coordinate and present CE courses and programs in conjunction with this section;
  - (h) All courses approved by the Alabama ~~s~~State ~~b~~Bar for continuing legal education.
- (2) All programs shall:
- (a) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual licensee in the practice of court reporting;
  - (b) Include one or more of the following subjects directly related to the court reporter's ability to produce accurate and timely transcripts:
    - (1) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, and transcript styles;

- (2) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, and specialized medical fields, (i.e., neurology, dentistry, radiology, gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;
  - (3) Legal, including terminology, research techniques, presentations on the various subdivisions of law (i.e., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (i.e., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, and the history of the American/world legal system;
  - (4) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the shorthand reporter during litigation (i.e., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);
  - (5) Technology related to new developments in the field of reporting (i.e., computer technology, computer techniques, video, telecommunications, equipment maintenance);
  - (6) General litigation procedures as they relate to court, deposition and administrative proceedings (i.e., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, notary responsibilities, making exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);
  - (7) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, and proofreading; and
  - (8) Management, including financial, marketing, personnel, equipment maintenance, time and stress management.
- (c) Be relevant to the needs of court reporters and also to the reporting service needs of the users;
  - (d) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - (e) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and
  - (f) Specify the number of CE hours that may be applied to fulfilling the CE requirements for renewal of the license.
- (3) Each CE program shall provide a mechanism for evaluation of the program by the participants, ~~I~~ the evaluation may be completed on-site immediately following the program, or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluations ~~outcome~~ and revise subsequent programs accordingly.

- (a) An approved sponsor may subcontract with individuals and organizations to provide programs.
- (b) ~~CE~~continuing education credits may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.
- (c) All programs given by approved sponsors shall be open to all licensed court reporters and not be limited to members of a single organization or group.
- (d) ~~CE~~continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the Alabama Board of Court Reporting.
- (e) License of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a license of attendance or participation. The sponsor's license of attendance shall contain:
  - (1) The name, address, and license number of the sponsor;
  - (2) The name and address of the participant;
  - (3) A brief statement of the subject matter;
  - (4) The number of hours attended in each program;
  - (5) The date and place of the program; and
  - (6) The signature of the sponsor.
- (f) The sponsor shall maintain attendance records for not less than five (5) years.
- (g) The sponsor shall be responsible for enassuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 23, 2010; effective August 27, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012.

**257-X-6-.04 Activities Not Qualifying for CE Credit**

- (1) ~~Certain a~~Activities that are~~shall not be considered acceptable for CE~~continuing education credits include, but shall not be limited to, the following:
  - (a) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
  - (b) Serving on committees;
  - (c) Entertainment and recreation;
  - (d) Tours, visiting exhibits;
  - (e) Any function for which the registrant receives remuneration as part of his/her regular employment;
  - (f) In-house training on office equipment; and

- (g) Courses with a main thrust of teaching nonverbal skills (i.e., golf, tennis, dancing, basket-weaving).

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007.

#### **257-X-6.05 Certification of Compliance with CE Requirements**

- (1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE Requirements set forth in the Board's rules~~subsections (a) and (b) above.~~
- (2) The Board shall conduct random audits to verify compliance with CE Requirements.
- (3) The Board may require additional evidence of compliance with the CE Requirements (e.g., license of attendance).~~This additional evidence shall be required in the context of the~~ in the course of a Board's audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance for the current renewal year and the three (3) years previous to the current renewal year.
- (4) When there appears to be a lack of compliance with CE Requirements, an applicant shall be notified of the same in writing, and the applicant may request an interview with the Board. An interview neither forecloses nor mandates the institution of ~~that time the Board may recommend that steps be taken to begin formal disciplinary proceedings~~ against the renewal applicant by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

#### **257-X-6.06 Waiver of CE Requirements**

- (1) Any renewal applicant seeking renewal of a license without having fully complied with these CE Rrequirements may request a waiver of these requirements from the Board. ~~A request for waiver may be made by~~ shall file with the Board a renewal application along with the required renewal fee, a statement setting forth the facts concerning non-compliance and request for a waiver of the CE Rrequirements on the basis of these facts stated. A request for waiver shall be made no later than thirty (30) days prior to the renewal date. If the Board, finds from the documentation submitted that an extreme hardship has been shown ~~for granting a waiver~~, the Board shall waive enforcement of the CE Rrequirements for the renewal period for which the applicant has applied.

- (a) Extreme hardship shall be determined on an individual case basis by the Board.
- ~~(b) Extreme hardship shall be defined as an inability to devote sufficient hours to fulfilling the CE R requirements during the application prerenewal period due to because of:~~
- (1) Full-time service in the armed forces of the United States during a substantial part of the prerenewal period; ~~or~~
  - (2) An incapacitating illness, as documented in by a statement from a currently licensed physician; ~~or~~
  - (3) A physical inability to travel to the sites of approved programs as documented by a currently licensed physician; or
  - (4) ~~Being retired from practice and not performing reporting services;~~ ~~or~~ (5) Any other similar extenuating circumstances.
- (2) Any renewal applicant who, ~~prior to the expiration date of the license,~~ submits a request for a waiver, in whole or in part, pursuant to the provisions of this section, shall be deemed to be in good standing until at the final decision regarding the request for waiver on the applicant is made by the Board.

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

## 257-X-7 Appendix I

### Fee Schedule

License Fee	\$200
Application Fee	\$ 50
Renewal Fee	\$200
Late Renewal Fee	20% of License Fee each month
Temporary License Fee	\$300
Reinstatement Fee	\$300
<u>Reciprocal Licensure Fee</u>	<u>\$200</u>
<u>Non-resident Licensure Fee</u>	<u>\$200</u>
Change of Information Fee	\$ 25
Replacement License Fee	\$ 25
Inactive Status Fee	\$ 10
License Verification Fee	\$ 25
Roster List Fee	\$ 10
Roster Label Fee	\$ 25

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed March 11, 2008; effective April 15, 2008. **Amended:** Filed October 7, 2008; effective November 11, 2008. **Amended:** Filed May 17, 2010; effective August 27, 2010.

**Amended:** Filed July 23, 2010; effective August 27, 2010. **Amended:** Filed May 25, 2017; effective July 9, 2017.

## 257-X-8 Appendix II

### Forms Associated with these Rules and Regulations

~~Application for Licensure by Work Experience~~

~~Application for Licensure by Credential~~

~~Application for Temporary Licensure~~

Application for Supervising Court Reporter

~~Application for Licensure/Request to Sit For Examination~~

~~Application for Inactive Status~~

~~Application for Reinstatement of License~~

~~Application for Restoration of License~~

~~Renewal Application~~

~~Change of Address Form~~

~~Consumer Complaint Form~~

**Author:** Alabama Board of Court Reporting

**Statutory Authority:** Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

**History: New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.