

STATE OF MINNESOTA

IN SUPREME COURT

81-876

OFFICE OF  
APPELLATE COURTS

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**FILED**

In Re: Supreme Court Special Court Reporter  
Certification Fact Finding Committee

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Findings of the Minnesota Supreme Court  
Special Court Reporter Certification Fact Finding Committee

Final Report

March 19, 1993

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## I. INTRODUCTION

### A. Committee Charge

The Special Court Reporter Certification Fact Finding Committee was established by the Supreme Court on December 30, 1992, to gather information about the certification of stenographic court reporters. The Committee was directed to perform the following tasks:

1. Identify the nature and extent of current problems in making an accurate and timely court record which are not adequately addressed by existing law or court rule;
2. Examine whether new requirements about testing, registration, certification, continuing education or discipline of official and/or freelance stenographic court reporters would significantly remedy identified problems;
3. Identify positive and negative consequences from implementing new testing, registration, certification, continuing education or discipline requirements for official and/or freelance stenographic court reporters; and
4. Determine the implementation cost of new testing, registration, certification, continuing education and discipline requirements for official and/or freelance stenographic court reporters.

The Committee was also directed to report its findings to the Supreme Court by February 19, 1993.

### B. History of Issues to be Addressed

Many factors affect the making of an accurate and timely record of judicial proceedings and depositions, including the skill of the court reporter and the existence and enforcement of statutes, rules and policies. These factors have been the subject of informal dialogue between court reporters and the courts. In the mid 1980's, following the creation of the Minnesota Court of Appeals, this dialogue increased. Representatives of the Court of Appeals began to interact with the Minnesota Court Reporters Association (MCRA), the Minnesota Freelance Court Reporters Association (MFCRA), and other reporter groups to discuss the issues, develop an understanding of different perspectives, and to offer comments on proposed improvements.

In 1990, the two statewide reporter associations proposed a concept for a certified shorthand reporter program to the Supreme Court, Court of Appeals, and Conference of Chief Judges. In late 1990, the concept was approved by the Conference of Chief Judges, which established a special subcommittee to develop the details of the certification program. The special subcommittee never convened, however, and the concept was again submitted to the

Conference, which withdrew its approval. In January, 1992, a detailed proposal was introduced in the state Legislature on behalf of the two statewide court reporter associations.

Senate File 1699 (see Appendix A) proposed a certification program for all official (i.e. court employed) and freelance shorthand court reporters that required graduation from an accredited court reporting program, successful completion of a proficiency test, and annual registration. The proposal included a grandfather clause exempting all currently active shorthand reporters from any testing requirements, and established a Board appointed by the Governor<sup>1</sup> to administer the program with funding based solely on examination and registration fees. Testimony before the legislature revealed that the Board would be expected to adopt continuing education requirements, an ethical code, and a process for disciplining reporters who fail to submit timely work product or who are incompetent, unethical, or fail to register annually and to comply with continuing education requirements.

The legislative hearings included discussion of whether Senate File 1699 met the statutory standard for regulating occupations, which provides that no regulation shall be imposed unless required for the safety and well being of the citizens of the state.<sup>2</sup> The statutory criteria for making this determination are:

1. Whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of the citizens of the state and whether the potential for harm is recognizable and not remote;
2. Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
3. Whether citizens of this state are or may be effectively protected by other means; and
4. Whether the overall cost effectiveness and economic impact would be positive for citizens of this state.<sup>3</sup>

In addition, if regulation is found to be necessary, it must be imposed in modes in the following order:

1. creation or extension of common law or statutory causes of civil action, and creation or extension of criminal prohibitions;

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<sup>1</sup>The proposal was subsequently amended to allow Supreme Court appointment of all but the court reporter members.

<sup>2</sup>Minn. Stat. § 214.001, subd. 2 (1992).

<sup>3</sup>*Id.*

2. Imposition of inspection requirements and authorizing use of injunctive relief to enforce violations;
3. Implementation of a registration system whereby practitioners who are the only persons permitted to use a designated title, are listed in an official roster after having met predetermined qualifications; and
4. Implementation of a state licensing system whereby a practitioner must receive state recognition of predetermined qualifications, and prohibits unlicensed persons from practicing.<sup>4</sup>

The Conference of Chief Judges, Minnesota District Judges Association, the Court of Appeals, and the Supreme Court opposed Senate File 1699. The reasons given to the Legislature for such opposition included: current court rules adequately address the concerns raised; the Supreme Court has the ability to address concerns through personnel and court rules processes; legislative establishment of court reporter work standards constitute an intrusion by the Legislature upon the internal affairs of the Judicial Branch; and the Judicial Branch workload created by numerous legislatively mandated studies and other Judicial Branch priorities has delayed consideration of court reporter issues by the Judicial Branch.

Legislators discussed methods to ensure Supreme Court action regarding court reporter competency prior to the end of the session, and requested the Court to communicate its intentions. The Supreme Court responded by promulgating an order stating the Court intended to adopt the following requirements:

1. That all official stenographic reporters shall certify that they have passed the Registered Professional Reporter (RPR) examination by July 1, 1993, and shall file a notarized copy of the RPR certificate with the State Court Administrator.
2. That each official stenographic reporter or per diem stenographic reporter serving a court shall retake the RPR exam at least once every six years and shall file the resultant certification.
3. That effective July 1, 1993, any document filed with the court prepared by a freelance court reporter shall include an affidavit attesting that the court reporter has passed the registered professional reporter examination within the last six years.
4. That complaints about the competency or conduct of official or freelance reporters in a particular judicial district shall be filed with the Chief Judge and Judicial District Administrator of the appropriate judicial district.

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<sup>4</sup>Minn. Stat. § 214.001, subd. 3 (1992).

It was explained to the Legislature that the July 1, 1993, effective dates were intended to allow any uncertified reporters an opportunity to obtain the RPR certification. The order also established a deadline of April 30, 1992, to allow court reporters an opportunity to respond to the order and to allow the Supreme Court an opportunity to make any necessary adjustments to the order. This order is referred to in this Report as the "March 13, 1992, Supreme Court Order."

The Legislature subsequently rejected Senate File 1699. In its place, however, the Legislature directed the Supreme Court, in consultation with representatives of official and freelance court reporters, to study the certification of court reporters, including testing, registration, continuing education, discipline, and fees necessary to offset the cost of a certification program. As a follow up to this Legislative directive and to the March 13, 1992, Supreme Court Order, the Supreme Court established this Fact Finding Committee to perform the tasks set forth in the preceding section of this Report.

### **C. Methodology**

One of the tasks assigned to the Committee is to identify the nature and extent of current problems in making an accurate and timely court record which are not adequately addressed by existing law or court rules. Transcripts of the 1992 legislative hearings were obtained. The Committee also developed a questionnaire to solicit this information from a wide range of institutions and offices, including court reporter associations, court reporting schools, bar associations, public defender offices, legal services offices, and chief judges and administrators from the district court, Court of Appeals, Supreme Court, Tax Court, Workers Compensation Court of Appeals, and Chief Administrative Law Judge. The list of individuals who received the survey is set forth in Appendix B.

The Committee identified Minnesota statutes, court rules and personnel policies that affect court reporters and the accuracy and timeliness of the record. The Committee also had available a 1991 survey of certification programs in other jurisdictions, which was prepared in anticipation of the development of a certification program by the Conference of Chief Judges. The survey addressed the scope, fees, and costs of certification programs. The Committee augmented that survey with additional telephone inquiries to jurisdictions that mandate certifications for all official and freelance reporters.

The Committee also obtained position papers from the state and national court reporter associations, as well as membership information and estimates of voluntary certification of Minnesota official and freelance reporters. The Committee obtained curriculum materials from local court reporting schools and accreditation requirements from the National Court Reporters Association accrediting board. The Committee also obtained budget and statistical information from Supreme Court Boards which regulate judges and lawyers.



## II. OVERVIEW OF CURRENT SYSTEM

This section of the Report discusses the existing system of statutes, court rules and policies that may affect the making of an accurate and timely record by stenographic court reporters. Provisions affecting official stenographic reporters are discussed first, followed by those affecting freelance stenographic reporters.

### A. Official Stenographic Court Reporters

*Minimum Qualifications.* Statutes authorize each district court judge to appoint a stenographer who meets the minimum qualifications promulgated by the Supreme Court.<sup>5</sup> The March 13, 1992, Supreme Court Order quoted above indicates that the Supreme Court intends to require that all official stenographic court reporters must take and pass the Registered Professional Reporter ("RPR") exam once every six years. The RPR exam has two parts, a written knowledge test and a skills test, which are described in a brochure set forth in Appendix A. The RPR exam is administered twice each year by the National Court Reporters Association ("NCRA") as part of its RPR certification program. The NCRA also administers the RPR exam to nonmembers by special arrangement upon request by a court administrator or a group of court reporters.<sup>6</sup>

The RPR testing contemplated by the March 13, 1992, Supreme Court Order would modify existing requirements for official stenographic reporters which were promulgated by the Supreme Court in late 1981 and early 1982. These previous orders provide that, to be considered for employment as official stenographic reporter, an individual must both have a high school diploma or the equivalent and fall into one of the following categories:

- (1) graduation from a court reporting school approved by the NCRA and the State Court Administrator, or have held the position of official court reporter for the previous five years, and a valid RPR certificate or ability to meet RPR standards to the satisfaction of the State Court Administrator; or
- (2) appointed as an official reporter by a Minnesota trial court and capable of furnishing an accurate shorthand recording of proceedings and promptly furnishing a transcript as required by court rules.<sup>7</sup>

Although clause (2) permits courts to hire reporters who are competent but do not possess the valid RPR certificate and education requirements, half of Minnesota's ten judicial

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<sup>5</sup>Minn. Stat. § 486.01-.02 (1992).

<sup>6</sup>Letter from Karen Jacoby, NCRA Director of Professional Development, to Committee member Mary Mitchell, dated January 19, 1993 (copy on file at Research & Planning Office).

<sup>7</sup>Minnesota Supreme Court Orders, #81-876, dated Feb. 17, 1992, Dec. 29, 1981, Dec. 3, 1981. A third clause also grandfathered in reporters who were already employed by the courts.

districts now require that all new employees have a valid RPR certification and have graduated from an accredited court reporting school.<sup>8</sup> The Committee did not attempt to determine whether individual judges in the other five districts have also adopted these requirements for new employees.

Statutes also authorize judges to utilize a substitute stenographic reporter when the official reporter is unavailable.<sup>9</sup> These reporters are paid a per diem amount and are commonly known as per diem stenographic court reporters. The prevailing practice is that, prior to contacting a per diem reporter, an attempt must be made to locate another official reporter within the district who might be available due to a judge's leave.<sup>10</sup> Only two judicial districts have established qualifications for per diem stenographic court reporters.<sup>11</sup>

*Supervision.* Official stenographic court reporters serve at the pleasure of the appointing judge.<sup>12</sup> This means that there is no "just cause" or other standard that must be met prior to discharge or termination of the employment relationship. This provides the appointing judge with substantial supervisory authority which may be brought to bear on any situation affecting the accuracy and timeliness of the record.

The March 13, 1992, Supreme Court Order quoted in a preceding section of this Report indicates that the Supreme Court intends to require that complaints about the competency or conduct of official reporters in a particular judicial district shall be filed with the Chief Judge and Judicial District Administrator of the appropriate judicial district. Presumably the Chief

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<sup>8</sup>See, e.g., Letter from Sue Alliegro, Second Judicial District Administrator, to Committee staff, dated Jan. 26, 1993; Letter from Don Cullen, Third Judicial District Administrator, to Committee staff, dated Jan. 26, 1993; Letter from Jack Provo, Fourth Judicial District Administrator, to Committee staff, dated Jan. 25, 1993; Letter from Michael Kelley, Court Manager-Administrative Services, Seventh Judicial District, to Committee staff, dated Jan. 26, 1993; Letter from Sam Junker, Tenth Judicial District Administrator, to Committee staff, dated Jan. 26, 1993 (copy of each letter is on file at Research & Planning Office).

<sup>9</sup>Minn. Stat. § 486.02 (1992).

<sup>10</sup>See, e.g., Letter from Carolyn Kraus, Fifth Judicial District, to Committee staff, dated Jan. 21, 1993 (copy on file at Research & Planning Office).

<sup>11</sup>Letter from Ted Gladden, Sixth Judicial district Administrator, to Committee staff, dated Jan. 27, 1993 (follow the requirements promulgated by Supreme Court); Letter from Sam Junker, Tenth Judicial District Administrator, to Committee staff, dated Jan. 26, 1993 (require graduation from accredited court reporting school; RPR certification requirement under consideration) (copy of each letter on file at Research & Planning Office).

<sup>12</sup>Minn. Stat. § 486.01 (1992).

Judge or District Administrator would bring any competency and/or timeliness issues to the attention of the judge who appointed and supervises the reporter involved.

*Continuing Education.* The Supreme Court Continuing Education Office (SCCEO) develops curriculum for continuing education of state court personnel, including court reporters. Although SCCEO has not developed specific curriculum for official stenographic court reporters, both local reporter associations sponsor annual programs approved by the NCRA.<sup>13</sup>

*Filing Stenographic Notes; Tracking Substitute Reporters.* Upon completion of a trial or hearing, statutes require official stenographic reporters to file their stenographic notes with the local trial court administrator or elsewhere if the presiding judge so directs.<sup>14</sup> This applies to substitute reporters as well.

In order to keep track of substitute reporters, the Conference of Chief Judges adopted a procedure requiring substitute reporters to fill out a form that lists the matters reported by the substitute reporter (see Appendix A). When a transcript is ordered, the official reporter, or the local trial court administrator if the official reporter is unavailable, is required to notify the substitute reporter and the person requesting the transcript so that appropriate arrangements can be made. A copy of the notice is then filed in the court administrator's office.

*Appellate Transcripts.* The procedure for obtaining a transcript for appeal purposes is set forth in Rule 110.02 of the Minnesota Rules of Civil Appellate Procedure. Rule 110.02 requires the party seeking review ("the appellant") to order the transcript from the official reporter. Within ten days, the appellant's attorney must file with the appellate court a certificate setting forth the date of the request, the estimated number of pages of the transcript, the estimated completion date (not to exceed 60 days), and a statement that satisfactory financial arrangements have been made for the transcription.<sup>15</sup> Upon delivery of the transcript to the appellant, the reporter must file a delivery notice with the appellate court.<sup>16</sup> This delivery date is important because it triggers the briefing schedule for the appeal.

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<sup>13</sup>In order to maintain the RPR designation, a reporter must maintain continuous membership in the NCRA and obtain thirty continuing education credits every three years. Outlines of several recent local courses approved by the NCRA are set forth in Appendix A.

<sup>14</sup>Minn. Stat. § 486.03 (1992).

<sup>15</sup>The certificate must also bear the signature of the court reporter, and it is the responsibility of the appellant's attorney to obtain the signature (by making the necessary arrangements) and to file the certificate.

<sup>16</sup>If a partial transcript has been requested, another party may order the remainder from the reporter utilizing the same procedure.

Rule 110.02 also permits the appellate court to modify or extend the delivery date upon written request by any party or the reporter for good cause. If a reporter fails to comply with a delivery date established by appellate court order, the reporter may be held in contempt of court. The appellate court may also declare a reporter ineligible to act as an official reporter in any court proceeding and prohibit the reporter from performing private reporting work until an overdue transcript is filed.

If no report was made of a trial or hearing, or a transcript is unavailable, Rule 110.03 of the Rules of Civil Appellate Procedure permits the preparation of a statement of the proceedings from the best available means, including recollection. The appellant prepares the statement and serves it on the opposing party, who has 15 days to object or propose amendments to the statement. The statement and any objections or amendments are submitted to the trial court for approval, and the approved statement becomes the record for the appeal.

Rule 110.04 of Rules of Civil Appellate Procedure also permits the parties to prepare an agreed statement, limited to the facts essential to the appeal, as the record. This agreed statement may be used in lieu of a transcript, and must be submitted to the trial court for approval.

If there is a dispute as to whether the transcript truly discloses what occurred in the trial court, Rule 110.05 of the Rules of Civil Appellate Procedure provides that the differences shall be submitted to and determined by the trial court. Rule 110.05 allows omissions or misstatements to be corrected by stipulation of the parties, or by the trial court, either before or after the record is transmitted to the appellate court. The appellate court may also correct omissions and misstatements on its own motion or the motion of a party, and it may resolve all other questions as to the form and content of the record.

*Mandatory Criminal Case Transcripts.* Rules 15.09 and 27.03, subdivision 6, of the Minnesota Rules of Criminal Procedure require that the official stenographic reporter prepare a transcript of guilty pleas and sentencing hearings in all felony and gross misdemeanor cases. The transcript must be filed with the court within 30 days of the guilty plea or sentencing hearing.<sup>17</sup>

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<sup>17</sup>In misdemeanor cases, when a guilty plea is entered either a verbatim record must be made (i.e. stenographic notes or electronic recording) or a petition to enter the plea must be signed by the defendant. R.Crim.P. 15.09. Either form of this record is sufficient to establish, for any subsequent purpose, that the conviction was obtained consistent with constitutional requirements. See, *State v. Nordstrom*, 331 N.W.2d 901 (Minn. 1983) (prior misdemeanor driving while intoxicated conviction based on uncounseled plea of guilty cannot be used to convert a subsequent DWI offense into a gross misdemeanor, absent a valid waiver of counsel on the record or in a Rule 15 petition).

Rule 11.08 of the Rules of Criminal Procedure also requires the preparation of a transcript of the Omnibus pretrial hearing in felony and gross misdemeanor cases upon the timely request of either the prosecutor or defense counsel. Unless the defendant is indigent or is represented by the public defender, defense counsel must prepay the cost of transcript preparation. Otherwise the transcript must be prepared without prepayment of costs. In all cases, a copy of the transcript must be filed with the court. Although rule 11.08 does not specify a deadline for producing the transcript, some trial courts require that the 30 day rule established in rules 15.09 and 27.03, subdivision 6, apply to all criminal trial transcript requests.<sup>18</sup>

*Housing Court Transcripts.* Housing Courts were established in Hennepin and Ramsey County to process unlawful detainers, housing code violations, and other housing related matters. Referees appointed by the district court preside over housing court matters, and the parties may appeal the referee's decision to a judge of the district court.<sup>19</sup> Pursuant to Rule 611(c) of the General Rules of Practice for the District Court, the party seeking review must request a transcript from the referee's court reporter within one day after the notice of appeal is filed, and must make satisfactory arrangements for payment with the court reporter. Rule 611(c) directs that the transcript must be provided within five business days after payment has been made to the reporter, and that the reviewing judge may extend the time period for good cause.

*Public Requests for Transcripts.* Statutes require official court reporters to provide a transcript upon request of any person and payment of the appropriate fees.<sup>20</sup> This includes requests by any member of the public for a transcript of any proceeding that is open to the public.<sup>21</sup>

*Enforcement by Writ of Mandamus.* The enforcement of statutorily prescribed duties may be obtained through a writ of mandamus.<sup>22</sup> The procedure for obtaining the writ is set forth in Minnesota Statutes chapter 586 and the Minnesota Rules of Civil Appellate Procedure.

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<sup>18</sup>See, e.g., Tenth Judicial District Court Reporter Standards (Nov. 23, 1992) (copy on file at Research & Planning Office).

<sup>19</sup>Parties have the right to have their case heard in the first instance by a district court judge rather than a referee, provided a written request for hearing by a judge is filed at least one day before the scheduled hearing date. Minn.Gen.R.Prac. 602. The Housing Court referee in Ramsey County also hears conciliation court matters related to housing; these cases are subject to the conciliation court appeals process. See Minn.Gen.R.Prac. 501-525.

<sup>20</sup>Minn. Stat. § 486.03 (1992).

<sup>21</sup>See Rules of Public Access to Records of the Judicial Branch.

<sup>22</sup>Minn. Stat. § 586.01 (1992).

Although there are no reported Minnesota appellate court decisions regarding the application of the writ of mandamus to court reporters, presumably the remedy would be available to compel the production of transcripts.

## **B. Freelance Stenographic Court Reporters**

*Minimum Qualifications.* There are no laws or court rules establishing minimum qualifications for freelance court reporters. Thus, the standards, if any, are established at the discretion of freelance reporting firms or by the desires of the clients (i.e. lawyers) that they serve.

*Accuracy of Deposition Transcript.* The procedure for addressing the accuracy of a deposition transcript is set forth in rules 30.05 and 32.04(d) of the Minnesota Rules of Civil Procedure, which allows the witness a 30 day time period to review the deposition and provide any changes. Errors and irregularities in the manner in which the deposition testimony is transcribed or preserved, or in which the deposition is prepared, signed, certified, sealed, endorsed, transmitted or filed may also be challenged by making a motion to suppress the deposition, which must be made with reasonable promptness after the error or irregularity is, or with due diligence might have been, ascertained.

*Impartiality.* Rule 28.03 of the Minnesota Rules of Civil Procedure prohibits freelance reporters from reporting depositions in cases in which: (1) the reporter is a relative, employee or attorney of any party or attorney involved in the case; (2) the reporter is financially interested in the case; or (3) the reporter has a contract with a party, attorney or person with an interest in the case that affects or has a substantial tendency to affect impartiality. Rule 32.04 of the civil procedure rules requires that objections to the qualifications of the reporter must be made before the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence. Rule 30.03 of the civil procedure rules requires that any objections to the qualifications of the reporter that are made at the time of taking a deposition must be noted on the deposition. Objections would then be submitted to the court for determination by appropriate motion.

### III. FINDINGS

#### A. Nature and Extent of Current Problems Not Adequately Addressed by Existing Law or Court Rule

The Committee conducted a survey to determine the nature and extent of problems in making an accurate and timely court record that are not adequately addressed by existing law or court rules. A total of 94 surveys were mailed to: trial and appellate court leaders; court reporter associations, groups and schools; and law related associations and offices (see list in Appendix B). The response rate was approximately 80% (78 surveys returned).

In analyzing the survey responses, the Committee discovered certain deficiencies in the survey design, the most troubling of which was the lack of definition of a "problem." The Committee intended to identify conduct that rose to the level of a disciplinary complaint or that resulted in harm to a litigant. Several responses, however, described how many problems had been avoided through aggressive management by the court system. For example, if an official court reporter does not complete an appellate transcript by the estimated completion date, the Court of Appeals is required by court rule to establish a firm completion date.<sup>23</sup> In the vast majority of cases, reporters are making good faith efforts to provide the transcripts as soon as possible. As a result, reporters often estimate that they will complete the transcript in less than the 60 day period allotted by court rule, and when the press of daily business prevents reporters from meeting the estimated deadline, they are required to ask for an extension of time. The resulting court order is the mechanism for establishing and adjusting the transcript delivery date.

Another example involves one judicial district's use of a computer to keep track of the due date for mandatory criminal sentencing and plea transcripts.<sup>24</sup> This tickler system reminds the reporter, supervising judge, and chief judge that a particular transcript is due.

The difficulty created by failure to define a "problem" was compounded in the survey by requesting problem estimates over a five year period and by the fact that in most cases no written record of the "problems" was ever made. Most survey answers were based entirely on one or more individual's memory of only the past several months or years, and answers such as "X per month" or "X per year" were multiplied by the appropriate number to provide a five year estimate for comparison purposes. Finally, the survey did not sufficiently distinguish

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<sup>23</sup>Several orders are set forth in Appendix B.

<sup>24</sup>Seventh Judicial District Administrative Policy and Order No. 7 (requiring all court administrators within the district to use the "exception report" function of the Total Court Information System® (TCIS®) to track all mandatory criminal transcripts). TCIS® was developed by the State Court Administrator's Office and has been implemented in whole or in part in all of Minnesota's 87 counties.

between official and freelance reporters because it allowed survey recipients to indicate problems with respect to three categories: official reporters, freelance reporters, or both.

Notwithstanding the deficiencies, the survey provides relevant information (see tables in Appendix B). A total of 483 "problems" were reported for a five year period. This represents .06% of the 800,000 major trial and original appellate court case filings during the same period.<sup>25</sup> Nearly all of the reported "problems" involved timeliness of work product, while only a few involved accuracy of the record. There were no reported instances of court reporter bias affecting the record. More than half (60%) of those surveyed indicated that present laws and rules were sufficient to deal with the reported "problems." Less than one fourth (21%) disagreed, and an equal number either did not respond on this issue or were uncertain.

Survey results were analyzed by category and subcategories. Trial and appellate courts reported only one fourth of the total "problems," and almost all involved the timeliness of transcript preparation. In some cases, the same "problem" was reported by several different subcategories. For example, the Court of Appeals routinely establishes transcript deadlines when the original estimated completion date has not been met, and almost once each month a reporter fails to meet the Court's deadline. Although the Court has the authority to suspend a reporter from any other reporting duties for failure to meet the Court's established deadline, only six such suspension orders have been issued in the entire nine year history of the Court of Appeals. The remainder of the instances are handled by informal discussions with the reporter and/or the supervising judge. Some of these same "problems" were also reported by the ten trial court chief judges and ten trial court judicial district administrators.

Trial courts also reported several problems locating substitute per diem reporters or stenographic notes for preparation of a transcript. They also reported that these "problems" have been resolved by requiring reporters to file their notes with the court and by the forms and procedures developed by the Conference of Chief Judges for tracking substitute reporters (see Appendix B). Other isolated problems included inappropriate billing for transcripts, which resulted in civil and criminal complaints against the reporter, and use of inexperienced freelance reporters as substitutes for official reporters, which has prompted one district to require that all substitute reporters must be graduates of an accredited reporting school and to consider a requirement that all substitute reporters must be RPR certified.<sup>26</sup>

Ninety percent (90%) of the trial and appellate court leaders surveyed indicated that the present laws and rules were sufficient to address reported "problems." The few who disagreed noted that enforcement of existing laws and rules, except those relating to appellate court

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<sup>25</sup>Filings are set forth in Appendix C.

<sup>26</sup>See footnote 11, p. 6, *supra*.



transcripts, depends on the responsiveness of the individual supervising judge, and a few judges are less responsive than others.

Law related associations and groups reported one fourth of the total "problems," and almost all involved the timeliness of transcript preparation. Many of these were the same issues reported and resolved by the Court of Appeals; others were resolved by the attorneys by repeated contact with the reporters involved. Several instances of inaccurate transcription were reported as having been resolved by stipulation between the parties or by direction of the court. A majority (53%) of the law related associations and groups indicated that the present laws and rules are sufficient to address reported "problems." Only a few (16%) disagreed, and the remainder (31%) did not respond on this issue or were uncertain or unaware that rules or laws existed. Those that disagreed noted that it is difficult, if not dangerous, to approach a supervising judge about a problem with the judge's reporter. The reasons given were that some judges are protective and defensive, and that lawyers, particularly public defenders, have daily contact with the reporters and judges and good will is needed in order to get by.

Almost half of the total "problems" were reported by the two statewide court reporter associations. The MCRA reported that the most common problem is locating reporters for preparation of a transcript, particularly reporters who may have served as per diem reporters in district court. Although the MCRA indicated that existing laws and rules were not sufficient to address reported problems, no mention was made of the substitute reporter tracking procedures implemented by the Conference of Chief Judges. According to the trial and appellate courts responding to the survey, these procedures adequately address the situation. The MCRA also reported several instances of student reporters serving as substitute official reporters and one instance in which a substitute official reporter was unable to read back her notes to the presiding judge (a tape recording was used as a substitute). As indicated above, one district is considering a requirement that all substitute per diem reporters must be graduates of an accredited reporting school and RPR certified.

The MFCRA reported its main concern is ethical problems created by incentive gift giving and exclusive reporting contracts. Some reporting firms offer gifts such as microwaves, VCRs, gift certificates and cash to law firms in return for scheduling a certain number of depositions.<sup>27</sup> The MFCRA claims that the problem is that the ultimate consumer, the litigant, does not receive the gift. The MFCRA also notes that incentive gifts are in violation of the NCRA Code of Professional Conduct, but that there is no way to enforce the code against non-members. A freelance reporter who is a member of the Committee added that: incentive gifts also appear to violate Rule 5.3 of the Minnesota Rules of Professional Conduct; no recourse is available for an attorney or litigant who has a complaint about such a practice; and

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<sup>27</sup>See advertisement in Appendix A. Volume discounts, which presumably are passed on to the ultimate consumer, are not a problem.

incentive gifts constitute unfair competition.<sup>28</sup> There is no allegation that incentive gifts affect the accuracy, timeliness or integrity of the court record, and no such problems have been reported.

A litigant clearly has the ultimate recourse of firing the attorney, and the attorney has the same recourse against the freelance reporter or anyone employed by the attorney involved in a gift giving situation. In addition, if incentive gifts create an ethical problem for attorneys, there is also recourse available through the Lawyers Professional Responsibility Board (LPRB).

Although the LPRB has not had an opportunity to rule on the propriety of attorneys accepting incentive gifts from reporters, its counterpart in Hawaii concluded that attorneys are not prohibited from accepting such gifts provided that consent is obtained from the client on whose behalf the services of the reporter are retained, the client is fully advised of the arrangement, and the client consents to the use of the particular reporter or reporting firm.<sup>29</sup> The Supreme Court of Hawaii has since, however, prohibited incentive gift giving under its court reporter certification rules.<sup>30</sup> A survey of other states, discussed in part D, below, revealed that no other state has issued any rules or opinions on the issue.

The exclusive reporting contracts refer to situations in which a reporting firm is retained to report all depositions on behalf of a particular client or interested party, such as an insurance company. The MFCRA indicates that this creates the appearance of impropriety and potentially affects the integrity of the record. As indicated above,<sup>31</sup> however, court rules already prohibit any contract that affects or has a substantial tendency to affect impartiality, and a procedure is provided for addressing any such instances. The advisory committee that drafted the rule commented that the rule is not intended to prohibit any particular contract between a party or its insurer and a court reporter, and the advisory committee believes that "many such contracts have the salutary purpose and resolve of decreasing the cost of litigation to the parties."<sup>32</sup>

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<sup>28</sup>See Supplemental Information Regarding Court Reporter Certification by Mary Mitchell, in Appendix A.

<sup>29</sup>Letter from Charlene Norris, Assistant Disciplinary Counsel, to Andrew Levin, dated Nov. 19, 1991 (copy in Appendix A) (nominal gifts such as pens, coffee mugs, and advertising gimmicks may be accepted without client consent).

<sup>30</sup>Letter to Hawaii State Bar Association from Robert Fazio, Chairman, Hawaii Board of Certified Shorthand Court Reporters, dated Nov. 17, 1992 (copy in Appendix A) (includes rule excerpt).

<sup>31</sup>See page 10, *supra*.

<sup>32</sup>Proposed Amendments to the Rules of Civil Procedure, pp. 51-52 (March 25, 1988) (Supreme Court file #C6-84-2134).

A freelance reporter who is a member of the Committee suggested that exclusive reporting contracts constitute unfair competition because most reporting firms are not aware that a particular insurance company or other party has entered into negotiations with another reporting firm. This Committee member suggested that public bidding should be required for all such contracts.<sup>33</sup> This Committee member also agreed that, to the best of her knowledge, impartiality is not a serious issue and is not the focus of the competitive bidding proposal.<sup>34</sup>

Significantly, the MFCRA indicated that it was uncertain as to whether existing laws and court rules addressed reported problems because: (1) freelance and official reporters have never been collectively made aware of the laws and rules; and (2) reporters lack the legal training necessary to understand the laws and rules. The MFCRA noted that a certification program would provide a central place to which reporters can turn to for recent information on court rules and to obtain answers to everyday questions. The Committee learned that the court reporters in Ramsey County have compiled a reporters manual for this purpose, but lack funds to reproduce it. The Committee also found that the State Court Administrator's Office has offered to provide the necessary duplication.

A representative of the official reporters in each of the ten judicial districts was also included in the survey. This group reported less than one tenth of the total problems, and almost all were related to timeliness of transcript production. The group was almost evenly divided as to whether present laws and rules are sufficient to address reported problems. This suggests districts may have different levels of enforcement of laws and different rules.

Court reporting schools reported a handful of problems about student interns, including timeliness, failure to proofread, and improper punctuation and grammar. A majority agreed that present laws and rules were sufficient to address reported problems.

The Committee received several letters from trial court judges expressing their appreciation for the professional skill and competence of their official shorthand court reporters. The Committee also received a letter from a litigant who claimed that the transcript of her civil case did not include several exchanges between her attorney and the trial court judge and that a tape recording of the hearing had been destroyed after preparation of the transcript. The Committee discovered that, although the litigant was represented by counsel throughout the trial and appellate court proceedings, no attempt was made to correct the alleged

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<sup>33</sup>The bidding requirement was not included in Senate File 1699.

<sup>34</sup>Minutes of January 12, 1993, Meeting of Special Court Reporter Fact-Finding Committee, p. 5 (copy on file at Research & Planning Office).

errors and omissions through the procedures set forth in Rule 110.05 of the Rules of Civil Appellate Procedure or by contact with the official reporter.<sup>35</sup>

*Findings.* Based on all the above and on its own discussions and collective experience, the Committee finds that there are relatively few disciplinary "problems" regarding court reporters and that these problems are adequately addressed by existing laws, court rules and the norms of the business market.<sup>36</sup> This applies equally to official and freelance reporters. The Committee did identify several needs regarding official reporters and several issues regarding freelance reporters.

The following needs have been identified for official and substitute reporters: (1) reproduce and distribute to each official reporter a statewide court reporter's policy and procedure manual modelled after the manual prepared by the reporters in Ramsey County; (2) develop and distribute to each substitute reporter a district-wide uniform policy and procedure brochure; (3) insure some minimal level of competency for substitute reporters; and (4) within each judicial district, designate a contact person other than a judge to receive complaints regarding the conduct of court reporters.

The Committee identified incentive gift giving and exclusive contract arrangements as issues that affect freelance reporters. These issues do not, however, affect the accuracy and timeliness of the court record.

#### **B. Whether New Requirements for Court Reporter Testing, Registration, Continuing Education and Discipline Would Significantly Remedy Unaddressed Problems?**

*Findings.* The findings set forth in part A above do not support the implementation of a certification program that includes testing, registration, continuing education and discipline. The key legislative criteria for imposing regulation upon any profession is whether such regulation is necessary to avoid harm to the public. After extensive searching, including the Committee's survey efforts, the Committee identified one recorded case in which the public suffered an actual loss as a result of the conduct of a court reporter, and this case resulted in

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<sup>35</sup>The letter (a copy is on file at the Research & Planning Office) suggested that reporters should be assigned to a judge from a central pool because direct appointment gives a judge too much control and influence over the reporter. A recent study concluded, however, that pooled reporting systems require more reporters than a one-to-one system. *Judicial Staffing Patterns: An Analysis of Court Reporter and Law Clerk Requirements*, p. 30 (Conference of Chief Judges, April 1992).

<sup>36</sup>A freelance representative on the Committee takes the position that the data supports the need for a registration system which would provide a current roster of reporters and a means to communicate with them about changes in the laws and rules regarding reporters.

criminal charges being filed against the reporter.<sup>37</sup> Moreover, there was a complete lack of spontaneous complaints of harm from members of the public and the legal profession. Thus, there appears to be no justification for incurring the substantial cost of creating and maintaining a certification program (discussed in part D, below) that would include testing, registration, continuing education and discipline.

The experience of other states is also significant. Although a substantial number (20) of states have adopted certification programs (these are discussed in part D, below), a majority of the states do not regulate court reporting.

In addition, the findings set forth in part A above do not support the requirements of the Supreme Court's March 13, 1992, Supreme Court Order.<sup>38</sup> Although there is a need to insure some minimal level of competency for substitute reporters and half of the districts have already adopted minimum requirements for new employees (RPR certification and graduation from accredited reporting school), there was no indication that there are any problems that would mandate testing of present reporters or retesting of any initially qualified reporter. Finally, there was some indication that parties are sometimes reluctant to approach a judge about a problem with a court reporter.

The needs of official and substitute reporters can be met by: (1) authorizing or directing the State Court Administrator to prepare and distribute to each official reporter a statewide court reporter's policy and procedure manual modelled after the manual prepared by the reporters in Ramsey County; (2) authorizing or directing each judicial district to prepare and distribute to each substitute reporter a brochure outlining the policies and procedures governing reporters in the district; (3) adopting the RPR certification and graduation from an accredited reporting school as the minimum requirement for all new official reporters and substitute reporters;<sup>39</sup> and (4) designating the judicial district administrator as the official contact person for receiving complaints regarding official and substitute reporters within the district.

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<sup>37</sup>It is unlikely that the existence of a certification program would have prevented the alleged criminal conduct. A report by the State Auditor revealed that the reporter overcharged the county for preparation of certain transcripts. The Conference of Chief Judges has since adopted a verification procedure and requires all trial court administrators to perform periodic audits of court reporter transcript charges.

<sup>38</sup>Set forth on page 3, *supra*.

<sup>39</sup>Minn. Stat. § 486.02 (1992) authorizes the Supreme Court to establish the minimum requirements for official reporters. This could be accomplished through court order and/or by amendment to the judicial branch personnel plan. Although substitute reporters are not covered by the personnel plan, a uniform, statewide policy on minimum qualifications for substitute reporters could be promulgated by the Conference of Chief Judges.

Issues of incentive gift giving and exclusive contracts may be addressed, if necessary, through an appropriate amendment to the rules of civil procedure. An advisory committee is available to consider any necessary changes.

**C. Positive and Negative Consequences of Implementing New Requirements for Court Reporter Testing, Registration, Continuing Education and Discipline**

The findings in parts A and B above obviate the need to address this issue.

**D. Implementation Costs of New Requirements for Court Reporter Testing, Registration, Continuing Education and Discipline**

Although the findings above obviate the need to address costs, the Committee obtained relevant cost information prior to making its findings, and felt obliged to include the information in this Report. Some of the information was obtained from a 1991 survey, which was conducted to provide background information for the study that was to be conducted by the Conference of Chief Judges. The Committee augmented the 1991 survey with additional telephone inquiries to jurisdictions that mandate certifications for all official and freelance reporters. The results are set forth in the tables in Appendix D.

As a point of reference, the Committee estimates that there are approximately 1,000 shorthand reporters currently working in Minnesota. This is based on membership data from the NCRA<sup>40</sup> and the number of certified reporters working in states with similar population and caseload.<sup>41</sup>

The Committee found only four jurisdictions (Louisiana, New Jersey, Illinois and Hawaii) with certification programs that include all four certification program elements contemplated by Senate File 1699 (i.e., testing, continuing education, registration, and disciplinary process). Certification programs in eight other jurisdictions (California, Texas, Georgia, Idaho, New Mexico, Nevada, Oklahoma, New Hampshire) incorporate three of the

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<sup>40</sup>Total Minnesota membership, including students, honorary, and retired members is 701. Letter from David Link, Assistant Director, NCRA Information systems, to Committee staff, dated Feb. 8, 1993 (copy on file at Research & Planning Office).

<sup>41</sup>In 1990, Minnesota's population was 4,432,000 and the civil and criminal trial court filings were 215,792 & 178,504. Oklahoma had a smaller 1990 population (3,175,000) and fewer civil and criminal trial court filings (205,833 & 75,352), and has 600 reporters. Louisiana had a comparable 1990 population (4,220,000) and more civil and criminal filings (252,080 & 303,866), and has 1,140 reporters. Population figures were provided by State Demographers Office (copy in Appendix D), and filings were obtained from State Court Caseload Statistics: Annual Report 1990, pp. 11, 21 (National Center for State Courts).

four elements (all except continuing education), while in one jurisdiction (Kansas) the certification program incorporates testing and discipline only.<sup>42</sup>

Certification programs in Louisiana and New Jersey, which have all four elements, have approximately 1,000 certified reporters and \$100,000 annual budgets. The combined total of disciplinary complaints processed during 1992 by these two jurisdictions was twelve, and ten were related to timeliness of work product. New Jersey tests 234 reporters each year. Louisiana tests 100 reporters annually, but grants testing reciprocity for any reporter passing the RPR exam administered by the NCRA.

Hawaii's certification program, which also has all four elements, has 190 certified reporters, 50 annual examinees, a \$30,000 annual budget, and processed four complaints during 1992 (all timeliness issues). Adjusting Hawaii's budget and testing in proportion to Minnesota's estimated 1,000 reporters yields a \$150,000 adjusted annual budget and 250 applicants examined annually. Illinois' program, which also has all four elements, has 2,000 certified reporters and an annual budget of \$86,000. Illinois processed 17 reporter complaints during 1992, but did not provide any information on either the nature of the complaints or the level of testing conducted each year. Adjusting the budget in proportion to Minnesota's estimated 1,000 reporters yields a \$43,000 adjusted annual budget for Illinois.

The average adjusted budget for the four jurisdictions having all four certification program elements is approximately \$100,000. If it is assumed that a certification program in Minnesota would have the same workload (*i.e.*, 1,000 reporters, few if any disciplinary complaints, and several hundred tests per year), it would be reasonable to conclude that the annual cost of a certification program including testing, registration, continuing education, and discipline would be approximately \$100,000.

The elimination of one certification program element, continuing education, would not appear to significantly reduce the overall cost of a certification program. Of the eight states having certification programs with no continuing education requirement, only three have certified more than 1,000 reporters, and the remainder have fewer than half of Minnesota's estimated 1,000 reporters. If the annual budgets are adjusted by a factor sufficient to bring the number of reporters to 1,000, the adjusted annual budgets range from \$60,000 to \$145,000, with only two states under \$100,000.

The estimated annual cost for each element of a \$100,000 court reporter certification program can be approximated by determining the percentage cost breakdown for each corresponding element of the Minnesota attorney licensing program, which is: 59.25% discipline; 32.25% testing and application screening; 6.25% continuing education; and 2.25%

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<sup>42</sup>Arkansas did not respond to the Committee's request for information regarding the scope of its program. Other programs were limited to official reporters (Iowa, Michigan, Nebraska, and West Virginia), or were entirely voluntary (Colorado).

annual registration.<sup>43</sup> The relatively small cost percentage for continuing education is consistent with the finding above that elimination of the continuing education element does not appear to significantly reduce the overall cost of court reporter certification programs in other states. Thus, the estimated annual costs for a \$100,000 court reporter certification program would be: \$59,250 for discipline, \$32,250 for testing, \$6,250 for continuing education, and \$2,250 for registration.

Only one state, Kansas, has a court reporter certification program limited to two target elements, testing and discipline. The level of testing is low, however, with only 60 reporters tested per year.<sup>44</sup> Moreover, Kansas has not had a disciplinary complaint in more than two years. Thus, in practice the Kansas certification program would appear to have less than one complete target element. The reported annual budget is \$5,345. Adjusting this figure by a factor sufficient to bring the annual testing up to the level experienced by other states for a base of 1,000 reporters<sup>45</sup> yields an adjusted annual budget of \$24,000 for essentially the testing element only. This is only slightly less than the \$32,250 annual testing cost estimated above for other states.

If the estimated \$100,000 annual cost of a certification program were to be financed solely by user fees, examination fees for several hundred annual tests would be between \$100 and \$160 per exam, and the annual fee for discipline and registration for a base of 1,000 reporters would be approximately \$70. This is consistent with fees charged by other states.<sup>46</sup>

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<sup>43</sup>See table in Appendix C. Limited data were available with respect to other Minnesota licensing boards; see table of selected executive branch boards in Appendix C.

<sup>44</sup>The RPR examination sponsored by NCRA satisfies a portion of the testing requirements, and tests administered by the Kansas certification board are graded by volunteer reporters.

<sup>45</sup>With the exception of Louisiana and New Hampshire, which grant full testing reciprocity for RPR certified reporters, the average annual test load based on 1,000 current certified reporters is 280 annual tests. This is 4.5 times more than the 60 tests currently administered by Kansas. Although Kansas reported a total of 1,298 reporters certified, there is no annual or biannual registration, and the certification program has been in existence since 1941. Thus, it is impossible to determine the current reporter base for comparative purposes. In contrast, Arkansas has approximately the same population as Kansas, and in 1991 Arkansas reported a base of only 250 reporters.

<sup>46</sup>The four certification programs having all four elements charge between \$75 and \$175 per examination and between \$40 and \$75 for either annual or biannual registration. The eight certification programs having only three elements charge between \$25 and \$160 per examination and between \$10 and \$100 for either annual or biannual registration.



Finally, the estimated \$100,000 annual cost would not include costs for salaried board members,<sup>47</sup> prosecution services,<sup>48</sup> or the initial testing.<sup>49</sup> Additional funds may also be necessary for other start up expenses such as computers.

*Findings.* The Committee finds that the annual operating cost for a court reporter certification program including testing, registration, continuing education, and discipline would be approximately \$100,000. The cost per element would be approximately: \$59,250 for discipline, \$32,250 for testing, \$6,250 for continuing education, and \$2,250 for registration. If the annual cost were to be financed solely by user fees, examination fees would be between \$100 and \$160 per exam, and the annual fee to cover discipline and registration would be approximately \$70. These figures do not include costs for salaried board members, prosecution services, or initial testing. Additional funds may also be necessary for other start up expenses such as computers.

Dated: March 19, 1993

Respectfully submitted,

MINNESOTA SUPREME COURT SPECIAL  
COURT REPORTER CERTIFICATION FACT  
FINDING COMMITTEE

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<sup>47</sup>Certification board members in all jurisdictions serve on a voluntary basis, and receive only a token per diem (except California, which pays board members \$100 per day) and basic government expense reimbursement.

<sup>48</sup>Most jurisdictions reported that prosecution services are provided by the state's Attorney General. In Minnesota, prosecution of attorney disciplinary matters is provided by the staff of the Lawyers Professional Responsibility Board.

<sup>49</sup>Only 300 Minnesota shorthand reporters are RPR-certified. [Letter from David Link, Assistant Director, NCRA Information Systems, to Committee staff, dated Feb. 8, 1993 (copy on file at Research & Planning Office).] Thus, if RPR certification satisfied all testing requirements, then the initial testing could include 700 reporters. In most jurisdictions, however, RPR-certification satisfies only a portion of the test requirements. Thus, the initial testing burden could include all of Minnesota's estimated 1,000 reporters.

APPENDIX A

Senate File 1699

National Court Reporters Association ("NCRA") Brochure

Course Outlines for Recent Local Court Reporter Continuing Education Programs Approved by NCRA

Conference of Chief Judges Form & Procedure for Tracking Substitute Reporters

Supplemental Information Regarding Court Reporter Certification

Attachments:

NCRA Code of Professional Conduct

Hawaii Ban on Incentive Programs by Reporters

Hawaii Attorney Discipline Opinion Regarding Incentive Programs by Reporters

Advertisements Offering Incentives

1 A bill for an act  
2 relating to courts; providing for the creation of a  
3 board of certified shorthand court reporters; imposing  
4 penalties; proposing coding for new law in Minnesota  
5 Statutes, chapter 486.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [486.10] [DEFINITIONS.]

8 Subdivision 1. [GENERAL.] The definitions in this section  
9 apply to this chapter.

10 Subd. 2. [SHORTHAND COURT REPORTING.] "Shorthand court  
11 reporting" means the making of a verbatim record by written  
12 symbols or abbreviations in shorthand or machine shorthand  
13 writing of a judicial proceeding of record including, but not  
14 limited to, depositions or other proceedings of like character.

15 Subd. 3. [SHORTHAND COURT REPORTER.] "Shorthand court  
16 reporter" means an individual engaged in shorthand court  
17 reporting.

18 Subd. 4. [BOARD.] "Board" means the board of certified  
19 shorthand court reporters established under section 2.

20 Subd. 5. [OFFICIAL SHORTHAND COURT REPORTER.] "Official  
21 shorthand court reporter" means an individual engaged in  
22 shorthand court reporting as an employee of the state judicial  
23 system.

24 Subd. 6. [FREELANCE SHORTHAND COURT REPORTER.] "Freelance  
25 shorthand court reporter" means an individual engaged in

1 shorthand court reporting who is not an employee of the state  
2 judicial system.

3 Sec. 2. [486.11] [BOARD OF CERTIFIED SHORTHAND COURT  
4 REPORTERS; ESTABLISHED.]

5 (a) The board of certified shorthand court reporters is  
6 established and consists of seven members as follows:

7 (1) one judge of the court of appeals to be appointed by  
8 the chief judge of the court of appeals;

9 (2) one district court judge to be appointed by the  
10 conference of chief judges;

11 (3) two attorneys who have each practiced law in this state  
12 for at least ten years to be appointed by the supreme court; and

13 (4) three individuals, including at least one official and  
14 one freelance shorthand court reporter, each certified under  
15 sections 1 to 8 or actively engaged as a court reporter for at  
16 least five years immediately preceding their appointment. These  
17 three individuals shall be appointed by the governor.

18 (b) Members shall serve for a period of not more than four  
19 years. The chair of the board shall be elected by a majority  
20 vote of the members of the board. The supreme court shall  
21 determine, by adoption of rules if necessary, all other aspects  
22 of appointments, terms, compensation, and removal of board  
23 members.

24 Sec. 3. [486.12] [DUTIES AND RESPONSIBILITIES OF BOARD.]

25 (a) The board shall:

26 (1) adopt reasonable rules governing the practice of  
27 shorthand court reporting;

28 (2) adopt, prepare, and administer appropriate examinations  
29 for registration as a certified shorthand court reporter to  
30 ensure applicants have reasonable proficiency in making verbatim  
31 records of judicial or related proceedings;

32 (3) adopt reasonable rules for testing, licensing, and  
33 supervision of certified shorthand court reporters;

34 (4) adopt reasonable rules relating to continuing education  
35 for certified shorthand court reporters;

36 (5) adopt rules regarding the discipline, censure,

1 suspension, or revocation of certification of certified  
2 shorthand court reporters; and

3 (6) make recommendations to the supreme court relating to  
4 the adoption of additional standards or rules governing the  
5 conduct of certified shorthand court reporters.

6 The board shall submit proposed rules to the supreme court  
7 for review and approval before final adoption. By order or  
8 otherwise, the supreme court may adopt rules, consistent with  
9 sections 1 to 8, necessary to administer and implement a system  
10 of shorthand court reporter certification.

11 Sec. 4. [486.13] [STAFF.]

12 Subject to the limitations contained in section 6, the  
13 board may employ individuals as necessary to assist in the  
14 implementation and administration of the board's duties. The  
15 employment of the individuals is subject to applicable  
16 provisions of state law.

17 Sec. 5. [486.14] [FEES.]

18 The board shall set reasonable fees as it considers  
19 appropriate for the administration of its duties. A certified  
20 shorthand court reporter shall pay an annual registration fee in  
21 an amount to be fixed by the board. Additional fees may be  
22 charged by the board as necessary. Fees must be made payable to  
23 the board of certified shorthand court reporters and fees must  
24 be kept in an account designated for use by the board.

25 Sec. 6. [486.15] [EXPENDITURES AND BUDGET.]

26 The operations of the board are to be supported solely by  
27 the collection of fees as described in section 5. During each  
28 fiscal year, the board's expenditures must not exceed the amount  
29 of fees collected under section 5 during that fiscal year.

30 Sec. 7. [486.16] [CERTIFICATION WITHOUT TEST.]

31 The board shall adopt rules that allow an individual  
32 actively engaged as a shorthand court reporter on the effective  
33 date of sections 1 to 8 to be registered as a certified court  
34 reporter without the need for the individual to take a  
35 certification test.

36 Sec. 8. [486.17] [PENALTY; UNAUTHORIZED PRACTICE.]

1 A person may not engage in the practice of shorthand court  
2 reporting without being licensed or registered in accordance  
3 with the rules adopted by the board and the supreme court. A  
4 record made by a shorthand court reporter who is not licensed or  
5 registered in accordance with the rules adopted by the board and  
6 the supreme court is not admissible in any judicial or  
7 administrative proceeding.

## National Court Reporters Association (NCRA):

The National Court Reporters Association (NCRA) is a 30,000 member association established in 1899 for the court reporting profession.

Through various programs such as the Registered Professional Reporter (RPR) and Certificate of Merit (CM), NCRA promotes professional growth and development of its members and provides service to the legal system and the public. NCRA currently serves 10,200 RPRs and 2,600 CMs. Other certified programs sponsored by NCRA include:

- Certified Legal Video Specialist (CLVS)
- Certified Manager Reporter (CMR)
- Real-Time Certification
- Teacher Certification

## Registered Professional Reporter (RPR):

An RPR is a reporter who is skilled, knowledgeable, and dedicated to achieving and maintaining a high level of professionalism. NCRA established the RPR program in 1975 under the supervision of the Board of the Academy of Professional Reporters (BAPR).

## Certificate of Merit (CM):

An RPR can achieve further recognition by passing the Certificate of Merit exam, which is similar in scope to the RPR examination but tests reporters at a higher level of knowledge and speed.

## Test Administration:

The RPR/CM examinations are sponsored by NCRA and administered by state shorthand reporter associations on the first Saturdays of May and November in over 85 cities and towns across the continental United States, Hawaii, Alaska, Canada, and Ireland, as designated by the state association presidents.

## RPR Exam Admission Requirements:

- Membership in NCRA (includes student and associate members) by the 1st Monday in January for the May exams, and the 1st Monday in July for the November exams
- Payment of the examination fee which is currently \$75.00 for one or both test portions

## Scope of the RPR Exam:

The RPR exam is a two-part test consisting of a Written Knowledge Test (WKT) and a Skills (Machine) Test.

### The Written Knowledge Test (WKT):

1. Is comprised of 100 multiple choice questions developed from four major areas of knowledge:
  - Reporting
  - Transcript Production
  - Operating Practices
  - Professional Issues & Continuing Education
2. Must be completed in a 90 minute period
3. Requires a passing score of 70 or above

### The RPR Skills (Machine) Test:

Is a three-part dictation test administered by professionally recorded tape. The test:

- Consists of Literary matter at 180 wpm for 5 minutes
- Consists of Jury Charge at 200 wpm for 5 minutes
- Contains two-voice Testimony at 225 wpm for 5 minutes
- Provides 3 1/2 hours for transcription of all three sections
- Requires passing of all three Skills portions at one sitting
- Requires that each section must be passed with 95% accuracy
- Provides candidates with a pass or fail score for each leg rather than a numerical score

## Requirements for Maintaining the RPR Designation:

A reporter must maintain continuous membership in NCRA and obtain thirty (30) Continuing Education (CE) credits every three (3) years.

## Continuing Education (CE):

After passing the RPR, continuing education is required, so that members can maintain their knowledge and skills of court reporting.

The RPR designation must be renewed every three years by obtaining 30 Continuing Education credits. These credits can be earned by:

- Participation in NCRA seminars
- Participation in state seminars
- Work experience
- College courses
- Other activities

Failure to obtain these Continuing Education credits during each three year period results in the revocation of the RPR designation.

The NCRA Continuing Education Program is accredited by the Accrediting Council for Continuing Education and Training (ACCET) and the Arizona Judicial Council.



**MFCRA Fall Convention/Seminar**  
 Radisson Hotel, St. Paul  
 11 East Kellogg Boulevard  
 St. Paul, MN 55101  
 (612) 292-1900

12:00 - 1:30

**Lunch**  
**Annual Business Meeting**  
**Election of Board Members**

**MFCRA Fall Convention/Seminar**  
**Registration Form**

**Saturday, October 12, 1991**

8:15 - 9:00

**Registration**

1:30 - 2:30

**Dennis J. Hoskin**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

9:00 - 10:15

**M.J. Abhishaker**

***Deductions and Taxes in the '90's***

Mr. Hoskin is a Certified Public Accountant and provides small business accounting and consulting in the Twin Cities. He has special insight into court reporting as a result of his marriage to a freelance court reporter. Who better to enlighten us regarding business deductions and investments available to court reporters?

***Moral Judgements In Business***

Professor Abhishaker teaches philosophy at Normandale Community College. One of his theories of ethics concerns making moral judgements in business. Professor Abhishaker will also discuss other business situations parallel to the practice of court reporters offering gift incentives and participating in exclusive contracts with parties.

2:30 - 2:45

**Afternoon Break**

10:15 - 10:45

**Morning Break**

2:45 - 4:30

**Patrick R. Burns**

10:45 - 12:00

**Jan Ballman**  
**Cindy Schultz**

***Ethics for Court Reporters and Attorneys***

Mr. Burns is a Senior Assistant Director in the Office of Lawyers Professional Responsibility. He will acquaint us with the investigation and prosecution pertaining to complaints of unprofessional conduct against attorneys. Mr. Burns will also clue us in concerning complaints he's heard about court reporters as well as addressing the incentive gift and insurance contract issues.

***Insurance Contracts and Incentive Gifts***

MFCRA President Ballman and Board Member Schultz will present the speech given to the Minnesota Trial Lawyers Association on August 16, 1991. This presentation was also submitted in writing to the Minnesota Defense Lawyers Association. Reactions from each association will be discussed, along with MFCRA's continuing efforts to educate regarding incentive gifts, insurance contracts and all applicable Rules of Civil Procedure and Rules of Professional

4:30

**Free Beverage and Socializing**

\_\_\_\_\_ \$45 Member

\_\_\_\_\_ \$55 Non-Member

\_\_\_\_\_ \$25 Associate

\_\_\_\_\_ \$15 Student Member

\_\_\_\_\_ \$25 Student Non-Member

**Total** \_\_\_\_\_

Make Check Payable to MFCRA  
 Registrations must be received  
 October 8, 1991

Mail to:

Jan Young  
 P.O. Box 36  
 Afton, MN 55001  
 (612) 436-7081

**VENDOR DISPLAY ALL DAY**

**Late Registration \$10 Add**



**MFCRA Spring Seminar  
Registration Form**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

\_\_\_\_\_ \$45 Member

\_\_\_\_\_ \$55 Non-Member

\_\_\_\_\_ \$25 Associate

\_\_\_\_\_ \$15 Student Member

\_\_\_\_\_ \$25 Student Non-Member

\_\_\_\_\_ **Total**

Make Checks Payable to MFCRA  
Registrations must be received by  
March 10, 1992

Mail to:  
Jan Young  
P.O. Box 36  
Afton, MN 55001  
(612) 436-7081

*Late Registration \$10 Additional*

**MFCRA Spring Seminar**

Radisson Metrodome • University of Minnesota  
615 Washington Avenue S.E.  
Minneapolis, MN 55411  
(612) 379-8888

**Saturday, March 14, 1992**

**8:15 - 9:00**

**Registration**

**9:00 - 10:30**

**William Plum**

***Compulsive/Addictive Behaviors in the Workplace***

Mr. Plum has 12 years experience as a chemical dependency counselor and has been a consultant to chemical dependency treatment and relapse treatment programs throughout Minnesota. He will discuss the development and role of compulsive and addictive behaviors and how these behaviors may be expressed in the workplace. A framework will be offered to help persons to identify compulsive and addictive behaviors, along with insight into possible solutions. Stress seems inherent in our job, and we need to learn ways to control those behaviors which only add pressure to our lives.

**10:30 - 11:00**

**Morning Break**

**11:00 - 12:00**

**Linda Weber**

***Personality and Power Dressing***

Can style and color change the way people view your personality? Linda Weber owns Image Wardrobe Services and has taught classes at Hennepin Tech Centers and conducted workshops for professional associations and organizations on how to project your image through your clothing and accessories. She will give an overview on how to dress and accessorize in a way that will support your personality and enhance your image of confidence, personal satisfaction and professionalism. Presentation will be tailored for both men and women.

**12:00 - 1:30**

**Buffet Lunch**

**INDEPENDENT CONTRACTOR OR EMPLOYEE?**

Our afternoon sessions will focus on the independent contractor vs. employee issue. Are you asking your reporters or are you being asked to do anything which might jeopardize a classification of independent contractor?

**1:30 - 2:30**

**Barbara J. Hoekstra**

***Independent Contractor - Legal Concerns***

Ms. Hoekstra is an associate attorney with the law firm of Hertogs, Fluegel, Sieben, Polk, Jones & LaVerdiere in Hastings, Minnesota. She and our next speaker are coordinating their presentations to provide us with a more complete understanding of the employee-independent contractor relationships. Ms. Hoekstra will speak on the legal concerns and the IRS definition of an independent contractor.

**2:30 - 3:00**

**Afternoon Break**

**3:00 - 4:30**

**Lauri A. Roberts**

***Independent Contractor - Effects on Businesses and Individuals***

Lauri Roberts is a tax manager with Stirtz, Bernards & Company, Certified Public Accountants and Management Consultants. She specializes in the areas of employment taxes and nonprofit organizations, which includes extensive work with independent contractor vs. employee issues and associated planning. Ms. Roberts will cover the effects of the independent contractor structure on business and individuals and planning for proper structuring of these relationships.

**STUDENT SEMINAR**

Students will find our morning seminars informative. "Court Reporting - A Service Oriented Profession" will be offered starting at 1:30 and will include the good and bad ways to handle difficult situations that occur during a freelance reporter's day. There will also be a Q and A session at the end of the day. We will have prepared questions, but be ready to ask any of your own.

**4:30**

**Free Beverage and Socializing**

Do you have any old practice tapes or scraps of machine paper? Drop in the box at the student table in the vendor area so these may benefit our student participants.

**VENDOR DISPLAY ALL DAY  
CE CREDITS APPLIED FOR 10**

**MFCRA Fall Convention/Seminar  
Registration Form**

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

- \_\_\_\_\_ \$45 Member
- \_\_\_\_\_ \$55 Non-Member
- \_\_\_\_\_ \$25 Associate
- \_\_\_\_\_ \$15 Student Member
- \_\_\_\_\_ \$25 Student Non-Member
- \_\_\_\_\_ **Total**

Make Checks Payable to MFCRA  
Registrations must be received by  
November 10, 1992

Mail to:  
Jan Young  
P.O. Box 36  
Afton, MN 55001  
(612) 436-7081

*Late Registration \$10 Additional*

**MFCRA Fall Convention/Seminar**

Holiday Inn, International Airport  
Three Appletree Square  
Bloomington, MN 55425  
(612) 854-9000

**Saturday, November 14, 1992**

**8:00 - 8:30 Registration**

**8:30 - 11:45 American Red Cross**

***Basic Care First Aid Course***

Court reporters find themselves in stressful situations—witnesses are stressed, attorneys are stressed. Would you know what to do in the first minutes following a heart attack or stroke? Or what to do if you were involved in an auto accident where someone required care for a wound or shock? Most freelancers have seen or been involved in auto accidents in their travels. Would you know what to do for a burn, poisoning or a fracture? Don't stand by helplessly when someone, maybe a family member, needs assistance. The Red Cross will present a three-hour course on first aid that you may need to administer before an ambulance arrives. Seminar will begin promptly at 8:30.



**11:45 - 1:15 Lunch  
Annual Business Meeting  
Election of Board Members**

**1:15 - 2:15**

**James Clark**

***Introduction to IBM Software***

Jim Clark has been directly involved in the IBM compatible microcomputer industry for over fifteen years. Jim is owner/operator of FriendlyWare Computer Services, Inc. This seminar will help you decide if you currently have the right software, and if not, offer suggestions on the best programs to look for. We'll take an in-depth look at 12 various categories of software and discuss how specific programs will help you perform certain tasks. We'll discuss database, spreadsheets, word processors, utilities, data communications, and many others. Also, several programs in each category will be recommended because of their power, ease of use and ease of learning.

**2:15 - 2:30 Afternoon Break**

**2:30 - 4:00 Delivery Vendor**

***You Want It When and Where?***

Delivery of transcripts can be accomplished through a number of avenues—personal delivery, overnight local delivery, regular mail service, or overnight long-distance delivery. Five well-known delivery vendors will give presentations on how best to use their services, including the correct and most efficient addressing and packaging. Be ready with questions and comments.

**4:00 Free Beverage and Socializing**

**Do you have any old practice tapes or scraps of machine paper? Drop in the box at the student table in the vendor area so these may benefit our student participants.**

**VENDOR DISPLAY ALL DAY**

**CE CREDITS APPLIED FOR: 11**

October 5, 1992

Shirley L. Streiber, Seminar Chair  
Minnesota Court Reporters Assn.  
3536 Zenith Avenue North  
Robbinsdale, MN 55422-2349

Dear Ms. Streiber:

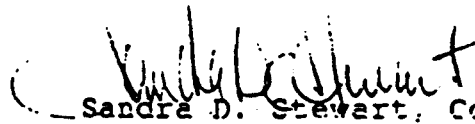
This is to inform you that your seminar, which is to be held on October 24, 1992, has been approved by the Board of the Academy of Professional Reporters for Continuing Education credits as follows:

Judge Carroll E. Larson - 2 credits  
Judge Henry W. McCarr - 2 credits  
Elin N. Ohlsson & Curtis H. Micka - 3 credits  
Reporters Panel Discussion - 3 credits  
Jim Sisson - 3 credits  
Chuck L. Severinghaus - 2 credits

TOTAL CREDITS: 10

Please note that your application was considered under the "Continuing Education and Professional Development Guidelines."

Sincerely,



Sandra D. Stewart, Coordinator  
Continuing Education Division  
Dept. of Professional Development

SDS:io

MINNESOTA COURT REPORTERS ASSOCIATION  
FALL SEMINAR

October 24, 1992  
Radisson Hotel, Minnetonka, Minnesota

- 8:00 - 9:00 REGISTRATION
- 9:00 - 10:00 JUDGE CARROLL E. LARSON, Retired  
Judge & Reporter: A Working Relationship
- OR 9:00 - 10:00 JUDGE HENRY W. McCARR, Hennepin County  
District Court, Criminal Law Overview
- 10:00 - 10:30 BREAK
- 10:30 - 12:00 ELIN N. OHLSSON, Attorney at Law  
CURTIS H. MICKA, Attorney at Law  
Panel Discussion; American Disabilities Act:  
Purpose and Intent; "Can You Hear Me? The  
ADA for People Who Are Deaf and Hard of Hearing"
- OR 10:30 - 12:00 REPORTERS PANEL DISCUSSION  
"CAT Caught Your Fancy?" Purchasing  
Your First Computer
- Morning Session Speakers: See attached  
resumes and summaries of presentations.
- 12:00 - 1:30 LUNCH and BUSINESS MEETING
- 1:30 - 3:00 JIM SISSON, Career Resource Center  
"Mind Make-up" A Personality Profile
- 3:00 - 3:30 BREAK
- 3:30 - 4:30 CHUCK L. SEVERINGHAUS, Dragon Systems, Inc.  
Voice Translator: Speech Processing Technology
- Afternoon Session Speakers: See attached  
resumes and summaries of presentations.

SHIRLEY LUTGEN STREIBER, RPR  
Official Court Reporter  
C-1553 Government Center  
Minneapolis, Minnesota 55487  
Phone: (612) 348-2901

February 11, 1992

Sandra D. Stewart, Coordinator  
Continuing Education Division  
National Court Reporters Association  
8224 Old Courthouse Road  
Vienna, Virginia 22182-3808

Dear Ms. Stewart:

Enclosed is the Minnesota Court Reporters Association's application for continuing education credits for our spring seminar, which will be held April 11, 1992 at the Registry Hotel in Bloomington, Minnesota.

We are seeking the continuing education credits for each of the speakers as follows:

Debra B. Hilke, "AIDS in the Workplace:  
Legal Issues," pursuant to Guidelines  
3. c., 2 CE points.

Kent D. Rossi, "Workers Compensation,"  
pursuant to Guidelines 3. c., 3 CE  
points.

John H. Lindstrom and Torbjorn Svensson,  
"Litigation Support Via Computer," pur-  
suant to Guidelines 3. and 5., 2 CE  
points.

Michael Melby, "Discovery Video ZX and  
Stenograph's Case View Product," pursu-  
ant to Guidelines 5. i., 1 CE point.

Judge Allan Klein, "Administrative Law  
in Minnesota and Effective Use of  
Computers/Court Reporters in Legal Work,"  
pursuant to Guidelines 3. c. and d. and  
6. a.(5)and(14), 3 CE points.

Also enclosed are my checks for the required deposit for

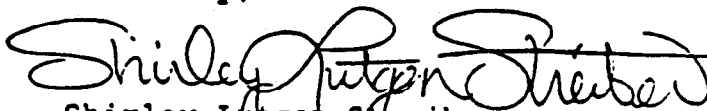
Sandra D. Stewart  
February 11, 1992

Page Two

the punchers (\$25.00) and the application fee (\$55.00). The application fee includes a one-day late fee of \$5.00.

I hope you will find everything in order for a prompt processing response. As indicated on the application form, all materials should be sent to my home address, but if you should have any questions or need any additional information from me, please call me at my office (612-348-2901).

Sincerely,



Shirley Lutgen Sreiber  
C.E. Committee Chair  
Minnesota Court Reporters  
Association

**COURT REPORTER PROCEDURES**

For Use With: General Court Form 3

Citations: Rules of Appellate Procedure 110.02, Subd. 1 & 2  
M.S. 486.03

**A. List of Substitute Court Reporters**

**1. Substitute Court Reporter**

The substitute court reporter forms shall be located in the courtroom, filled out by the substitute court reporter, filed with the court administrator, and a copy given to the official court reporter or person designated by the Chief Judge of the District.

**2. Official Court Reporter**

When a transcript is ordered by an attorney for appeal purposes, the official court reporter shall determine if any other official or substitute court reporter(s) may have reported a portion of the file. The official court reporter shall then immediately notify the appellant's attorney by letter of the court reporter(s) to contact and shall also immediately notify any other official or substitute court reporter(s) that a transcript has been ordered. A copy of the letter shall be filed with the Court Administrator. The appellant's attorney shall make financial arrangements with the other court reporters and file separate Certificate as to Transcript with the Court of Appeals.

**Substitute Court Reporter Form**

General Court Form 3      Rules of Appellate Procedure 110.02, Subd. 1 & 2

**Instructions:** The Official Court Reporter or person designated by the Chief Judge of the District shall file this form with the Court Administrator. A copy of this form and the stenographic notes shall be left for the Official Court Reporter.

Date: \_\_\_\_\_ Full or half day \_\_\_\_\_

Judge: \_\_\_\_\_

Arraignment Calendar  
 Omnibus hearing  
 Pretrial  
 Other  
 Trial (complete lower half of form)

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF \_\_\_\_\_ JUDICIAL DISTRICT

File No. \_\_\_\_\_

\_\_\_\_\_  
 Plaintiff/Petitioner,  
 vs.  
 \_\_\_\_\_  
 Defendant/Respondent

**Substitute Reporter**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
\_\_\_\_\_  
Work Phone      Home Phone

ATTACH BUSINESS CARD HERE

**3. Court Administrator**

- a. In the absence of the official court reporter, the court administrator's office shall review the file, immediately notify the appellant's attorney by letter of the court reporter(s) to contact, and shall also immediately notify any other official or substitute court reporter(s) that a transcript has been ordered. A copy of the letter shall be filed. If the court reporter cannot be located, the court administrator's office shall make arrangements for a court reporter to transcribe the notes.
- b. The court administrator's office in judicial districts utilizing retired judges shall maintain a list of court reporter(s) or court reporting firm(s) working with the retired judge on any given day. When an appeal is filed, the court administrator's office shall immediately notify the appellant's attorney by letter of the court reporter(s) to contact and shall also immediately notify any other official or substitute court reporter(s) that a transcript has been ordered. A copy of the letter shall be filed.

**B. Filing of Court Reporter Notes, Diskettes, and Tapes****Official and Substitute Court Reporter**

As soon as the trial is ended, the official and/or substitute court reporter(s), or court reporter working for a retired judge, shall file their paper stenographic notes, or CAT generated diskette or copy, or audio/video tape recording with the court administrator, or elsewhere, as the judge so directs pursuant to M.S. 486.03.



# Substitute Court Reporter Form

**Instructions:** The Official Court Reporter or person designated by the Chief Judge of the District shall file this form with the Court Administrator. A copy of this form and the stenographic notes shall be left for the Official Court Reporter.

Date: \_\_\_\_\_ Full or half day \_\_\_\_\_

Judge: \_\_\_\_\_

- \_\_\_\_\_ Arraignment Calendar
- \_\_\_\_\_ Omnibus hearing
- \_\_\_\_\_ Pretrial
- \_\_\_\_\_ Other
- \_\_\_\_\_ Trial (complete lower half of form)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

JUDICIAL DISTRICT

File No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner,

vs.

\_\_\_\_\_  
Defendant/ Respondent

### Substitute Reporter

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Address

( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
Work Phone Home Phone

**ATTACH BUSINESS CARD HERE**

SUPPLEMENTAL INFORMATION REGARDING  
COURT REPORTER CERTIFICATION  
by Mary Mitchell

MINIMUM QUALIFICATIONS - RPR CERTIFICATE

There is a lack of readiness upon graduation for "real-world" reporting among recent graduates. An RPR/CSR certification would assure the consumer (attorney/litigant) of the reporter's skill ability at the entry level.

Many court reporters and court reporting firm owners agree that there is a void in what local schools teach regarding reporting practices and knowledge of procedures, and that often students are not qualified to handle both the procedures and the skill aspect of the job right out of school.

Specifically, a local official court reporter had a freelance reporter in her court working while she was gone, the trial was appealed, and the official reporter spent many hours with the newly graduated freelance reporter going over procedures and proper forms to be filled out regarding the appeal process. The official reporter was so frustrated at the new reporter's lack of knowledge of procedures that she wrote a letter to the school from which the new reporter graduated. A representative from the school responded to the official reporter by saying that the school only guarantees the skill; that upon graduation the reporters need to educate themselves regarding procedures. That comment seems contrary to the NCRA's curriculum guidelines. Additionally, the official reporter questioned the owner of the agency who supervises the freelance reporter in this situation, and the agency owner knew nothing of the appeal requirements on the part of the reporter.

Additionally, since all attorneys are not knowledgeable about the RPR minimum qualifications status, a newly graduated reporter could have a personal relationship with an attorney and be given the opportunity to report all the depositions in a complex litigation case, for example, and not possess the skill necessary for the job. If this is not disclosed to the parties and the reporter is unable to produce an accurate verbatim transcript of the proceedings, the loss would be an economic one for all parties involved, since the transcript(s)

would not be usable. (See A. Under NCRA "Standard of Professional Practice.")

An additional example regarding freelance reporters' general lack of knowledge of the practices within the court system is regarding in forma pauperis orders. An attorney approached a freelance court reporter during a deposition, requesting a copy of the transcript, but claiming his client could not pay for it since he didn't have the money. However, the attorney was receiving a contingency fee. This particular freelance reporter was not aware of IFP orders, had never heard the term, and did not know how to proceed. (Incidentally, there is a court reporter/Minnesota Bar Association pro bono program in place with formal guidelines and a screening process for this very situation.)

The general consuming public of reporting services makes an assumption that any person sitting behind a steno machine possesses the skill necessary to "get it all down," and further, has a working knowledge of court reporting practices. The public is entitled to the assurance of a qualified (certified) court reporter.

A CSR board would assure the attorney/litigant that information regarding local reporting practices and procedures has been disseminated to all registered, practicing court reporters in the State of Minnesota.

### WHY INCENTIVE GIFT-GIVING A "PROBLEM."

The practice of some court reporting firms and individual court reporters promising money and/or gifts in exchange for work is unfair competition, since the majority of court reporters and court reporting agencies have publicly declared the practice is unethical and unprofessional. In addition, the Minnesota Freelance Court Reporters Association has taken a formal position against this practice. A large percentage of individual reporters and court reporting agencies have chosen not to engage in this practice and therefore lose business because of the practice by others. It is not, therefore, a free enterprise issue, since many of us follow the recommendation of the MFCRA, in addition to our own consciences.

We would suggest the the incentive gift-giving practice is in violation of the National Court Reporters Association Code of Professional Conduct, Paragraph 3., "Guard against not only the fact but the appearance of impropriety." (See attached.)

It is further the consensus of many individual reporters and reporting agencies that it is the consumer (attorney/litigant) who suffers in this scenario since it is the client who ultimately pays for the practice since there is an assumption that reporters who engage in this practice "pad" their reporting fees to cover the costs of the incentive gift-giving.

Several individual attorneys and various law firms have forbidden their support staff from engaging in this practice.

We would suggest that the Rules of Professional Conduct, Office of Lawyers Professional Responsibility, State of Minnesota, Rule 5.3, "Responsibilities Regarding Nonlawyer Assistants," would apply in the case of legal support staff being the direct recipients of gifts or money from court reporters in exchange for the scheduling of depositions.

Finally, the CSR Board of the State of Hawaii has banned incentive gift-giving. Any Hawaii court reporter who engages in this practice is in violation of their state CSR rules. (See Hawaii CSR

letter to Hawaii State Bar Association, dated November 17, 1992, attached.)

The question was raised by committee members whether impartiality might be affected because of contracts or incentive gift-giving practices. Whether or not impartiality is affected in any form, if there is a complaint to be made regarding any apparent unethical or inappropriate conduct on the part of a court reporter, there is no recourse available by the litigant or attorney if a complaint were to be made because there is presently no official review board in place to receive complaints such as this.

CHANGES IN COURT RULES AND RULES OF CIVIL PROCEDURE  
THAT AFFECT COURT REPORTERS

Court reporters who are neither members of the Minnesota Court Reporters Association nor the Minnesota Freelance Court Reporters Association are not reachable for communicating changes in rules that affect court reporters. The general public (attorneys/litigants/court system) is impacted by this lack of knowledge and court reporting practices that may be in error.

FOR CSR BOARD PURPOSES, NO DISTINCTION SHOULD BE MADE BETWEEN OFFICIAL AND FREELANCE COURT REPORTER.

As was discussed at our first meeting, there is continual transition between official and freelance work performed by court reporters, and therefore regulations should apply to all court reporters practicing in the state of Minnesota. As an example, there are official court reporters who work part-time in a job-sharing situation and work every other week in the court system. On their off weeks, they often do freelance court reporting. The same applies to freelance court reporting agencies who provide court reporters to the court system. This situation is prevalent, and it would be a disservice to the attorneys/litigant/court system to apply a set of rules for one group and not the other.

### SUMMARY

In summary, we propose state certification for court reporters for the following reasons:

1. Minimum qualification standards.  
(Demonstration of skill by having completed RPR testing.) In addition, there could be a written knowledge test for rules affecting court reporters in the state of Minnesota, such as is the model for the state of Hawaii.
2. Mandatory continuing education.
3. Registration of all practicing court reporters in the state of Minnesota, both official and freelance, so entire bar and judiciary has access to the entire reporting community.
4. Professional responsibility board for peer review.



**PREAMBLE**

The Committee on Professional Responsibility (COPR) is the successor to the Committee on Ethics. In 1979, the Committee on Professional Responsibility presented its recommendations to the convention in the form of the Code of Professional Responsibility, Enforcement and Disciplinary Procedures, and Professional Practice Objectives, which were adopted by the convention.

The President charged the 1985 committee to review the experiences with the code during the time it was in effect and to evaluate its various sections. Following that charge, the committee studied the history of the code from its inception and came to the conclusion that, though sound in principle, it should be revised for brevity and clarity. In addition, the committee established Mediation Procedures for the membership in an effort to resolve amicably matters in dispute arising out of the Code of Professional Conduct, and changed the title of the Enforcement and Disciplinary Procedures to Complaint Procedures.

As a result, the committee has promulgated the mandatory Code of Professional Conduct defining the ethical relationship the public, the bench, and the bar have a right to expect from the reporter. They set out the conduct of the reporter when dealing with the user of reporting services and acquaint the user, as well as the reporter, with guidelines established for professional behavior. The Standards of Professional Practice, on the other hand, are goals toward which every reporter should strive. Reporters are urged to comply with the standards, which do not exhaust the moral and ethical considerations with which the reporter should conform but provide the framework for the practice of reporting.

Not every situation a reporter may encounter can be foreseen, but fundamental ethical principles are always present. By complying with the Code of Professional Conduct and Standards of Professional Practice, reporters maintain their profession at the highest level.

H. Assist in improving the reporting profession by participating in national, state, and local association activities that advance the quality and standards of the reporting profession.

I. Cooperate with the bench and bar for the improvement of the administration of justice.

J. Cooperate with qualified legal assistance organizations providing free legal services to the indigent, as part of the shorthand reporting profession's commitment to the principle that reporting services should be available to all. Such participation should be in accordance with the basic tenets of the profession: impartiality, competence, and integrity.

**MEDIATION PROCEDURES**

As a further service to its members, the National Shorthand Reporters Association has established a mediation procedure to facilitate the resolution of disputes arising from the alleged violation of the Association's Code of Professional Conduct by any of its members. The mediation process will be conducted by the Association's Committee on Professional Responsibility (COPR). This procedure is an alternative to filing a formal complaint.

The purpose of mediation is to bring disputing parties together in order to attempt to reach a resolution satisfactory to each of the parties. The mediator may suggest ways of resolving the dispute, but cannot impose a settlement on the parties.

All parties to the dispute must agree to participate in the mediation process before it can begin. Because it is voluntary, any party can withdraw from it at any time. The initiating party, however, will have to choose between the formal complaint procedure and the mediation process. If the mediation process is agreed to by all the parties, the parties cannot pursue the formal complaint procedure at a later time unless the party complained of refuses to participate substantially in the mediation process.

**Mediation Rules**

**1. Applicability**  
The mediation process can be used only for disputes concerning the alleged violation of any of the provisions of the Association's Code of Professional Conduct by a member or members of the Association. It is not available to resolve disputes arising from business, financial, or contractual relations bet-

**CODE OF PROFESSIONAL CONDUCT****The Shorthand Reporter Shall:**

1. Be fair and impartial toward each participant in all aspects of reported proceedings.
2. Be alert to situations that are conflicts of interest 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.
3. Guard against not only the fact but the appearance of impropriety.
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.
5. Be truthful and accurate when making public statements or when advertising the reporter's qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
7. Determine fees independently, except when established by statute or court order, entering into no agreements with other reporters on the fees to any user.
8. Maintain the integrity of the reporting profession.

**STANDARD OF PROFESSIONAL PRACTICE****The Shorthand Reporter Should:**

- A. Accept only those assignments when the reporter's level of competence will result in the preparation of an accurate transcript. The reporter should remove himself from an assignment when he believes his abilities are inadequate, recommending or assigning another reporter only if such reporter has the competence required for such assignment.
- B. Prepare the record in accordance with the transcript-preparation guidelines established by statute or court order, NSRA, or local custom and usage.
- C. Notify the parties engaging the reporter if a substitute reporter, equally qualified, will be assigned to report the proceedings.
- D. Preserve the shorthand notes in accordance with statute or court order, or for a period of no less than two years.
- E. Meet promised delivery dates, or make timely delivery of transcripts when no date is specified.
- F. Strive to become and remain proficient in his professional skills.
- G. Keep abreast of current literature and developments, and participate in continuing-education programs.

ween or among members and/or between or among members and users of reporting services.

## 2. Agreement of Parties

If the parties to a dispute voluntarily agree to mediation, they shall submit to the Executive Director a written agreement to that effect and request the appointment of a mediator.

## 3. Initiation of Mediation By One Party

A party may initiate mediation by submitting to the Executive Director a written request for mediation that describes the nature of the dispute and identifies the other party or parties in the dispute.

## 4. Notice to Named Party

The Executive Director shall forward a copy of the mediation request and the nature of the dispute to the party named, and request a written response within 15 days as to whether or not the party agrees to mediation.

## 5. Identification of Matters in Dispute

At least 10 days prior to the first scheduled mediation session, each party shall provide the mediator with a brief memorandum setting forth its position with regard to the issues that need to be resolved. At the discretion of the mediator, such memoranda may be mutually exchanged by the parties.

## 6. Appointment of Mediator

After all parties have agreed in writing to participate in mediation, the chairman of COPR shall propose a member of COPR as mediator. No person shall serve as mediator in any dispute in which that person has any financial or personal interest in the outcome of the dispute, except with the written consent of all parties. Before agreeing to serve as mediator, the proposed mediator shall disclose to the parties and the chairman of COPR any circumstances likely to create an appearance of bias or partiality.

In the event the parties disagree on the proposed mediator, they may designate one of their own choosing from the members of COPR. If they cannot agree on a mediator, then the chairman of COPR is authorized to designate one other than the COPR member first proposed.

## 7. Time and Place of Mediation

After being named, the mediator shall schedule a mediation session at a location mutually agreeable to the mediator and the parties. When the meeting is held, the mediator may meet with the

parties individually or collectively, whichever is deemed appropriate.

The mediation process may also proceed by way of conference calls, or by the mediator's telephoning the parties individually.

## 8. Privacy

Unless otherwise agreed, mediation sessions shall be open only to the parties. Attorneys shall not be permitted to participate in the mediation process on behalf of any party.

## 9. Termination

The mediation process shall terminate when (a) a resolution of the dispute has been agreed to in writing by the parties, (b) any party withdraws at any

time from the mediation process, or (c) the mediator determines that further efforts at mediation are unlikely to be successful.

## 10. Confidentiality

Unless otherwise agreed, mediation proceedings and all documents, statements, and information disclosed in the proceedings shall be kept confidential and shall not be divulged by the mediator or any of the parties. At the conclusion of the mediation, the documents of the respective parties shall be returned to them. The mediator may report to COPR only whether the mediation was successful or unsuccessful.

*continued on next page*

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Board of Directors the appeal, any response, and all other papers relating to the matter. The Board may decide the appeal on the basis of these papers, or may grant a request for oral argument made by any party. The Board may affirm, reverse, or modify the decision of the Committee on Professional Responsibility provided, however, that no greater sanction can be imposed than that recommended by the Committee on Professional Responsibility.

#### D. Costs and Expenses

1. All costs and expenses incurred by the person making the complaint and the person complained against shall be borne by the person incurring them.

### ADVISORY OPINIONS

Any person may submit to the Committee on Professional Responsibility a request for an Advisory Opinion. Advisory Opinions shall consist of (1) Private Advisory Opinions and (2) Public Advisory Opinions.

#### 1. Private Advisory Opinions

(a) A Private Advisory Opinion may be requested in lieu of proceeding with a complaint, as provided in Section A(3) of the Complaint Procedures, or by persons who seek guidance as to whether certain actions or conduct are permitted under the Code of Professional Conduct.

(b) The Committee shall keep confidential the identity of the person or persons making the request and the identity of those named in a complaint, unless otherwise directed by the Board of Directors.

(c) The Committee's response to requests for Private Advisory Opinions shall be within the limitations of the information received by the Committee. Additional information may be requested by the Committee, if needed.

#### 2. Public Advisory Opinions

The Committee may from time to time publish Public Advisory Opinions which illuminate one or more of the provisions of the Code of Professional Conduct. These opinions may be based on facts derived from requested Private Advisory Opinions, deleting reference to names or places, or on an assumed state of facts.

#### 3. Review

The Board of Directors may review any Private or Public Advisory Opinion on its own motion and adopt, modify, or reject it in whole or in part. ■

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Tapes are 2-Voice testimony at 180-225wpm. Each features three 20-minute segments featuring such titles as "Auto Accident" (Deposition) and "Bodily Injury" (Deposition) (Light Medical). \$14.95 ea. Complete list available.

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#### 4-Voice High Speed Tapes

Tapes are 4-Voice testimony at 180-225. Each features three 20-minute segments featuring such titles as "Murder by Contract - 1st Degree" (Criminal) and "Deprived Child" (Juvenile). \$19.95 ea. Complete list available.

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HAWAII BOARD OF CERTIFIED  
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(808) 548-2802

539-4226

November 17, 1992

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SECRETARY TO THE BOARD  
ALICE B. KAMAHELE

Hawaii State Bar Association  
P.O. Box 26  
Honolulu, HI 96810

RE: BAN ON INCENTIVE PROGRAMS BY COURT REPORTERS

Dear Attorneys and Secretaries:

Effective immediately, the Hawaii Supreme Court has put a ban on incentive programs within the State of Hawaii. Since this Rule impacts the legal community, we would request your assistance in enforcement of Rule 14, as amended.

A copy of Rule 14 is enclosed. The new language added is: "All incentive programs are expressly forbidden in the State of Hawaii by any reporter or reporting agency."

This Board respectfully requests that all attorneys and secretaries be informed and abide by this Supreme Court ruling.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Fazio".

Robert C. Fazio  
Chairman

Enclosure

cc: Hawaii Supreme Court

Temporary certification in the State of Hawaii is hereby repealed. Reporters practicing under Rule 11 governing temporary certification have until November 1993 to obtain CSR/RPR status. Under separate resolution, speed building seminars and practice dictation tapes/audio will be available three months prior to all tests until November 1993.

6. Rule 14 is amended as follows:

**Rule 14. PROHIBITED CONTRACTS.**

Contracts covering reportorial services having a fixed period of time, minimum or otherwise, between persons holding certificates [or temporary certificates] under these rules or any person for whom such reporters act as agents and any attorney at law or agent thereof or any insurance company or agent thereof or any other person, are prohibited.

The above prohibition does not prevent any person holding a certificate [or temporary certificate], upon request of an attorney or an agent of an attorney or an insurance company, from quoting rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided that the same rate must be charged to all other parties obtaining copies and provided further that the charge for the original will be no less than 60% higher than the charge per copy.

Any person holding a certificate [or temporary certificate] under these rules shall disclose, on the record in every deposition taken, the complete arrangement, financial and otherwise, made between the reporter or the agency making arrangements for the reporter's services and the attorney or other person making such arrangements with the reporter or agency.

Any person holding a certificate [or temporary certificate] under these rules and any reportorial service by which such person is employed shall, when the bill for the deposition or depositions in question is submitted to each of the attorneys or other organizations ordering the deposition and any copies thereof, set forth on the face of the bill any consideration paid, given or agreed to be paid or given by the person or reportorial service in any form [including, without limitation to the foregoing: coupons, services, food, travel, cash or other thing of value, along with a statement of the value thereof and the name and business address of the person to whom the thing was given or agreed to be given]. Any attorney billing a client for such deposition or copy shall supply the information required to be disclosed on the person's or reportorial service's bill to the client in the attorney's billing and, in the event the costs of the deposition are sought to be recovered in any action, shall include the same information in any bill of costs supplied to the court.

All incentive programs are expressly forbidden in the State of Hawaii by any reporter or reporting agency.

Office of Disciplinary Counsel  
 Supreme Court • State of Hawaii  
 1164 Bishop Street, Suite 600  
 Honolulu, Hawaii 96813  
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NOV 21 1991

November 19, 1991

CONFIDENTIAL

Andrew Levin, Esq.  
 Senator, First District  
 State Capitol  
 Honolulu, Hawaii 96813

Re: Request for Ethics Opinion

Dear Senator Levin:

Your request for ethics guidance dated October 17, 1991 was directed to our office from the Hawaii State Bar Association and was received on October 29, 1991.

I. STATEMENT OF FACTS AND INQUIRY.

Court reporting agencies on the Big Island (and perhaps elsewhere in the State) are offering attorneys various gifts and awards for using their services. You indicated, in our telephone conversation of November 14, 1991, that you have received such an offer.

You ask whether you are ethically permitted to accept such gratuities from court reporting firms.

II. DISCUSSION.

A. Bar Opinions and Case Law.

ABA Informal Opinion 278 (undated) decided that an attorney is prohibited from accepting a gratuity without the client's knowledge and consent. If an attorney does accept a gratuity, "the gratuity really belongs to the client."

Arizona Bar Opinion 82-7 (1982) addresses the issue of whether an attorney could participate in a bonus plan being

Andrew Levin, Esq.  
November 19, 1991  
Page 2

offered by a process service company where the attorney would benefit by receiving trips and cash gift certificates. The Opinion decided that the attorney could not participate unless the attorney fully advised the client(s) of the "nature of the bonus plan" and the client consented to the attorney's use of the particular process service company.

Similarly, Mobile Bar Opinion 8 (1988) provides that if a client is fully apprised and gives his or her approval to such an arrangement, an attorney who employs a court reporting firm on the client's behalf may accept travel credits offered as a promotion by the court reporting agency.

Alabama Bar Opinion 89-83 (1989) permits an attorney to accept a gift from a court reporter which is based on the amount of money a client pays provided that: (1) the reporter's rates and services are comparable to other reporters in the area; (2) the gift cannot be exchanged for a lower rate for the client; and (3) the gift is nominal. "If the bonus is of substantive value, the lawyer must inform the client and the client may himself receive the gift."

My office concurs with ABA Informal Opinion 278 that the gratuity really belongs to the client. Therefore, it is my office's opinion that, generally, client consent should be obtained before an attorney accepts a gift from a court reporting agency. Of course, exceptions may arise if the gift is truly "nominal" (i.e., pens, pencils, coffee mugs, or other advertising paraphernalia).

#### B. Appearance of Impropriety.

Canon 9 of the Hawaii Code of Professional Responsibility embodies the concept of "avoiding even the appearance of impropriety." The purpose of Canon 9 is to maintain in the public mind, a high regard for the legal profession. U.S. v. Smith, 653 F.2d 126, 128 (4th Cir. 1981), citing General Motors Corp. v. City of New York, 501 F.2d 639, 649 (2d Cir. 1974). See also EC 9-2.

Arizona Bar Opinion 82-7, supra, concluded that the bonus plan offered by the process service company increases the likelihood that a client, or the general public, may gain the impression that the lawyer is generating excessive or unnecessary costs in order to increase his or her billings with that agency. "The attorney's participation in the bonus plan may result in the appearance of professional impropriety."

Andrew Levin, Esq.  
November 19, 1991  
Page 3

If the gifts and/or awards offered by the Big Island reporters are nominal, they may be accepted without client consent. However, if the gifts are more substantial in nature, an appearance of impropriety may be created, and client consent would be required for acceptance of such awards or gifts.

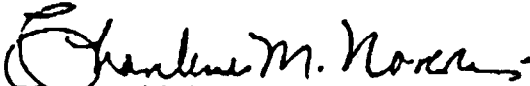
### III. CONCLUSION.

Attorneys are not prohibited from accepting gifts and awards from court reporting firms, provided that consent is obtained from the client on whose behalf the services of the reporter are retained, the client is fully advised of the nature of the arrangement, and the client consents to the use of the particular agency.

However, attorneys may accept nominal gifts from court reporting firms such as pens, coffee mugs, and other advertising gimmicks without client consent.

As usual, the views expressed herein, which are based solely on the facts presented, are those of this office only and do not necessarily reflect the conclusions of the entire Disciplinary Board.

Very truly yours,

  
CHARLENE M. NORRIS  
ASSISTANT DISCIPLINARY COUNSEL

fh



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To show our appreciation for your support, we're offering you \$100 for every five qualifying\* depositions scheduled with [redacted] and a chance to win an exciting Caribbean cruise!

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Why are we celebrating our anniversary this way? What better way to thank those secretaries and paralegals for their loyalty over the years! And for those of you who aren't familiar with [redacted] what better way to introduce you to our services such as [redacted] transcript indexing and free [redacted] litigation support software, which allows you to do summaries, high-speed searches and make instant comparisons of testimony.

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REMEMBER, we make no extra charge for handling jobs in Minneapolis because our court reporters are located throughout the Twin Cities area.

---

# COURT REPORTER CERTIFICATION STUDY

## SURVEY OF COURT OFFICIALS

The Minnesota Supreme Court has established a fact-finding committee to gather information relative to the certification of stenographic court reporters. Certification includes one or more of the following: entry level and continuing education requirements; skills testing, annual registration; and investigation of complaints and discipline by a Board. Please assist the committee by completing this questionnaire and returning it no later than 4:30 p.m., Thursday, January 29, 1993, to the: Research & Planning Office, at Facsimile transmission number (612) 297-5636, or at 120 Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155.

1. Name: \_\_\_\_\_

2. Have you received any complaints about court reporters over the past 5 years?

YES                       NO

3. If yes, How many? \_\_\_\_\_

4. If yes, which category of reporter:  Court Employee     Freelance     Both

5. What is the nature of the complaints received? (e.g. timeliness of record; accuracy of record, etc.)

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6. What action was taken?

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7. Are present law, rules and regulations in place sufficient to deal with any problems that have emerged?

YES                       NO

If NO, please explain

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8. Other comments:

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Please return completed questionnaire no later than 4:30 p.m., Thursday, January 29, 1993, to the: **Research & Planning Office, at Facsimile transmission number (612) 297-5636, or at 120 Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155.**

**Thank you for your time and effort.**

# COURT REPORTER CERTIFICATION STUDY

## SURVEY OF LAW RELATED GROUPS

The Minnesota Supreme Court has established a fact-finding committee to gather information relative to the certification of stenographic court reporters. Certification includes one or more of the following: entry level and continuing education requirements; skills testing, annual registration; and investigation of complaints and discipline by a Board. Please assist the committee by completing this questionnaire and returning it no later than 4:30 p.m., Thursday, January 29, 1993 to the: Research & Planning Office, at Facsimile transmission number (612) 297-5636, or at 120 Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155.

1. Name of organization: \_\_\_\_\_

2. Has your organization received any complaints about court reporters over the past 5 years?

YES                       NO

3. If yes, How many? \_\_\_\_\_

4. If yes, which category or reporter:  Court Employee    Freelance    Both

5. What is the nature of the complaints received? (e.g. timeliness of record; accuracy of record, etc.)

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6. What action was taken?

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7. Are present law, rules and regulations in place sufficient to deal with any problems that have emerged?

- YES                       NO

If NO, please explain

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8. Other comments:

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9. Name, address, and telephone number of contact person to provide follow up information:

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Please return completed questionnaire no later than 4:30 p.m., Thursday, January 29, 1993, to the: **Research & Planning Office, at Facsimile transmission number (612) 297-5636 or at 120 Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155.**

Thank you for your time and effort.

APPENDIX C

Supreme Court Filings

Court of Appeals Filings

District Court Filings and Hearings

Table: Budget and Workload of Minnesota Attorney-Related Boards

Table: Budget and Workload of Selected Minnesota Executive Branch Boards



Filings by Case Type and Source Jurisdiction

Case Type	Number of 1986 Cases			Number of 1987 Cases			Number of 1988 Cases		
	Orig.	Fur Rev	TOTAL	Orig.	Fur Rev	TOTAL	Orig.	Fur Rev	TOTAL
Civil	12	334	346	3	319	322	0	331	331
Criminal	6	135	141	15	143	158	20	161	181
Workers Comp	98	0	98	142	0	142	170	0	170
Tax Court	13	0	13	9	0	9	5	0	5
Econ Security	0	8	8	1	3	4	0	7	7
Disc Review	0	10	10	0	9	9	1	15	16
Writ Mandamus	8	13	21	7	20	27	3	19	22
Writ Prohibition	0	0	0	0	0	0	0	0	0
Attorney Dis	27	0	27	42	0	42	30	0	30
Misc or Other	8	0	8	14	0	14	28	0	28
Commitment	0	3	3	0	5	5	0	5	5
Family	0	52	52	0	70	70	0	61	61
Agency Review	1	21	22	4	23	27	6	34	40
Cert Question	0	5	5	0	2	2	1	2	3
Cert Ques Civil	3	3	6	4	10	14	7	1	8
Implied Consent	0	2	2	0	10	10	0	5	5
Probate-Trust	0	2	2	0	6	6	0	10	10
<b>TOTAL</b>	<b>176</b>	<b>588</b>	<b>764</b>	<b>241</b>	<b>620</b>	<b>861</b>	<b>271</b>	<b>651</b>	<b>922</b>

Case Type	Number of 1989 Cases			Number of 1990 Cases			Number of 1991 Cases			TOTAL Percent Change					
	Orig.	Fur Rev	TOTAL	Orig.	Fur Rev	TOTAL	Orig.	Fur Rev	TOTAL	1986-87	1987-88	1988-89	1989-90	1990-91	1987-91
Civil	12	361	373	12	338	350	11	331	342	-6.9	2.8	12.7	-6.2	-2.3	6.2
Criminal	22	187	209	18	166	184	15	193	208	12.1	14.6	15.5	-12.0	13.0	31.6
Workers Comp	149	0	149	179	0	179	163	0	163	44.9	19.7	-12.4	20.1	-8.9	14.8
Tax Court	12	0	12	11	0	11	14	0	14	-30.8	-44.4	140.0	-8.3	27.3	55.6
Econ Security	0	4	4	0	5	5	5	0	5	-50.0	75.0	-42.9	25.0	0.0	25.0
Disc Review	2	9	11	0	9	9	0	8	8	-10.0	77.8	-31.3	-18.2	-11.1	-11.1
Writ Mandamus	7	23	30	6	20	26	6	11	17	28.6	-18.5	36.4	-13.3	-34.6	-37.0
Writ Prohibition	0	0	0	0	0	0	0	0	0						
Attorney Dis	38	0	38	54	0	54	48	0	48	55.6	-28.6	26.7	42.1	-11.1	14.3
Misc or Other	4	0	4	0	8	8	0	8	8	75.0	100.0	-85.7	100.0	0.0	-42.9
Commitment	0	11	11	0	10	10	0	9	9	66.7	0.0	120.0	-9.1	-10.0	80.0
Family	0	70	70	0	65	65	0	76	76	34.6	-12.9	14.8	-7.1	16.9	8.6
Agency Review	0	30	30	0	25	25	1	21	22	22.7	48.1	-25.0	-16.7	-12.0	-18.5
Cert Question	2	4	6	2	2	4	6	2	8	-60.0	50.0	100.0	-33.3	100.0	300.0
Cert Ques Civil	0	0	0	0	0	0	0	0	0	133.3	-42.9				
Implied Consent	0	7	7	0	2	2	0	5	5	400.0	-50.0	40.0	-71.4	150.0	-50.0
Probate-Trust	0	5	5	0	12	12	0	39	39	200.0	66.7	-50.0	140.0	225.0	550.0
<b>TOTAL</b>	<b>248</b>	<b>711</b>	<b>959</b>	<b>282</b>	<b>662</b>	<b>944</b>	<b>269</b>	<b>703</b>	<b>972</b>	<b>12.7</b>	<b>7.1</b>	<b>4.0</b>	<b>-1.6</b>	<b>3.0</b>	<b>12.9</b>

## Filings by Case Type

Case Type	Number of Cases						Percent Change					
	1986	1987	1988	1989	1990	1991	1986-87	1987-88	1988-89	1989-90	1990-91	1986-91
Civil	901	998	1047	888	1007	921	10.8	4.9	-15.2	13.4	-8.5	2.2
Criminal	354	402	433	379	411	394	13.6	7.7	-12.5	8.4	-4.1	11.3
Econ Security	73	77	78	42	96	83	5.5	1.3	-46.2	128.6	-13.5	13.7
Disc Review	90	109	104	90	108	76	21.1	-4.6	-13.5	20.0	-29.6	-15.6
Writ Mandamus	102	140	136	114	112	99	37.3	-2.9	-16.2	-1.8	-11.6	-2.9
Misc or Other	2	0	5	3	3	19			-40.0			
Commitment	15	23	31	37	194	43	53.3	34.8	19.4	424.3	-77.8	186.7
Family	366	331	405	344	366	317	-9.6	22.4	-15.1	6.4	-13.4	-13.4
Agency Review	65	77	69	66	75	50	18.5	-10.4	-4.3	13.6	-33.3	-23.1
Cert Question	5	5	6	7	6	8	0.0	20.0	16.7	-14.3	33.3	60.0
Cert Ques Civil	3	11	5	9	2	12	266.7	-54.5	80.0	-77.8	500.0	300.0
Implied Consent	62	55	58	54	66	254	-11.3	5.5	-6.9	22.2	284.8	309.7
Probate-Trust	19	44	23	34	26	34	131.6	-47.7	47.8	-23.5	30.8	78.9
TOTAL	2057	2272	2400	2067	2469	2310	10.5	5.6	-13.9	19.4	-6.4	12.3

District Court  
Case Filings 1986-1991

Case Type	Filings						Percentage Change						
	1986	1987	1988	1989	1990	1991	1986-87	1987-88	1988-89	1989-90	1990-91	1987-91	1989-91
<b>Criminal</b>													
Felony*	12,366	13,008	13,637	13,607	14,747	16,277	5.2	4.8	-2	8.4	10.4	25.1	19.6
Gross Misdemeanor*	12,122	12,974	14,044	15,289	18,642	18,817	7.0	8.2	8.9	21.9	9	45.0	23.1
<b>Total</b>	<b>24,488</b>	<b>25,982</b>	<b>27,681</b>	<b>28,896</b>	<b>33,389</b>	<b>35,094</b>	<b>6.1</b>	<b>6.5</b>	<b>4.4</b>	<b>15.5</b>	<b>5.1</b>	<b>35.1</b>	<b>21.4</b>
<b>General Civil</b>													
Personal Injury	5,532	5,517	4,967	5,632	5,698	5,909	-3	-10.0	13.4	1.2	3.7	7.1	4.9
Contract	9,626	8,817	8,190	7,456	8,034	7,493	-8.4	-7.1	-9.0	7.8	-6.7	-15.0	5
Wrongful Death	428	489	440	461	489	446	14.3	-10.0	4.8	6.1	-8.8	-8.8	-3.3
Malpractice	339	302	233	219	253	291	-10.9	-22.8	-6.0	15.5	15.0	-3.6	32.9
Property Damage	1,019	1,041	774	834	695	606	2.2	-25.6	7.8	-16.7	-12.8	-41.8	-27.3
Condemnation	223	230	253	196	272	255	3.1	10.0	-22.5	38.8	-6.2	10.9	30.1
Conciliation App.	2,696	2,548	2,590	2,076	2,000	1,914	-5.5	1.6	-19.8	-3.7	-4.3	-24.9	-7.8
Other Civil	11,109	12,327	13,144	12,876	11,776	14,505	11.0	6.6	-2.0	-8.5	23.2	17.7	12.7
<b>Total</b>	<b>30,972</b>	<b>31,271</b>	<b>30,591</b>	<b>29,750</b>	<b>29,217</b>	<b>31,419</b>	<b>1.0</b>	<b>-2.2</b>	<b>-2.7</b>	<b>-1.8</b>	<b>7.5</b>	<b>.5</b>	<b>5.6</b>
<b>Probate/Trust</b>													
Trust	306	295	322	357	314	417	-3.6	9.2	10.9	-12.0	32.8	41.4	16.8
Supervised Adm	3,246	3,121	2,977	2,729	2,610	2,308	-3.9	-4.6	-8.3	-4.4	-11.6	-26.0	-15.4
Unsupervised Adm	2,874	2,954	2,909	2,849	2,771	2,600	2.8	-1.5	-2.1	-2.7	-6.2	-12.0	-8.7
Special Adm	511	479	413	314	286	279	-6.3	-13.8	-24.0	-8.9	-2.4	-41.8	-11.1
Informal Adm	3,963	3,986	4,124	4,133	4,032	4,055	6	3.5	2	-2.4	6	1.7	-1.9
Other Probate	1,291	1,366	1,377	1,389	1,322	1,248	5.8	8	9	-4.8	-5.6	-8.6	-10.2
Guard/Conserv	2,472	2,703	2,690	2,627	2,478	2,444	9.3	-5	-2.3	-5.7	-1.4	-9.6	-7.0
Commitment	2,083	2,426	2,522	2,757	2,994	3,037	16.5	4.0	9.3	8.6	1.4	25.2	10.2
<b>Total</b>	<b>16,746</b>	<b>17,330</b>	<b>17,334</b>	<b>17,155</b>	<b>16,807</b>	<b>16,388</b>	<b>3.5</b>	<b>.0</b>	<b>-1.0</b>	<b>-2.0</b>	<b>-2.5</b>	<b>-5.4</b>	<b>-4.5</b>
<b>Family</b>													
Dissolution	16,676	16,594	17,072	16,832	17,454	17,431	-.5	2.9	-1.4	3.7	-.1	5.0	3.6
Support	15,644	14,897	13,611	12,883	13,331	13,190	-4.8	-8.6	-5.3	3.5	-1.1	-11.5	2.4
Adoption	2,428	2,418	2,289	2,211	2,034	2,071	-.4	-5.3	-3.4	-8.0	1.8	-14.4	-6.3
Other Family	613	623	590	651	688	730	1.6	-5.3	10.3	5.7	6.1	17.2	12.1
Other Juvenile	893	230	178	231	386	633	-74.2	-22.6	29.8	67.1	64.0	175.2	174.0
Domestic Abuse	7,821	8,662	9,440	9,767	10,731	11,027	10.8	9.0	3.5	9.9	2.8	27.3	12.9
<b>Total</b>	<b>44,075</b>	<b>43,424</b>	<b>43,180</b>	<b>42,575</b>	<b>44,624</b>	<b>45,082</b>	<b>-1.5</b>	<b>-.6</b>	<b>-1.4</b>	<b>4.8</b>	<b>1.0</b>	<b>3.8</b>	<b>5.9</b>
<b>Juvenile</b>													
Delinquency	19,023	19,835	20,922	20,535	21,475	24,508	4.3	5.5	-1.8	4.6	14.1	23.6	19.3
Status Offense	9,886	10,709	10,444	9,417	10,748	10,065	8.3	-2.5	-9.8	14.1	-6.4	-6.0	6.9
Dependency/Neglect	2,409	2,710	3,571	5,282	4,635	4,428	12.5	31.8	47.9	-12.2	-4.5	63.4	-16.2
Term Parent Rights	818	824	749	784	884	670	7	-9.1	4.7	12.8	-24.2	-18.7	-14.5
<b>Total</b>	<b>32,136</b>	<b>34,078</b>	<b>35,686</b>	<b>36,018</b>	<b>37,742</b>	<b>39,671</b>	<b>6.0</b>	<b>4.7</b>	<b>.9</b>	<b>4.8</b>	<b>5.1</b>	<b>16.4</b>	<b>10.1</b>
<b>Major Case Total</b>	<b>148,417</b>	<b>152,085</b>	<b>154,472</b>	<b>154,394</b>	<b>161,779</b>	<b>167,654</b>	<b>2.5</b>	<b>1.6</b>	<b>-.1</b>	<b>4.8</b>	<b>3.6</b>	<b>10.2</b>	<b>8.6</b>
<b>Misc Civil</b>													
Unlawful Detainer	25,694	26,129	26,294	27,097	24,701	25,588	1.7	6	3.1	-8.8	3.6	-2.1	-5.6
Implied Consent	2,331	2,459	2,462	2,517	2,285	2,473	5.5	1	2.2	-9.2	8.2	6	-1.7
Trans Judgment	32,513	32,088	29,661	27,986	33,102	33,195	-1.3	-7.6	-5.6	18.3	3	3.4	18.6
Default Judgment	19,224	17,351	15,002	14,112	14,773	14,817	-9.7	-13.5	-5.9	4.7	3	-14.6	5.0
<b>Total</b>	<b>79,762</b>	<b>78,027</b>	<b>73,419</b>	<b>71,712</b>	<b>74,861</b>	<b>76,073</b>	<b>-2.2</b>	<b>-5.9</b>	<b>-2.3</b>	<b>4.4</b>	<b>1.6</b>	<b>-2.5</b>	<b>6.1</b>
<b>Minor Cases</b>													
Conciliation	102,873	97,048	91,701	88,504	97,660	98,017	-5.7	-5.5	-3.5	10.3	4	1.0	10.7
Non-traffic Misd	123,020	128,101	138,378	146,541	145,115	142,767	4.1	8.0	5.9	-1.0	-1.6	11.4	-2.6
Traffic Misd	627,236	664,794	671,200	698,501	703,997	621,443	6.0	1.0	4.1	8	-11.7	-6.5	-11.0
Juvenile Traffic	16,459	17,957	17,337	16,542	15,989	14,379	9.1	-3.5	-4.6	-3.3	-10.1	-19.9	-13.1
Parking	876,411	829,562	860,523	822,326	788,688	750,686	-5.3	3.7	-4.4	-4.1	-4.8	-9.5	-8.7
<b>Total</b>	<b>1,745,999</b>	<b>1,737,462</b>	<b>1,779,139</b>	<b>1,772,414</b>	<b>1,751,449</b>	<b>1,627,292</b>	<b>-.5</b>	<b>2.4</b>	<b>-.4</b>	<b>-1.2</b>	<b>-7.1</b>	<b>-6.3</b>	<b>-8.2</b>
<b>Grand Total</b>	<b>1,974,178</b>	<b>1,967,574</b>	<b>2,007,030</b>	<b>1,998,520</b>	<b>1,988,089</b>	<b>1,871,019</b>	<b>-.3</b>	<b>2.0</b>	<b>-.4</b>	<b>-.5</b>	<b>-5.9</b>	<b>-4.9</b>	<b>-6.4</b>

\* First appearances are counted.

Budget and Workload of Minnesota Supreme Court Attorney Related Boards						
	Annual Budget	Full Time Staff	Complaints Processed Annually	Applicants Examined Annually	License Granted Annually	Renewals Processed Annually
Lawyers Professional Responsibility Board	\$1,364,000.00	23	1,399	Not Applicable	Not Applicable	Not Applicable
Board of Law Examiners	\$742,000.00	7	Not Applicable	954	984	Not Applicable
Board of Continuing Legal Education	\$143,000.00	3	Not Applicable	Not Applicable	Not Applicable	5,000
Attorney Registration	\$51,719.00	1	Not Applicable	Not Applicable	Not Applicable	18,778
<b>TOTAL</b>	<b>\$2,300,719.00</b>	<b>34</b>	<b>1,399</b>	<b>954</b>	<b>984</b>	<b>23,778</b>

2/8/93

Source: Department of Finance Budget Reports and Annual Reports of the Boards

Note: Effective July 1, 1993, the annual registration for Minnesota licensed attorneys who have been admitted to practice for more than three years will increase from \$132.00 to \$142.00. Supreme Court Order #C9-81-1206 (dated April 15, 1992). The initial application and examination fee is \$300.00; the fee for an applicant licensed in another state is \$625.00. Rule 105, Rules of the State Board of Law Examiners.

**Budget and Workload of  
Selected Minnesota Executive Branch Boards**

2/8/93

	Annual Budget	Full Time Staff	Complaints Processed Annually	Applicants Examined Annually	Licenses Granted Annually	Renewals Granted Annually
Architecture, Engineering, Land Surveying and Landscape Architecture Board	\$553,000.00	8	115	1,854	1,296	11,600
Board of Accountancy	\$466,000.00	5	95	1,990	520	8,283
Board of Barber Examiners	\$126,000.00	3.5	35	160	Unavailable	4,350
Private Detectives Board	\$67,000.00	1.5	12	Unavailable	160	Unavailable
Board of Boxing	\$59,000.00	1.5	Unavailable	Unavailable	245	Unavailable
Abstractors Board of Examiners	\$8,000.00	0	Unavailable	40	475	Unavailable

Source: Minnesota Department of Finance Budget Reports

## APPENDIX D

Table: Budget and Workload of Certification Programs with Entry Exam, Continuing Education, Registration and Disciplinary Process

Table: Budget and Workload of Certification Programs with Entry Exam, Registration and Disciplinary Process (No Continuing Education Requirement)

Table: Budget and Workload of Certification Programs with Entry Exam and Disciplinary Process (No Continuing Education or Registration Requirement)

1991 Comparative Survey of All Court Reporter Certification Programs

Table: Population of the United States

**COMPARISON OF BUDGET AND WORKLOAD OF  
CERTIFICATION PROGRAMS WITH ENTRY EXAM, CONTINUING EDUCATION, REGISTRATION,  
& DISCIPLINARY PROCESS**

2/10/93

	Annual Budget	Fees	Certified Reporters	Complaints Processed Annually	Applicants Examined Annually	Registration/ Renewal Period
Louisiana	\$100,000	\$85 exam \$30 reexam \$85 cert. <sup>1</sup> \$50 temp. cert. \$75 renewal	1,140	2 <sup>2</sup>	100 <sup>3</sup>	Annual
New Jersey	\$102,000	\$150 exam \$75 reexam \$50 cert. \$50 renewal	1,042	10 <sup>4</sup>	234	Biannual
Illinois	\$86,000	\$175 exam <sup>5</sup> \$10 regrade \$25 license \$10 cert. \$40 renewal	2,000	17	Not Available	Biannual
Hawaii	\$30,000	\$75 exam <sup>6</sup> \$50 cert. \$50 renewal	190	4 <sup>7</sup>	50	Annual

<sup>1</sup> Reciprocal certification available to Registered Professional Reporters (RPRs) certified by National Court Reporters Association (NCRA).

<sup>2</sup> Both complaints involved grandfathering a reporter into the certification program.

<sup>3</sup> Passage of Registered Professional Reporter (RPR) exam administered by National Court Reporters Association (NCRA) satisfies all entry level testing.

<sup>4</sup> All complaints involved the timeliness of work product. Attorney General provides prosecution services.

<sup>5</sup> Passage of RPR exam administered by NCRA satisfies all entry level testing requirements.

<sup>6</sup> Encompasses 10 to 15 minute written knowledge test only. Does not include cost of NCRA's RPR exam, which all applicants must take and pass.

<sup>7</sup> Timeliness.

**COMPARISON OF BUDGET AND WORKLOAD OF  
CERTIFICATION PROGRAMS WITH ENTRY EXAM, REGISTRATION & DISCIPLINARY PROCESS  
(NO CONTINUING EDUCATION REQUIREMENT)**

2/10/93

	Annual Budget	Fees <sup>1</sup>	Certified Reporters	Complaints Processed Annually	Applicants Examined Annually	Registration/ Renewal Period
California	\$456,000 <sup>1</sup>	\$40 exam \$80 cert. \$80 renewal	7,500	300 <sup>2</sup>	900	Annual
Texas	\$294,193 <sup>3</sup>	\$85 applic. \$75 exam \$50 partial exam <sup>4</sup> \$35 reexam \$100 renewal	2,800	10 <sup>5</sup>	660	Biannual
Georgia	\$100,241 <sup>6</sup>	\$25 applic. \$25 cert. \$25 renewal \$15.20 CCR seal	1,185	8 <sup>7</sup>	330	Annual

<sup>1</sup> Does not include additional \$300,000 for transcripts for indigent persons.

<sup>2</sup> Timeliness of work product (85%); unprofessional conduct (15%). Attorney General prosecutes.

<sup>3</sup> Appropriations (\$89,550); fees (\$204,643).

<sup>4</sup> Registered Professional Reporter (RPR) exam administered by National Court Reporters Association satisfies remaining portion of requirements.

<sup>5</sup> Timeliness of work product (1); unprofessional conduct (6); and competency (3).

<sup>6</sup> Appropriations (40%); fees (60%).

<sup>7</sup> Timeliness of work product (6); unprofessional conduct (2).



**COMPARISON OF BUDGET AND WORKLOAD OF  
CERTIFICATION PROGRAMS WITH ENTRY EXAM, REGISTRATION & DISCIPLINARY PROCESS  
(NO CONTINUING EDUCATION REQUIREMENT)**

2/10/93

	Annual Budget	Fees	Certified Reporters	Complaints Processed Annually	Applicants Examined Annually	Registration/ Renewal Period
Idaho	\$30,000	\$25 applic. \$25 exam \$25 renewal	500	0 <sup>8</sup>	52	Biannual
New Mexico	\$30,000	\$50 exam \$50 renewal \$50 business registration	260	3 <sup>9</sup>	96	Annual
Nevada	\$34,500	\$35 exam/applic. \$50 cert. \$50 renewal	260	7 <sup>10</sup>	100	Annual
Oklahoma	Not Available	\$75 exam nonres. \$35 exam res. \$10 renewal	600	15 <sup>11</sup>	300	Annual
New Hampshire	Not Available <sup>12</sup>	\$35 applic. <sup>13</sup> \$15 renewal	102	1 <sup>14</sup>	36	Annual

<sup>8</sup> Attorney General provides prosecution services.

<sup>9</sup> Unprofessional conduct (2); unlicensed reporter (1). Attorney General prosecutes.

<sup>10</sup> Timeliness of work product (1); unprofessional conduct (6). Attorney General prosecutes.

<sup>11</sup> Most involve timeliness of work product; several involve accuracy or payment from one reporter to another. Attorney General prosecutes.

<sup>12</sup> Certification Board was recently abolished. Entire program is now administered by the Superior (trial) Court Chief Justice.

<sup>13</sup> Does not include cost of RPR exam administered by NCRA, which satisfies all entry level testing requirements.

<sup>14</sup> Timeliness of work product.

**COMPARISON OF BUDGET AND WORKLOAD OF  
CERTIFICATION PROGRAMS WITH ENTRY EXAM & DISCIPLINARY PROCESS ONLY  
(NO CONTINUING EDUCATION OR REGISTRATION REQUIRED)**

2/10/93

	Annual Budget	Fees	Certified Reporters	Complaints Processed Annually	Applicants Examined Annually	Registration/ Renewal Period
Kansas	\$5,345	\$35 applic.	1,298 <sup>1</sup>	0 <sup>2</sup>	60 <sup>3</sup>	NONE

<sup>1</sup>Total certified since beginning of program in 1941.

<sup>2</sup>Last complaint made more than two years ago.

<sup>3</sup>Passage of Registered Professional Reporter exam sponsored by National Court Reporters Association satisfies a portion of the testing requirements.

## SURVEY RESULTS OF COURT REPORTER CERTIFICATION PROGRAMS - 1991

QUESTIONS	ARKANSAS	CALIFORNIA	COLORADO	GEORGIA	HAWAII	IDAHO	ILLINOIS
1. Year certification program began	1984	1951	1978	1974	1984	1974	Not provided
2. Total number certified	250	5200	Not Available	798	190	225	1911
3. Certification in your state is mandatory/voluntary	mandatory	mandatory	voluntary	mandatory	mandatory	mandatory	mandatory
4. Number of certification exams given each year	2 per year	2 per year	2 per year	2 per year	2 per year	2 per year	2 per year
5. Average number of applicants taking an examination	30 per exam	450 per exam	40 per exam	135 per exam	25 per exam	26 per exam	Not provided
6. Requirements of oral exams	5 min. each: Lit. - 180 wpm Jury - 200 wpm Q&A - 225 wpm	10 minutes of 4-voice at 200 wpm	5 min. each of: Lit. - 180 wpm Jury - 200 wpm Test - 225 wpm	5 min. each of: Lit. - 160 wpm Jury - 180 wpm Q&A - 190 wpm	5 min. each of: Lit. - 180 wpm Jury at 200 wpm Q&A at 225 wpm	5 min. each of: Lit. - 160 wpm Jury - 180 wpm Test - 200 wpm	5 min. of: Lit. - 180 wpm Legal - 200 wpm Test - 225 wpm
7. Necessary rate for passing an exam	95% - oral 70% - written	97.5% - oral 70% - English 75% - Prof. Prac.	75% - oral 75% - written	95% - oral 75% - written	Not Provided	95% - oral 80% - written	75% - oral 75% - written
8. Percentage passing of last four (4) <u>oral</u> exams	Not Available	37% on 11/86 75% on 5/86 18% on 11/85 49% on 5/85	36% on 2/87 30% on 8/86 21% on 2/86 32% on 8/85	Not Available	Not Provided	6% on 8/86 43% on 2/86 19% on 8/85 21% on 2/85	30% on 11/86 40% on 5/86 37% on 3/86 36% on 11/85
9. Percentage passing of last four (4) <u>written</u> exams	Not Available	*Eng/Prof. Prac. 60%/79% on 11/86 41%/54% on 5/86 70%/84% on 11/85 92%/78% on 5/85	50% on 2/87 90% on 8/86 81% on 2/86 55% on 8/85	79% on 9/86 76% on 3/86 69% on 9/85 65% on 3/85	Not Provided	53% on 8/86 50% on 2/86 54% on 8/85 21% on 2/85	(Same as oral, statistics not broken down)
10. Exams prepared by	Certification Board or Committee	Not Provided	Independent court reporter	Certification Board & Staff	Certification Board and NSRA	Certification Board or Committee	Certification Board/Staff
11. How is oral exam dictated	Live dictation	4-voice live dictation	Live dictation	Audiotaped	Audiotaped	Live dictation	Live dictation
12. Who dictates examinations	Senior Communication students from University	Independent court reporters employed for that purpose	Independent court reporter	Trained actors Radio personnel/ court reporters	Certification Board or Committee	Certification Board or Committee	Certification Board or Committee
13. Who grades examinations	Certification Board or Board Committee	Certification Board Staff/Volunteers from industry and schools	Independent court reporter	Outside paid retired teacher	Certification Board or Committee and NSRA	Certification Board or Committee	Staff or Members of Board

QUESTIONS	ARKANSAS	CALIFORNIA	COLORADO	GEORGIA	HAWAII	IDAHO	ILLINOIS
14. What fees are charged	\$50 Application \$20 Renewal	\$40 Examination \$80 Certification \$80 renewal	No fees	\$25 application \$25 certification \$25 renewal \$15.20 CCR Seal	\$75 exam \$50 certification \$50 renewal	\$25 application \$25 examination \$20 renewal	\$25 licensure \$10 regrading \$10 certification \$40 renewal \$175.90 exam
15. Length of certification	One Year	One year	Life	One year	One year	Two years	Two years
16. Annual Operating Budget of Board	Funded by SCAO budget	Total - \$793,000 Board - \$400,000 Indigent Transcripts - \$393,000	Funded by SCAO budget	\$92,000 - fees	\$30,000	\$20,000	\$40,000
17. Composition of Certification Board/Committee	4 Judges 3 Court Rep.	3 Public Members 2 Court Rep.	No Board	4 Court Rep. 2 Members Bar 1 Judge	2 Cert. Rep. 2 Freelance Rep. 1 Member Bar 1 SCAO	3 Court Rep. 1 Attorney 1 Judge	6 Court Rep. 1 Public Member
18. Do rules apply to electronic reporting	No	No	Not Available	Yes	Yes	No	No

\*Written exam consists of 2 parts - English and Professional Practice.

## SURVEY RESULTS OF COURT REPORTER CERTIFICATION PROGRAMS - 1991

QUESTIONS	IOWA	KANSAS	LOUISIANA	MICHIGAN	NEBRASKA	NEVADA	NEW HAMPSHIRE
1. Year certification program began	1919	1941	1971	1979	1978	1973	1971
2. Total number certified	Not Provided	Unknown	Not Provided	1679	50-60	268	101
3. Certification in your state is mandatory/voluntary	mandatory for officials	mandatory	mandatory	mandatory for officials	mandatory for officials	mandatory	mandatory
4. Number of certification exams given each year	2 per year	2 per year	2 per year	2 per year	As needed	2 per year	2 per year
5. Average number of applicants taking an examination	50 per exam	30 per exam	50 per exam	160 per exam	As needed	40-50	18 per exam
6. Requirements of oral exams	5 min. each: 2-voice - 220 wpm 2-voice - 180 wpm 2-voice - 210 wpm	5 minutes of: Med. - 170 wpm Legal - 190 wpm Test. - 210 wpm	5 min. each of: Lit. - 180 wpm Jury - 200 wpm Q&A - 225 wpm	5 min. each of: Lit. - 180 wpm Jury - 200 wpm Q&A - 225 wpm	5 min. each of: Lit. - 180 wpm Jury at 200 wpm Q&A at 225 wpm (2-voice)	10 minutes of: 4-voice at 200 wpm	5 min. each of: Lit. - 180 wpm Jury - 200 wpm Q&A - 225 wpm (2-voice)
7. Necessary rate for passing an exam	95% - oral 70% - written	95% - oral 100% - written (open book)	95% - oral 75% - written	95% - oral 80% - written	95% - oral 75% - written	97.5% - oral 70% - written	95% - oral N/A - written
8. Percentage passing of last four (4) <u>oral</u> exams	47% on 6/86 25% on 12/85 20% on 6/85 32% on 12/84	41% on 10/86 21% on 4/86 43% on 10/85 35% on 4/85	24% on 8/86 10% on 2/86 11% on 8/85 36% on 2/85	26% on 10/86 20% on 4/86 18% on 1/86 19% on 4/85	Not Provided	Not Provided	38% on 10/86 24% on 4/86 18% on 10/85 21% on 4/85
9. Percentage passing of last four (4) <u>written</u> exams	100% on 6/86 99% on 12/85 95% on 6/85 98% on 12/84	Not Applicable. Questions given in advance.	55% on 8/86 86% on 2/86 20% on 8/85 27% on 2/85	75% on 10/86 85% on 4/86 82% on 10/85 68% on 4/85	Not Provided	Not Provided	Not Applicable
10. Exams prepared by	Certification Board or Committee	Certification Board or Committee	Certification Board or Committee/Staff	Oral - NSRA Written - Staff of Board	Nebraska S.Ct. and Reporters Association	Court Reporting school and Board Members	Certification Board or Committee
11. How is oral exam dictated	Live dictation	Live dictation	Live dictation	Audiotaped	Live dictation	Live dictation	Live dictation
12. Who dictates examinations	Certification Board/Admin. from AIB	Certification Board or Committee/Staff	Staff or Board/Practicing Attorney	NSRA	Nebraska S.Ct. and Reporters Association	Court Reporting school members and state rep.	Certification Board or Committee
13. Who grades examinations	Certification Board or volunteer reporters	Certification Board or Board Committee plus vol. reporters	Outside paid consultants	Certification Board Staff	Nebraska S.Ct. and Reporters Association	Outside paid consultant	Certification Board or Committee

QUESTIONS	IOWA	KANSAS	LOUISIANA	MICHIGAN	NEBRASKA	NEVADA	NEW HAMPSHIRE
14. What fees are charged	\$25 Application \$10 Certification	\$35 application (after 3 exams another \$35)	\$85 exam \$30 regrade fee \$85 cert. fee \$75 renewal fee \$50 temp. cert.	\$50 application \$20 renewal	\$25 exam fee	\$35 exam/app. \$50 certification \$50 renewal	\$35 application \$15 renewal
15. Length of certification	Not required. Continuing Education Only	Life	One year	One year	No renewal required	One year	One year
16. Annual Operating Budget of Board	\$25,000 - SCAO	\$2,700	Funded by examination fees	Funded by SCAO budget	No budget	Not Available	No budget
17. Composition of Certification Board/Committee	3 Certified Rep. 2 Public Members	1 Court Rep. 2 Judges 2 Attorneys	6 Certified Rep. 2 Attorneys 1 Judge	4 Judges 4 Court Rep. 1 Attorney	No Board - SCAO does the testing	2 Certified Rep. 1 Attorney	Board abolished by legislature
18. Do rules apply to electronic reporting	No	No	Yes	Yes	Yes	No	Yes

## SURVEY RESULTS OF COURT REPORTER CERTIFICATION PROGRAMS - 1991

QUESTIONS	NEW JERSEY	NEW MEXICO	NEW YORK	OKLAHOMA	TEXAS	WEST VIRGINIA	ONTARIO CANADA
1. Year certification program began	1940	1975	1913	1958	1978	1985	1891
2. Total number certified	1035	236	381	Unknown	2211	75	250
3. Certification in your state is mandatory/voluntary	mandatory	mandatory	voluntary	mandatory	mandatory	mandatory for official court reporters	voluntary
4. Number of certification exams given each year	2 per year (minimum)	4 per year	1 per year	2 per year	4 per year	2 per year	2 per year
5. Average number of applicants taking an examination	117 per exam	24 per exam	60 per exam	150 per exam	165 per exam	20 per exam	40 per exam
6. Requirements of oral exams	5 min. each of: 1-voice - 180 wpm 2-voice - 180 wpm 4-voice - 225 wpm	5 minutes each of: Lit. - 180 wpm Med. - 180 wpm Test. - 225 wpm	4-10 minutes of various speed w/2-4 voice	5 min. of: 2-voice at 200 wpm	5 min. each of: Lit. - 180 wpm Jury - 200 wpm Q&A - 225 wpm	5 min. each of: Lit./Jury - 160 Mid./Test. - 160 2-voice Q&A - 200 wpm	5 min. each of: Legal - 160 wpm 2-voice - 180 2-voice - 200
7. Necessary rate for passing an exam	N/A - oral 95% - written	95% - oral 80% - written	95% - oral 75% - written	95% - written	95% - oral 75% - written	95% - oral 80% - written	97% - oral 75% - written
8. Percentage passing of last four (4) <u>oral</u> exams	Not Applicable	7% on 1/87 13% on 10/86 6% on 7/86 14% on 4/86	Not Available	Not Provided	51% on 1/87 59% on 10/86 32% on 7/86 43% on 4/86	50% on 6/86 48% on 11/85 (previous data not available)	20% on 12/86 11% on 6/86 9% on 12/85 10% on 6/85
9. Percentage passing of last four (4) <u>written</u> exams	11% on 11/86 7% on 6/86 17% on 3/86 13% on 10/85	Not provided	Not Available	33% on 10/86 22% on 4/86 24% on 10/85 15% on 4/85	65% on 1/87 88% on 10/86 75% on 7/86 83% on 4/86	67% on 6/86 39% on 11/85 (previous data not available)	96% on 12/86 95% on 6/86 85% on 12/85 90% on 6/85
10. Exams prepared by	Certification Board or Committee	Independent court reporter employed for that purpose	Certification Board or Committee	NSRA	Certification Board or Board Comm./Staff	Oral-Indep. Rep. Written - Cert. Board/Board Comm.	Certification Board Staff
11. How is oral exam dictated	Live dictation	Live dictation	Live dictation	Live dictation	Audiotaped	Live dictation	Audiotaped
12. Who dictates examinations	Certification Board or Board Committee	Independent court reporter employed for that purpose	Certification Board or Committee	Certification Board or Committee	Certification Board or Committee	Independent Reporter	Certification Board/ Committee/Staff
13. Who grades examinations	Certification Board or Board Committee	Chief Examiners	Certification Board or Committee	Certification Board or Committee	Certification Board or Committee/Staff	Administrative Office Staff	Certification Board Staff

QUESTIONS	NEW JERSEY	NEW MEXICO	NEW YORK	OKLAHOMA	TEXAS	WEST VIRGINIA	ONTARIO CANADA
14. What fees are charged	\$75 application \$50 certification \$50 exam fee after 1st sitting \$50 renewal	\$50 exam \$50 renewal \$50 busines registration fee	\$65 exam fee \$30 renewal \$30 certification	\$35 exam (residents) \$75 exam (others) \$10 renewal	\$85 application \$75 examination \$50 written only \$35 regrade \$100 renewal	\$15 examination	\$10 application \$40 certification \$40 renewal
15. Length of certification	Two years	One year	Three years	One year	Two years	Life	One year
16. Annual Operating Budget of Board	\$200,000 - Board of Shorthand Rep.	Not Available	\$3,000, not including staff	< \$20,000	\$93,632 appropriated \$146,000 collected	No budget	
17. Composition of Certification Board/Committee	3 Court Rep. 2 Public Members 1 State Govt. Member	2 Attorneys 2 Judges 2 Certified Rep.	6 Court Rep. 1 Freelance Rep. 1 Public Member	5 Court Rep.	3 Court Rep. 3 Freelance Rep. 1 Judge 1 Member Bar 3 Public Members	No board - SCAO conducts testing	
18. Do rules apply to electronic reporting	No	Not Available	No	No	No	Not Available	



Population

No. 25. Resident Population—

(As of July 1; except 1970, 1980, and 1990, as of April 1, insofar as possible, population shown for all years is that of See Historical Statistics, Colonial Times to 1970, series A 172, for population by regions.

REGION, DIVISION, AND STATE	POPULATION (1,000)										
	1970	1980	1983	1984	1985	1986	1987	1988	1989	1990	1991
U.S. ....	303,302	226,546	233,908	235,847	237,950	240,162	242,221	244,534	246,820	248,710	252,177
Northeast .....	49,081	48,135	48,540	48,723	49,874	50,077	50,308	50,591	50,757	50,809	50,976
N.E. ....	11,848	12,348	12,645	12,643	12,742	12,835	12,983	13,088	13,182	13,207	13,197
ME .....	984	1,125	1,145	1,158	1,183	1,170	1,185	1,204	1,220	1,228	1,235
NH .....	738	821	858	877	887	1,025	1,054	1,083	1,108	1,109	1,105
VT .....	445	611	623	627	680	634	640	650	658	663	667
MA .....	5,089	5,737	5,800	5,841	5,861	5,903	5,938	5,981	6,016	6,016	5,996
RI .....	850	947	956	962	989	977	990	997	1,001	1,003	1,004
CT .....	3,032	3,108	3,163	3,180	3,201	3,224	3,248	3,272	3,283	3,287	3,291
M.A. ....	37,213	38,787	38,995	37,080	37,132	37,243	37,385	37,506	37,575	37,802	37,779
NY .....	18,241	17,558	17,688	17,747	17,794	17,836	17,871	17,944	17,983	17,990	18,058
NJ .....	7,171	7,365	7,488	7,516	7,566	7,623	7,672	7,713	7,726	7,730	7,760
PA .....	11,801	11,884	11,838	11,818	11,772	11,784	11,812	11,847	11,866	11,882	11,961
Midwest .....	58,589	58,888	59,095	58,781	58,826	58,855	59,025	59,283	59,468	59,889	60,225
E.N.C. ....	40,282	41,682	41,989	41,297	41,422	41,480	41,885	41,727	41,873	42,008	42,414
OH .....	10,857	10,788	10,738	10,739	10,736	10,732	10,782	10,800	10,828	10,847	10,939
IN .....	5,195	5,490	5,451	5,459	5,480	5,455	5,474	5,493	5,524	5,544	5,610
IL .....	11,110	11,427	11,410	11,413	11,401	11,399	11,390	11,392	11,410	11,431	11,643
MI .....	8,882	9,282	9,048	9,050	9,077	9,129	9,189	9,219	9,253	9,295	9,368
WI .....	4,418	4,708	4,722	4,736	4,748	4,756	4,779	4,823	4,857	4,892	4,955
W.N.C. ....	18,227	17,193	17,326	17,384	17,404	17,395	17,430	17,436	17,395	17,360	17,311
MN .....	3,006	4,078	4,142	4,158	4,185	4,206	4,236	4,287	4,326	4,375	4,432
IA .....	2,825	2,914	2,871	2,859	2,830	2,792	2,767	2,769	2,771	2,777	2,795
MO .....	4,878	4,917	4,944	4,976	5,001	5,024	5,057	5,082	5,098	5,117	5,158
ND .....	618	653	677	681	677	670	681	685	688	690	695
SD .....	686	691	693	697	698	696	696	698	697	696	703
NE .....	1,485	1,570	1,584	1,589	1,585	1,575	1,567	1,572	1,575	1,578	1,583
KS .....	2,249	2,364	2,416	2,424	2,428	2,433	2,446	2,462	2,473	2,478	2,495
South .....	62,812	75,372	78,454	80,425	81,418	82,438	83,219	83,903	84,700	85,448	86,918
S.A. ....	30,878	38,989	38,853	39,498	40,163	40,868	41,825	42,324	43,008	43,587	44,421
DE .....	548	584	606	612	618	628	637	648	658	666	680
MO .....	3,824	4,217	4,314	4,368	4,414	4,468	4,506	4,659	4,727	4,781	4,800
DC .....	757	638	632	633	635	638	637	631	624	607	598
VA .....	4,051	5,347	5,565	5,844	5,718	5,812	5,823	6,008	6,120	6,187	6,288
WV .....	1,744	1,850	1,945	1,929	1,907	1,863	1,858	1,830	1,807	1,793	1,801
NC .....	5,064	5,822	6,077	6,185	6,255	6,322	6,405	6,482	6,565	6,629	6,737
SC .....	2,591	3,122	3,234	3,272	3,304	3,343	3,381	3,413	3,457	3,487	3,560
GA .....	4,588	5,483	5,729	5,835	5,883	6,085	6,209	6,317	6,411	6,478	6,623
FL .....	6,791	9,745	10,751	11,041	11,262	11,680	11,990	12,308	12,636	12,938	13,277
E.S.C. ....	12,808	14,888	14,857	14,913	14,972	15,014	15,072	15,108	15,138	15,178	15,347
KY .....	3,221	3,861	3,885	3,888	3,885	3,886	3,884	3,881	3,877	3,885	3,713
TN .....	3,926	4,591	4,660	4,667	4,718	4,739	4,784	4,823	4,854	4,877	4,953
AL .....	3,444	3,894	3,934	3,952	3,973	3,992	4,018	4,024	4,030	4,041	4,089
MS .....	2,217	2,521	2,568	2,578	2,588	2,584	2,588	2,581	2,574	2,573	2,582
W.S.C. ....	18,308	23,747	25,745	26,018	26,282	26,588	26,822	26,889	26,888	26,788	27,148
AR .....	1,923	2,285	2,308	2,320	2,327	2,332	2,343	2,343	2,345	2,351	2,372
LA .....	3,645	4,208	4,288	4,401	4,488	4,407	4,345	4,289	4,259	4,220	4,252
OK .....	2,559	3,025	3,291	3,298	3,272	3,253	3,211	3,188	3,150	3,146	3,175
TX .....	11,199	14,229	15,753	16,000	16,275	16,563	16,824	16,889	16,807	16,987	17,349
West .....	34,838	43,172	48,117	48,918	47,832	48,792	49,788	50,778	51,885	52,788	54,080
Mt. ....	8,299	11,278	12,301	12,519	12,742	12,963	13,148	13,305	13,488	13,688	14,035
MT .....	694	787	814	821	822	814	805	800	800	798	808
ID .....	713	844	882	891	894	890	885	885	884	1,007	1,039
WY .....	332	470	510	505	500	498	477	465	458	454	460
CO .....	2,810	2,880	3,134	3,170	3,209	3,238	3,261	3,289	3,276	3,294	3,377
NM .....	1,017	1,303	1,394	1,417	1,438	1,463	1,479	1,491	1,504	1,515	1,548
AZ .....	1,775	2,718	2,989	3,067	3,184	3,309	3,438	3,538	3,622	3,665	3,750
UT .....	1,059	1,461	1,595	1,622	1,643	1,663	1,678	1,680	1,705	1,723	1,770
NV .....	489	800	802	825	851	881	1,024	1,075	1,137	1,202	1,284
Pac. ....	26,548	31,890	33,817	34,399	35,088	35,839	36,632	37,479	38,397	38,127	40,025
WA .....	3,413	4,132	4,301	4,344	4,401	4,453	4,530	4,641	4,748	4,867	5,018
OR .....	2,092	2,633	2,853	2,867	2,873	2,884	2,701	2,742	2,791	2,842	2,922
CA .....	19,971	23,086	25,262	25,847	26,444	27,106	27,781	28,488	29,218	29,780	30,380
AK .....	303	402	486	514	532	544	539	542	547	550	570
HI .....	770	965	1,013	1,028	1,040	1,052	1,058	1,080	1,095	1,108	1,138

X Not applicable. <sup>1</sup> Persons per square mile were calculated on the basis of land area data from the 1990 census.

## APPENDIX B

### January 1993 Fact Finding Committee Survey; Tables and Attachments

Table: Overall Survey Results

Table: Trial & Appellate Court Chief Judges & Administrators

Table: Bar & Law Associations & Offices

Table: Court Reporter Associations & Schools

Attachments: Court of Appeals Orders Establishing Transcript Deadlines

### List of Individuals Surveyed

### Survey Instruments

## JANUARY 1993 COURT REPORTER SURVEY RESULTS

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/ Problems & Action Taken	Present Law, Rule & Regulations Sufficient to Deal With Problems That Have Arisen	Reason why Present Law, Rules & Regulations Insufficient to Deal With Problems	General Comments
Trial & Appellate Court Chief Judges & Administrators (25 responses)	47	9	75	131	See attached charts for each group surveyed	21 - YES 3 - NO 1 - NO RESPONSE	See attached charts for each group surveyed	See attached charts for each group surveyed
Bar & Law Associations and Offices (38 responses)	78	1	28	107		20 - YES 6 - NO 10 - NO RESPONSE 2 - UNCERTAIN		
Reporter Associations and Schools (15 responses)	4	106	135	245		6 - YES 7 - NO 1 - NO RESPONSE 1 UNCERTAIN		
<b>TOTAL</b> (78 responses)	<b>129</b>	<b>116</b>	<b>238</b>	<b>483</b>		<b>47 - YES 16 - NO 12 - NO RESPONSE 3 - UNCERTAIN</b>		

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

## JANUARY 1993 COURT REPORTER SURVEY - TRIAL & APPELLATE COURT CHIEF JUDGES & ADMINISTRATORS

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
Tax Court Chief Judge	0	3	0	3	Timeliness; resolved by complaining to reporter.
Workers' Compensation Court of Appeals Chief Judge	0	0	0	0	Not Applicable
Chief Administrative Law Judge	0	0	0	0	Not Applicable
Supreme Court Commissioner's Office	0	0	0	0	Prior to establishment of Court of Appeals, experienced isolated instances of unexplained delays in transcription or repeated requests for extensions, which were resolved by discussion or, in the most egregious situations, by issuance of order to show cause requiring reporter to appear before a 3-justice panel and explain the delay. Since establishment of Court of Appeals, still have reporter contact with respect to Workers' Compensation appeals, Tax Court appeals and criminal cases, but have no complaints.
Court of Appeals Chief Staff Attorney	0	0	55	55	Court rules require reporters to estimate a transcript completion date, and the appellate court routinely tracks these dates and issues orders establishing a new completion date if the estimated deadline is not met. The Court issues several such orders each week (see examples attached to these tables). If a reporter does not meet the deadline established by the court, the court may preclude the reporter from other reporting duties until the transcript is filed. Only six such orders have been issued in the nine year history of the court. Other problems have included failure of official reporters to identify substitute reporters and refer transcript requests, and failure to file estimated completion dates required by court rules in a timely manner and in the proper court. In several instances, reporters have refused to transcribe videotape evidence as required by criminal rules, and on rare occasion reporters have lost notes, left the state, or been unable to transcribe due to inaccurate or insufficient notes. Several orders to show cause have been issued requiring reporters to explain their conduct to 3-judge panel.

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
District Court Chief Judges	8	6	0	14	<p>-Timeliness of appellate transcripts and routine trial court criminal transcripts; resolved by suspension of reporter by Court of Appeals.</p> <p>-Timeliness issue was resolved by contact with supervising judge.</p> <p>-Timeliness issue was resolved by contact from Court of Appeals; reporter was also notified that further violations would result in termination as retired judge's reporter.</p> <p>-Sole problem involved accuracy of records and number of copies produced and billed; resolved by criminal complaints and resulted in statewide policy of transcript bill auditing and reporting.</p> <p>-Difficulty in reviewing record prepared by freelance reporter; agency sending students to act as per diem reporters; per diem reporter transcript and freelance deposition transcript with errors so egregious that one could not fail to spot them; per diem replacement with no concept of duties (answering phones, typing orders, etc.); and official reporters failing to provide a transcript upon request and failing to produce mandatory transcripts--some overdue by months and years; no response as to actions taken.</p> <p>-Timeliness; resolved by Court of Appeals; mitigating circumstances (terminal illness in official reporter's family).</p>

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
Judicial District Administrators	39	0	20	59	<p>-Timely filing of transcript with court administrator; no specific action taken.</p> <p>-No complaints; district utilizes TCIS® computer system to identify overdue mandatory criminal transcripts. Reporter, supervising judge, and chief judge are notified if a transcript is overdue, which occurs approximately 50 times per year and relates to only two or three reporters.</p> <p>-Timeliness of record, omitted portions of record, and unwillingness to prepare record after employment severed; if problem is with court employee, referral to supervising judge has resolved the problem.</p> <p>-Four involved timeliness of record, one costs, one accuracy and one inability to contact/responsiveness of reporter; judge and reporter were contacted in case of timeliness and accuracy; costs were explained by administrator.</p> <p>-reporter unable to prepare transcript; Court of Appeals ordered reporter to dictate notes and have another reporter transcribe them.</p> <p>-Two instances of lost or destroyed record, and one reporter uncooperative in delivering timely record; supervising judges were notified, and uncooperative reporter lost her job.</p> <p>-One timeliness complaint; reporter eventually terminated by judge.</p> <p>-Most are timeliness of record, few accuracy problems; problems with tracking down record resolved by implementation of filing requirements.</p> <p>-Timeliness issues only; one reporter suspended until record filed.</p>
TOTAL	47	9	75	131	

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
Tax Court Chief Judge	1 - YES	Not Applicable	Use only freelance reporters, all of whom must be on State Register. No serious complaints.
Workers' Compensation Court of Appeals Chief Judge	1 - NO RESPONSE	Not Applicable	Not Applicable
Chief Administrative Law Judge	1 - YES	Not Applicable	Not Applicable
Supreme Court Commissioners Office	1 - YES	Not Applicable	Civil Appellate Rules adequately provide mechanism by which timely records may be secured; there is no need to amend the rules. Court reporters as a group are professional and cooperative in the court's efforts to promptly obtain an accurate record.
Court of Appeals Chief Staff Attorney	1 - NO	Periodic skill testing might identify reporters who are not able to prepare an accurate and timely record before a person's right to appeal is jeopardized. Registration may help locate freelance and substitute reporters, and assigned numbers would reduce data entry by clerical personnel preparing correspondence to reporters. Continuing education would expose more reporters to technology developments. Disciplinary board would have perspective born of broad experience which individual trial judges may lack.	Certification program will not address other issues affecting accurate and timely records, including: (a) squeeze on official reporter's busy workday and lengthy or numerous appellate transcripts prepared after work hours; (b) high cost of modern CAT equipment to individual reporters; or (c) the efficacy of separating secretarial and record preparation functions or including appellate transcript preparation within the job description for official reporters.

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
District Court Chief Judges	10 - YES		<p>-Judges who have no permanent reporter get along fine with freelance reporters when they are necessary.</p> <p>-District requirement of graduation from accredited school and RPR certificate for official reporters is sufficient; freelance reporter problems also manageable, so no need for additional oversight.</p> <p>-Creation of certification board would waste valuable judicial resources to control what appears to be the practice of questionable business methods by freelance reporters.</p> <p>-Appellate courts are in a much better position than trial courts to determine quality of transcripts.</p> <p>-There is no need for certification; an official reporter works at the pleasure of the judge that hires the reporter. The certification proposal only has credibility because it has been repeatedly pushed by freelance reporters.</p>
Judicial District Administrators	8 - YES 2 - NO	<p>-No enforcement available unless appellate transcript involved.</p> <p>-Most problems involved former employees, and there may not be a solution for these.</p> <p>-To extent that supervising judge is responsive to bona fide complaints, the system works.</p>	<p>-Management structure is in place, but problem is will individual judge exercise control. Perhaps more accountability could be placed in Conference of Chief Judges. Freelance reporters should be required to have RPR certification before working as per diem official reporters. A certification board run by reporters would create management problems between the board and the court; these are not doctors or lawyers in private practice, these are public employees who practice within the court system. We employ highly technical computer specialists now, and its not that difficult to recruit, hire and supervise these positions.</p> <p>-Official reporters seem to have an unusual influence on their supervising judge to the point where a few judges have difficulty enforcing the rules.</p>
TOTAL	21 - YES 3 - NO 1 - NO RESPONSE		



## JANUARY 1993 COURT REPORTER SURVEY - BAR & LAW ASSOCIATIONS AND OFFICES

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
Bar & Law Associations (12 responses)	1	0	0	1	-One official reporter demanded that attorney promise to pay for transcript because client was a "no good bum that wouldn't pay his bills;" reporter apologized when challenged by attorney.
Legal Services Offices (15 responses)	7	1	0	8	-Slow or non-responsiveness and inaccurate recording; not aware of any action taken. -Refusal to provide 500 page transcript on disk; letter written to chief judge but no response received. -One instance of multiple inaccuracies in the record; Court of Appeals ordered reporter to correct the record. -one long delay in providing deposition transcript; resolved by repetitive contact.

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
State and District Public Defenders (11 responses)	70	0	28	98	<p>-Most of the 25 complaints concern timeliness of the record. One accuracy issue involved critical Yes or No answer, which was resolved by stipulation. Another problem involved an illegible transcript produced by a poor quality printer. Timeliness issues have been resolved by letter to reporter or by Court of Appeals deficiency orders, which do not require any prompting from this office; Supreme Court has been less vigorous in dealing with timeliness issues.</p> <p>-Timeliness of record, particularly when requesting transcript for use in Omnibus hearing; accuracy also a problem. Resolve timeliness issues by repeated requests; the record can sound good or bad depending on the reporter, so don't like to offend them.</p> <p>-General problem is timeliness of the record due to other court business; calls were made to the reporters and the cases were delayed.</p> <p>-One serious complaint about reporter omitting critical comment by judge in murder case, several complaints about reporter taking the record in a case in which her husband was one of the attorneys, and remainder of the ten total complaints fall in general category of reporters complaining to attorneys about creating work and reporters expressing an opinion on how the judge should decide a certain matter. No action taken by this office.</p> <p>-Three complaints involved accuracy of record; no action taken by this office.</p> <p>-Only complaint is with billing practices of official reporters in Anoka County; if a sentencing transcript is prepared and later a copy is requested by this office, we are billed for preparation costs rather than copy costs, and this is a policy of the county.</p> <p>-Aware of a problem involving official reporter who submitted a bill for transcripts that were not prepared, and the individual is no longer an active reporter.</p>
TOTAL (38 responses)	78	1	28	107	

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
Bar & Law Associations (12 responses)	7 - YES 0 - NO 5 - NO RESPONSE	-Unsure whether present rules deal with racist and unprofessional conduct.	-Don't certify; not necessary. -Our group does not have much contact with reporters.
Legal Services Offices (15 responses)	9 - YES 2 - NO 3 - NO RESPONSE 1 - UNCERTAIN	-Court reporters often seem to be under the protection of the judge that they work for. -There is no policy requiring reporters to provide transcripts in disk format. -Do not believe that there is a firm deadline for deposition transcription.	-Few appellate cases so not much involvement with reporters at that level; no problems with deposition transcripts except that complimentary copies would be helpful as clients cannot afford copy costs. -Would be nice if official reporters produced transcripts faster to permit more time to contemplate an appeal. -practice is mainly immigration and family law, so not much contact with reporters. -Pleased with pro bono efforts of MCRA. -Experience has generally been good both with official and freelance reporters. -Requests for transcripts promptly honored in Ramsey County; would like to see more use of computer integrated courtroom.
State and District Public Defenders (11 responses)	4 - YES 4 - NO 2 - NO RESPONSE 1 - UNCERTAIN	-Not having any experience, I hope that the rules are sufficient. -Public defenders have daily contact with judges and their staff, and good will is needed just to get by, thus you can't rely on the rules that exist. -Unaware that any rules or regulations exist.	-Would like to see certain standards of proficiency and discipline. Reporters often loose their skills and updating would be good. -Reporting should be treated as a profession; it was when it was male dominated, but now that it is female dominated, the male dominated court system treats it as just another job that needs all kinds of work rules. The problems that exist (none specified or reported) can be solved by licensing professionals. Quotes Dec. 1992 Journal of Court Reporting that licensing has virtually guaranteed that the official reporter achieved proficiency of entry-level skills at the beginning of his or her career and that licensing provides an important measure of quality control. -Going to a judge and criticizing the work of his or herr reporter is dangerous.
TOTAL	20 - YES 6 - NO 10 - NO RESPONSE 2 - UNCERTAIN		

## JANUARY 1993 COURT REPORTER SURVEY - REPORTER ASSOCIATIONS AND SCHOOLS

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
Minn. Court Reporters Association	0	0	100	100	-Most common problem is locating court reporters, particularly those that may have served as per diem or substitute reporters in district court. Association attempts to assist in locating reporters whenever possible; as a volunteer organization, however, it has no authority to take action. There are also known cases of students working as substitute reporters. A public defender requested a transcript on an expedited basis, and the reporter first claimed the notes were lost, then found the notes at home, but no transcript was ever prepared. One freelance reporter reported a deposition during a trial recess, and was unable to read her notes to the judge and jury; a tape recording had to be used as a substitute; this same reporter was hired a month later as an official reporter in another district.
Minn. Freelance Court Reporters Association	0	90	0	90	-Ethical practices. Only sanction available is to revoke membership, and most complaints involve non-members, no action is taken.
Official Reporter Advisory Board- -Judicial District Representatives (8 responses)	4	15	28	47	-Timeliness of record and accuracy, no action. -Mandatory transcripts (for enhancement purposes, continuing litigation, and pro se requests) not done or not done timely. Complaints brought to offending reporter seven times within last five years, but has not been successful in correcting problems. Have not brought to attention of supervising judge; one time a judge found out that there were problems with his reporter and judge became defensive and protective. -One incident of timeliness; resolved by utilization of CAT technology. -Have heard of general timeliness complaints and one instance of inaccuracy, but unaware of any action taken. -Timeliness, accuracy, unethical practices, court reporters having more than a professional relationship with their judge, which adversely affects job performance. Have heard of some concerns in freelance community involving ethics of exclusive contracts. Majority of reporters are hard working professionals who serve the court with integrity. The only response for an organization is to intervene by confronting the reporter in as diplomatic a way as possible. Often the problems that arise are more of an ethical nature and the legal system cannot resolve these.

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Estimated* Complaints/ Problems in Last 5 Years About Official Reporters	Estimated* Complaints/ Problems in Last 5 Years About Freelance Reporters	Estimated* Complaints/ Problems in Last 5 Years About Reporters in General	Total Estimated* Complaints/ Problems in Last 5 Years From Preceding Columns	Nature of Complaints/Problems & Action Taken
Minn. Court Reporting Schools (5 responses)	0	1	7	8	<p>-Single complaint dealt with freelance reporter filling in for a retired judge, and the reporter was unable to complete transcript requests on time (even given extensions). The reporter was dismissed from further work in this capacity. The same reporter had received unfavorable comments from her first employment as freelance reporter.</p> <p>-Complaints received are as a result of students interning with professional reporters. No complaints of accuracy or timeliness of record. Complaints focus on students lack of proofreading, punctuation and grammar skills, inappropriate dress, personality conflicts, and lack of experience in life in general. Majority of feedback is positive, such as "very professional," "on time and respectful," and "asked appropriate questions." Students and interns are informed of the complaints and given suggestions for improvement; classes dealing with specific issues involved are also reminded of the importance of those skills.</p> <p>-Single complaint involved timeliness of record, and was resolved by reinforcing to student the necessity of meeting deadlines.</p>
TOTAL (15 responses)	4	106	135	245	

\* = These figures represent the best estimate available and in most cases are based entirely on one or more individual's memory of only the past several years or months. Survey answers such as "X per year" or "X per month" were multiplied by the appropriate number to provide a five year estimate.

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
Minn. Freelance Court Reporters Association	UNCERTAIN	<p>-Uncertain because: (1) court reporters are not lawyers and cannot interpret the laws, rules, and regulations that are in place; and (2) since there is no certification requirement, freelance and official reporters have never been collectively made aware of what the laws, rules, and regulations are that pertain to reporters. In states that have certification, reporters are tested on those laws, rules and regulations and court reporting schools that operate in those states realize that they must teach their students these laws, rules and regulations.</p>	<p>-Incentive gift giving involves reporting firms offering everything from microwaves to VCRs to department store gift certificates to cash (as much as \$150) for simply scheduling as few as five depositions (examples of offers submitted with survey response). The problem is that the entity paying for the reporting services, the litigant, is not receiving the gift. Litigants, as consumers, should be protected from these practices.</p> <p>-Exclusive contracts with a party to the action or a party interested in the action, such as an insurance company, raise problems of appearance of impropriety, inability to be fair and impartial toward each participant in a proceeding, and possible loss of integrity of the record. NCRA Code of Professional Conduct guards against these but the code can only be enforced against members. Reporter is supposed to be a completely neutral party. The analogy is to judges being hired to hear a case but being paid by only one party. In November, 1992, the Hawaii CSR Board banned all incentive gift giving by reporting firms. Earlier this month, several Hawaii reporters sought a permanent injunction on the basis that this new rule is a restraint of trade; the injunction was denied.</p> <p>-Certification is also necessary to provide clear cut answers to many situations, including: (1) retention period for stenographic notes; (2) can notes be stored on computer disk substitute and paper notes destroyed; (3) can reporter sell copies of proceedings to non-parties, and if so, does this vary by proceeding; (4) does notary power extend beyond state lines; (5) what happens when deposition signature pages are returned after the allowed 30 day period, and does it matter if the deposition has already been filed; (6) can reporters serve subpoenas; (7) must individuals under age 18 have their signature witnessed or must an adult sign for them; (8) if freelance reporter substitutes in district court, who is responsible for keeping the notes; (9) may compressed format transcripts now be filed; (10) can official reporters moonlight as freelance reporters; and (11) can reporters compel attendance of witnesses and punish for failure to testify.</p>

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
Minn. Court Reporters Association	NO	<p>-Present system does not provide for: registration of all practicing reporters in the state; mandatory continuing education to keep abreast of new technology, rules and regulations; or a peer review board so that reporters can be held accountable to demonstrate minimum qualifications.</p>	<p>-The Association's certification proposal was never intended to remove the authority of a judge to hire or fire his or her reporter. There has never been a hidden agenda to fence freelance reporters in an attempt to raise prices. Sole purpose of the proposal is to ensure that reporters have met minimum standards and were not the cause for justice delayed, justice denied. Hope that this committee will consider all material with an open mind.</p>
Official Reporter Advisory Board-Judicial District Representatives (8 responses)	3 - YES 5 - NO	<p>-There is no enforcement of minimum qualifications established by Supreme Court.</p> <p>-There is no enforcement of the rules, and general public, including judges and attorneys, are unaware of the rules. Most people would not know to whom to make a complaint. Rules are passed without reporters' input, and voluntary association is only current way of informing reporters.</p> <p>-Minimal entry level and continuing education should be mandated to ensure integrity of the record.</p> <p>-Example of insufficiency is reporter who was sued by the County in 1982, and judgment was entered against the reporter for \$30,000. The reporter declared bankruptcy, and the judgment was never paid. Ten years later, the same reporter was charged with a crime for overcharging transcript fees. The system was not able to deal with the problem the first time around in 1982.</p> <p>-There isn't anything written that I know about. The only method has been to bring the reporter before the court to find out what was going on, and the court dealt with the matter directly.</p>	<p>-If Supreme Court's minimum qualifications were enforced, there would be no problems.</p> <p>-Transcripts, preparation time, and fees are outside the realm of the judge or court administration (except when fees are paid by them).</p> <p>-Self-funding CSR would benefit public by ensuring accurate and timely work product by reporters. Continuing education would further guarantee competence of reporters. CSR would not interfere with judge-reporter relationship if reporter performing his or her job appropriately. CSR would allow reporter to defend himself/herself against unfounded complaints. CSR board could address reporter issues as they arise and inform and update reporters in changes in laws and rules.</p> <p>-District standards requiring RPR certificate are sufficient. Requiring certification would be duplicative and costly for official reporters and the state.</p> <p>-Present system is sufficient. Court administration monitors transcripts and notifies judge and reporter when they are overdue, and the judge handles it from that point on. Billings are monitored through court administration.</p> <p>-Surprised that survey only deals with complaints against reporters. Reporters need a professional responsibility board for the same reason that lawyers and judges do. Creation of such boards does not indicate that there are major problems with complaints against lawyers and judges, but rather is an act of professional responsibility by these professions to maintain high standards and police their own members, and to give the public access to this body of professionals.</p>

	Present Laws, Rules and Regulations Sufficient to Deal With Problems That Have Arisen?	Reasons Why Present Laws, Rules & Regulations Are Insufficient to Deal With Problems That Have Arisen	General Comments
Minn. Court Reporting Schools (5 responses)	3 - Yes 1 - NO 1 - NO RESPONSE	-Don't believe certification is necessary, but would be helpful if every reporter were assigned a number registered with the Supreme Court.	<p>-Single incident was isolated problem that does not reflect on overall reporting profession.</p> <p>-Students required to complete 50 hours of internship with a professional reporter in addition to core curriculum. All students study the rules of procedure and NCRA code of conduct.</p> <p>-Having been a firm owner and working reporter in MN and Colorado, I believe that all court reporters should be required to hold RPR certificate or a state equivalent.</p> <p>-We believe that present hiring requirements for official reporters of graduation from NCRA-approved school or valid RPR certificate are sufficient.</p>
TOTAL (15 responses)	6 - YES 7 - NO 1 - NO RESPONSE 1 - UNCERTAIN		



## January 1993 Court Reporter Survey Recipients

### Reporter Associations and Schools

James Trapskin, President, Minnesota Court Reporters Association, Mpls.  
Mary Lou Sweet, President, Minnesota Freelance Court Reporters Association, Mpls.  
Steve Walker, Southwestern Technical College, Jackson  
Marilyn Cornelius, Minnesota School of Business, Mpls.  
Teri Hill, Rasmussen Business College, Minnetonka  
Kathleen Kruger, Rasmussen Business College, Eagan  
Cathy Wogen, St. Cloud Business College, St. Cloud  
Rob Smith, University of Minnesota, Crookston  
Janice Dickman, First Judicial District Representative, Official Reporters Advisory Board, Hastings  
Jane Bowman, Second Judicial District Representative, Official Reporters Advisory Board, St. Paul  
Connie Fair, Third Judicial District Representative, Official Reporters Advisory Board, Wabasha  
Brenda Anderson, Fourth Judicial District Representative, Official Reporters Advisory Board, Mpls.  
Al Johnson, Fifth Judicial District Representative, Official Reporters Advisory Board, St. James  
Duane Undeland, Sixth Judicial District Representative, Official Reporters Advisory Board, Virginia  
Ruth Schroeder, Seventh Judicial District Representative, Official Reporters Advisory Board, St. Cloud  
Jeffrey Agre, Eighth Judicial District Representative, Official Reporters Advisory Board, Willmar  
Steve McLean, Ninth Judicial District Representative, Official Reporters Advisory Board, Walker  
Bridget Zimmerman, Tenth Judicial District Representative, Official Reporters Advisory Board, Anoka

### Chief Judges and Administrators

Gerald Winter, First Judicial District Administrator, Hastings  
Suzanne Alliegro, Second Judicial District Administrator, St. Paul  
Donald Cullen, Third Judicial District Administrator, Rochester  
Jack Provo, Fourth Judicial District Administrator, Mpls  
Richard Fasnacht, Fifth Judicial District Administrator, Mankato  
Ted Gladden, Sixth Judicial District Administrator, Duluth  
Gregory Solien, Seventh Judicial District Administrator, St. Cloud  
Tim Ostby, Eighth Judicial District Administrator, Montevideo  
D. J. Hanson, Ninth Judicial District Administrator, Bemidji  
Sam C. Juncker, Tenth Judicial District Administrator, Anoka  
Honorable H. Richard Hopper, Chief Judge, First Judicial District, Hastings  
Honorable Kenneth J. Fitzpatrick, Chief Judge, Second Judicial District, St. Paul  
Honorable Lawrence E. Agerter, Chief Judge, Third Judicial District, Mantorville  
Honorable Kevin S. Burke, Chief Judge, Fourth Judicial District, Minneapolis

Honorable George A. Marshall, Chief Judge, Fifth Judicial District, Marshall  
Honorable Donovan W. Frank, Chief Judge, Sixth Judicial District, Virginia  
Honorable Paul E. Flora, Chief Judge, Seventh Judicial district, Long Prairie  
Honorable Bruce N. Reuther, Chief Judge, Eighth Judicial district, Breckenridge  
Honorable Russell A. Anderson, Chief Judge, Ninth Judicial District, Crookston  
Honorable James D. Gibbs, Chief Judge, Tenth Judicial District, Anoka  
Honorable Earl B. Gustafson, Chief Judge, Minnesota Tax Court, St. Paul  
Honorable Steven D. Wheeler, Chief Judge, Worker's Comp. Court of Appeals, St. Paul  
Honorable William G. Brown, Chief Administrative Law Judge, Mpls  
Frederick Grittner, Clerk of the Appellate Courts, St. Paul  
Cynthia Johnson, Minnesota Supreme Court Commissioner, St. Paul  
Cynthia Lehr, Chief Staff Attorney, Minnesota Court of Appeals, St. Paul

#### Bar & Law Associations and Offices

Robert Guzy, President, Minnesota state Bar Association, Mpls.  
Susan L. Jacobson, President, Corporate Counsel Association, Mpls  
Jeffrey A. Crawford, President, Minnesota American Indian Bar Association, Mpls  
Stan Peskar, Executive Secretary, Minnesota Association of City Attorneys, St. Paul  
Jane Tschida, Executive Director, Minnesota Association of Criminal Defense Lawyers, Mpls  
Gina G. Washburn, Executive Director, MN County Attorneys Association, St. Paul  
Janet Blomberg Soule, Executive Director, Minnesota Defense Lawyers Association, Mpls  
Honorable Charles A. Flinn Jr., President, Minnesota District Judges Association, Mahtomedi  
Manuel P. Guerrero, President, Minnesota Hispanic Bar Association, St. Paul  
Fredilyn Sison, President, Minnesota Minority Lawyers Association, Mpls  
Jane E. Tschida, Executive Director, MN Trial Lawyers Association, Mpls  
Kerrie Blevins, Executive Director, Minnesota Women Lawyers, Inc., Mpls  
Marianne T. Remedios, President, National Asian Pacific American Bar Association - Minnesota Chapter, Mpls  
James Deye, President, Society of Professionals in Dispute Resolution - Regional Chapter, Mpls  
Rick Mattox, Public Defender, First Judicial District, Eagan  
James Hanks, Public Defender, Second Judicial District, St. Paul  
Candace Rasmussen, Public Defender, Third Judicial District, Winona  
William Kennedy, Public Defender, Fourth Judicial District, Mpls  
Timothy Johnson, Public Defender, Fifth Judicial District, Willmar  
Fred T. Friedman, Public Defender, Sixth Judicial District, Duluth  
John Moosbrugger, Public Defender, Seventh Judicial District, St. Cloud  
John Holbrook, Public Defender, Eighth Judicial District, Willmar  
Paul A. Kief, Public Defender, Ninth Judicial District, Bemidji  
Jenny Walker, Public Defender, Tenth Judicial District, Anoka  
John Stuart, State Public Defender, Mpls.  
Alternative Public Defender Programs, Legal Rights Center, Mpls.  
Neighborhood Justice Center, Inc., St. Paul

Indian Legal Assistance Program, Duluth  
Leach Lake Reservation Tribal Council, Cass Lake  
White Earth Reservation Tribal Court, White Earth  
Mary Beth Onkka, Manager, Minnesota Legal Services Coalition, St. Paul  
Dru Osterud, Manager, Legal Services Advocacy Project, St. Paul  
Paul Thibeault, Executive Director, Anishinabe Legal Services, Cass Lake  
Floyd Pnewski, Executive Director, Judicare of Anoka County, Blain  
Michael Connolly, Executive Director, Legal Aid Service of Northeastern Minnesota,  
Duluth  
Mary Deutsch Schneider, Executive Director, Legal Services of Northwest Minnesota,  
Inc., Moorhead  
Jeremy Lane, Executive Director, Mid-Minnesota Legal Assistance, Mpls,  
Bruce Beneke, Executive Director, Southern Minnesota Regional Legal Services, St.  
Paul  
R. Patrick Maxwell, Executive Director, Central Minnesota Legal Services, Mpls.  
Patricia Jensen, Executive Director, Minnesota Family farm Law Project and Farmer's  
Legal Action Group, St. Paul  
Luz Maria Frias, Chief Legal Officer, Centro Legal, Inc., Mpls.  
Todd Counters, Executive Director, Legal Assistance of Dakota County, Ltd., Apple  
Valley  
Elizabeth LaRoque, Executive Director, Legal Assistance of Olmsted County, Rochester  
Valerie Snyder, Director, Legal Assistance of Washington County, Lake Elmo  
Lynn Klobuchar, Executive Director, Medicare Advocacy Project, St. Paul  
Stephen Befort, Director, University of Minnesota Law Clinics, Mpls.  
Theresa Murray Hughes, Executive Director, Minnesota Justice Foundation, Mpls.  
James R. Peterson, Legal Assistance to Minnesota Prisoners, Mpls.  
Angela McCaffrey, Clinical Instructor, Hamline Law School Practice Clinic, St. Paul  
Peter Knapp, Director, William Mitchell College of Law Clinical Program

STATE OF MINNESOTA  
IN COURT OF APPEALS

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State of Minnesota,

Respondent,

ORDER

vs.

Appellant.

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BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN,  
AND BECAUSE:

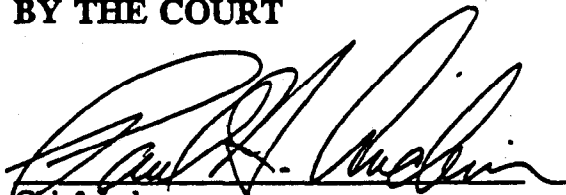
1. This criminal appeal was filed January 11, 1993.
2. On January 25, court reporter [REDACTED] filed a certificate as to transcript and a motion for an extension until April 20, 1993 to complete the transcript. The reporter indicates she will be unable to complete the estimated 1,500-page transcript in this appeal within 60 days because she already has four other appellate transcripts that must be completed by March 15.
3. We will grant the extension request, conditioned on the reporter completing and delivering a partial transcript as specified below.
4. No further extensions will be granted for transcript preparation in this appeal because of the prejudice to appellant. The trial court administrator shall obtain a substitute reporter, if reporter [REDACTED] is unable to complete the transcript by April 20.

**IT IS HEREBY ORDERED:**

1. The motion of court reporter [REDACTED] for an extension to complete and deliver the transcript in this appeal is granted.
2. On or before March 22, 1993, the reporter shall complete and deliver at least the first 500 pages of the transcript and file a certificate of partial transcript delivery.
3. On or before April 20, 1993, the reporter shall complete and deliver the balance of the transcript and file a final transcript delivery certificate.
4. The Clerk of the Appellate Courts shall provide copies of this order to the Honorable [REDACTED], counsel of record, the trial court administrator, and court reporter [REDACTED].

Dated: [REDACTED]

**BY THE COURT**

  
Chief Judge

AW/dr

STATE OF MINNESOTA  
IN COURT OF APPEALS

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In the Matter of the Welfare of  
██████████ Child.

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ORDER  
██████████

BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN,  
AND BECAUSE:

1. This appeal was filed November 25, 1992. By order on December 2, this court expedited briefing and opinion release.
2. On January 21, 1993, court reporter ██████████ filed a certificate of transcript delivery.
3. On January 25, court reporter ██████████ filed a motion for an extension until February 15 to complete his portion of the transcript. The reporter states that his certificate as to transcript dated November 23, 1992 indicates that the estimated number of pages for this transcript is 575. Our records do not reflect, however, that the Clerk of the Appellate Courts received a certificate as to transcript from reporter ██████████.
4. Reporter ██████████ states the extension is necessary because of the absence of his main typist and because the reporter's free-lance schedule does not allow him the time to type the transcript himself. The reporter states that counsel do not oppose the extension request.
5. We are reluctant to authorize any delay in an expedited appeal. Reporter ██████████ does not indicate that he has been unable to make arrangements with another typist to prepare the

transcript. We will grant a short extension, but the reporter is advised that no further extension motions will be considered absent a showing of emergency.

**IT IS HEREBY ORDERED:**

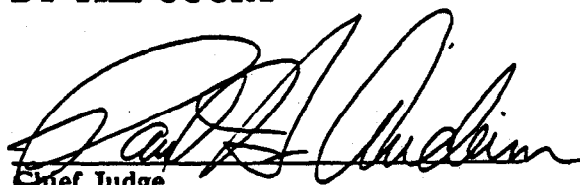
1. The motion of court reporter [REDACTED] to complete and deliver the transcript is granted, in part.

2. The reporter shall complete and deliver the transcript and file a certificate of transcript delivery on or before February 8, 1993.

3. The Clerk of the Appellate Courts shall provide copies of this order to the Honorable [REDACTED], counsel of record, the trial court administrator, and court reporter [REDACTED]

Dated: [REDACTED]

**BY THE COURT**

  
Chief Judge

AW/dr

STATE OF MINNESOTA  
IN COURT OF APPEALS

---

State of Minnesota,

Respondent,

vs.

ORDER

[REDACTED]

Appellant.

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BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN, AND

BECAUSE:

1. This criminal appeal was filed September 9, 1991.
2. On October 3, the state public defender filed a copy of a letter ordering a transcript from court reporter [REDACTED]
3. No transcript certificate has been filed. See Minn. R. Crim. P. 28.02, subd. 5(11).

IT IS HEREBY ORDERED:

1. The transcript certificate from court reporter [REDACTED] shall be filed by November 4, 1991.
2. Failure to comply may result in the imposition of sanctions against the reporter and appellant's counsel.

Dated: [REDACTED]

BY THE COURT

  
Chief Judge

AW/cjs



STATE OF MINNESOTA  
IN COURT OF APPEALS

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██████████, petitioner,

Respondent,

ORDER

vs.

Commissioner of Public Safety,

Appellant.

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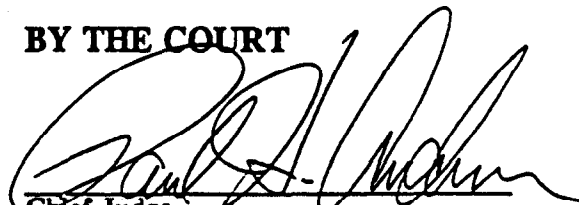
BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN, AND  
BECAUSE:

1. This appeal was filed November 23, 1992.
2. On December 3, a transcript certificate was filed, which estimated court reporter ██████████ would complete and deliver the transcript by January 15, 1993.
3. Our records do not reflect that the reporter has filed a certificate of delivery or moved for an extension of time to complete the transcript. See Minn. R. Civ. App. P. 110.02, subds. 2, 3.

IT IS HEREBY ORDERED court reporter ██████████ shall complete and deliver the transcript and file a certificate of transcript delivery by February 8, 1993.

Dated: ██████████

BY THE COURT

  
Chief Judge

AW/dr

STATE OF MINNESOTA  
IN COURT OF APPEALS

---

State of Minnesota,

Respondent,

ORDER

vs.

[REDACTED]  
Appellant.

---

BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN,  
AND BECAUSE:

1. This criminal appeal was filed November 3, 1992.
2. On December 7, a certificate as to transcript was filed, which estimated court reporter [REDACTED] would complete and deliver the transcript and file a certificate of transcript delivery by February 1, 1993.
3. On January 25, reporter [REDACTED] filed a motion for an extension until March 1 to complete the transcript. The reporter states she has completed 500 pages of the estimated 1,000-page transcript. The reporter indicates that transcript preparation has been delayed because of illness and problems with her computer.
4. We will grant the extension request, conditioned on the reporter completing and delivering a partial transcript as directed below.

5. No further extensions for transcript preparation in this criminal appeal will be allowed because of the prejudice to appellant. If reporter [REDACTED] is unable to complete the transcript by March 1, the trial court administrator shall obtain a substitute reporter.

**IT IS HEREBY ORDERED:**

1. The motion of court reporter [REDACTED] for an extension to complete the transcript is granted.

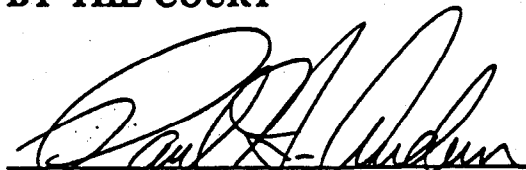
2. The reporter shall complete and deliver at least the first 500 pages of the transcript and file a certificate of partial transcript delivery on or before February 4, 1993.

3. The reporter shall complete and deliver the balance of the transcript and file a certificate of final transcript delivery on or before March 1, 1993.

4. The Clerk of the Appellate Courts shall provide copies of this order to the Honorable [REDACTED] counsel of record, the trial court administrator, and court reporter [REDACTED]

Dated: [REDACTED]

**BY THE COURT**

  
Chief Judge

AW/dr

STATE OF MINNESOTA  
IN COURT OF APPEALS

---

State of Minnesota,

Respondent,

vs.

ORDER

[REDACTED]

Appellant.

---

BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN, AND  
BECAUSE:

1. This criminal appeal was filed September 9, 1991.
2. On October 3, the state public defender filed a copy of a letter ordering a transcript from court reporter [REDACTED]
3. By order on October 22, this court directed reporter [REDACTED] to file the transcript certificate on or before November 4. See Minn. R. Crim. P. 28.02, subd. 5(11).
4. Despite this court's direct order, the reporter still has not filed the transcript certificate.

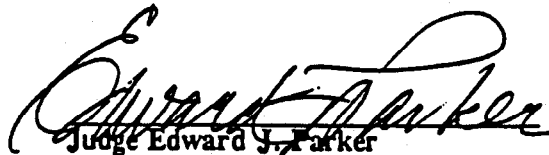
IT IS HEREBY ORDERED:

1. On or before November 26, 1991, court reporter [REDACTED] shall file the transcript certificate and a letter explaining his failure to comply with this court's October 22 order.
2. The decision whether to impose sanctions against the reporter is reserved, pending receipt of the reporter's letter of explanation.

3. The Clerk of the Appellate Courts shall provide copies of this order to the Honorable [REDACTED] counsel of record, the trial court administrator, and court reporter [REDACTED]

Dated: [REDACTED]

BY THE COURT

  
Judge Edward J. Parker

AW/cjs

STATE OF MINNESOTA  
IN COURT OF APPEALS

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State of Minnesota,

Respondent,

vs.

ORDER

[REDACTED]

Appellant.

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BASED UPON THE FILE, RECORD AND PROCEEDINGS HEREIN, AND  
BECAUSE:

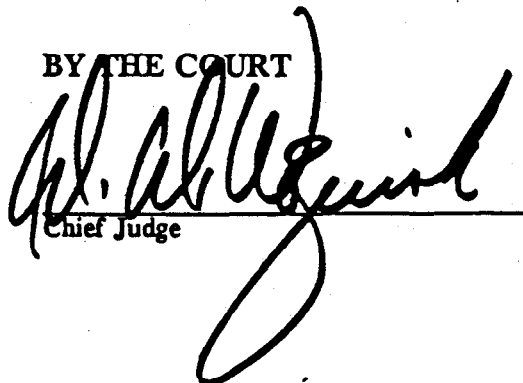
1. This criminal appeal has been pending since September 9, 1991.
2. The state public defender filed a copy of a letter ordering the transcript from court reporter [REDACTED] October 3, 1991. The reporter filed a certificate of transcript estimating the transcript would be completed and delivered by November 26. The reporter indicated the transcript was estimated to be 600 pages.
3. On December 12, the reporter moved for an extension to complete the transcript. By order dated December 13, this court granted the motion in part, directing the reporter to complete and deliver the transcript and filed a certificate of transcript delivery no later than January 6, 1992.
4. A certificate of transcript delivery has not been filed, nor has the reporter requested an additional extension or notified this court as to the status of the transcript.
5. This appeal already has been delayed for over a month because of the reporter's failure to complete the transcript. To avoid further prejudice to the parties, the reporter must be decertified until the transcript is completed. See Minn. R. Civ. App. P. 110.02, subd. 3.

**IT IS HEREBY ORDERED:**

1. Court reporter [REDACTED] shall complete and deliver the transcript and file a certificate of transcript delivery no later than January 29, 1992.
2. The court reporter is hereby declared ineligible to participate in court proceedings, or to perform any private reporting, until the transcript is completed and delivered.
3. The Clerk of the Appellate Courts shall provide copies of this order to the Honorable [REDACTED] [REDACTED], counsel of record, the trial court administrator, and court reporter [REDACTED].

Dated: [REDACTED]

BY THE COURT



Chief Judge

AW/cjs