

HOUSE No. 1690

By Mr. Quinn of Dartmouth, petition of John F. Quinn relative to licensure of court reporters. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE LICENSURE OF COURT REPORTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws, as appearing in
2 the most recent edition, is hereby amended by inserting after
3 Section 97 the following sections:—

4 Section 98. The Legislature hereby finds and declares that it is
5 the policy of the Commonwealth to promote the skill, art, and
6 practice of court reporting; to assure that court reporters possess
7 the necessary skills and qualifications; and that a Board be estab-
8 lished to prescribe the qualifications of court reporters and issue a
9 license to persons who demonstrate their ability and fitness there-
10 fore.

11 This Act is intended to establish and maintain a standard of
12 competency for individuals engaged in the practice of court
13 reporting and for the protection of the public, in general, and for
14 all litigants whose rights to personal freedom and property are
15 affected by the competency of court reporters. The examination,
16 licensing and supervision of the conduct and proficiency of court
17 reporters is integrally related to the effective, impartial and
18 prompt operation of the judicial system of the Commonwealth of
19 Massachusetts.

20 Section 99. The following words and phrases, when used in
21 Sections 98 to 109, inclusive, of this chapter shall have the

22 meaning given to them in this section unless the context clearly
23 otherwise requires:—

24 “Licensed Court Reporter”, a licensed shorthand reporter or a
25 licensed stenomask reporter;

26 “Licensed Shorthand Reporter”, a person who is qualified and
27 licensed under this Act to practice court reporting as a shorthand
28 reporter;

29 “Licensed Stenomask Reporter”, a person who is qualified and
30 licensed under this Act to practice court reporting as a stenomask
31 reporter;

32 “Practice of Court Reporting”, the making of a verbatim record
33 of any Massachusetts trial, legislative public hearing, state agency
34 public hearing, deposition, examination before trial, or hearing or
35 proceeding before any grand jury, referee, board, commission,
36 master or arbitrator, or any testimony given under oath.

37 Section 100. No person, except as otherwise provided by law,
38 shall practice or attempt to practice court reporting in the Com-
39 monwealth or hold himself/herself out as a court reporter unless
40 he/she is a licensed court reporter.

41 Section 101. There shall be a Board of Registration of Court
42 Reporters, hereinafter called the Board, consisting of seven mem-
43 bers appointed by the Governor. Members of the Board shall be
44 citizens of the United States and residents of the Commonwealth.
45 One member of the Board shall be an attorney in good standing
46 with the Massachusetts Bar with trial experience in the Common-
47 wealth for the five years immediately preceding appointment to
48 the Board. One member of the Board shall be a representative of
49 the public and shall not be an attorney, judge or court reporter.
50 Two members of the Board shall be shorthand reporters holding at
51 least a Registered Professional Reporter Certification issued by
52 the National Court Reporters Association or its successor who
53 have engaged in the practice of court reporting in the Common-
54 wealth for the five years immediately preceding appointment to
55 the Board. Two members of the Board shall be stenomask
56 reporters holding at least a Certified Verbatim Reporter Certificate
57 issued by the National Stenomask Verbatim Reporters Association
58 or its successor who have engaged in the practice of stenomask
59 reporting in the Commonwealth for the five years immediately
60 preceding appointment to the Board. One member of the board

61 shall be a sitting justice of any court in the Commonwealth in
62 which court reporters are regularly engaged to preserve the record.
63 The Governor shall make the appointments of the shorthand
64 reporters and stenomask reporters from a list submitted respec-
65 tively by the Massachusetts Court Reporters Association and the
66 Northeast Stenomask Verbatim Reporters Association or its suc-
67 cessor.

68 The Board shall elect annually by majority vote a chairperson,
69 a secretary and such other officers as are deemed appropriate. Five
70 members of the Board shall constitute a quorum to conduct busi-
71 ness. The Board shall meet twice each year or more frequently
72 upon the call of the chairperson of the Board.

73 Appointments to the Board shall be for a period of two years
74 except for initial appointments which shall be staggered as
75 follows:— public member, two years; attorney member, two
76 years; one shorthand reporter and one stenomask reporter, one
77 year; one shorthand reporter and one stenomask reporter, two
78 years; representative of the Judiciary, one year. The Governor will
79 fill initial appointments to the Board within ninety (90) days of
80 the date of enactment of this Act. Members may be appointed to
81 two successive two-year terms. Any member of the Board may be
82 removed by the Governor for neglect of duty, misconduct, malfea-
83 sance or misfeasance in office after being given a written state-
84 ment of the charges against him/her and sufficient opportunity to
85 be heard thereon. The Governor shall fill any vacancy for the
86 duration of an unexpired term by appointing a person having the
87 appropriate qualifications. Board members shall receive no com-
88 pensation for their services, but shall be entitled to reasonable
89 travel and other expenses. The expenses of the Board shall not
90 exceed the fees collected under Sections 98 to 109, inclusive, of
91 this chapter. The Board is charged with the duty and vested with
92 the power and authority to determine the content of and admin-
93 ister examinations to be given to applicants for licensure as
94 licensed shorthand reporters or stenomask reporters and to issue
95 numbered licenses to those found qualified as licensed shorthand
96 reporters or licensed stenomask reporters who are in compliance
97 with Sections 98 to 109, inclusive, of this chapter. The Board shall
98 not mandate, establish, set, or control the rates that are charged by
99 shorthand or stenomask reporters.

100 Section 102. The Board shall examine and/or establish exami-
101 nation and testing procedures to enable the Board to ascertain the
102 competency of persons wishing to be licensed as shorthand
103 reporters or stenomask reporters, each such skills examination to
104 be given at least twice each calendar year. Applications for such
105 licenses, signed and sworn by the applicants, shall be made on
106 forms furnished by the Board. An applicant who furnishes the
107 Board with satisfactory proof of good moral character and gradua-
108 tion from an accredited high school or its equivalent, shall, upon
109 payment of a fee determined by the secretary of administration
110 and finance, be examined by the Board. All applicants who are
111 found qualified to engage in the practice of court reporting as a
112 machine shorthand reporter under the provisions of this Act shall
113 be issued a license as a licensed shorthand reporter and an identi-
114 fying number. All applicants who are found qualified to engage in
115 the practice of court reporting as a stenomask reporter under the
116 provisions of this Act shall be issued a license as a licensed steno-
117 mask reporter and an identifying number. Persons seeking to
118 engage in the practice of court reporting as both a shorthand
119 reporter and a stenomask reporter must apply for, pass specific
120 examinations for, and pay full and separate application fees for
121 each such license.

122 All transcripts produced by a licensed court reporter shall bear
123 the license number of the court reporter within the document. No
124 court reporter may authorize the use of his/her license number on
125 any transcript not produced through his/her personal effort and
126 such violation may be grounds for license suspension or revoca-
127 tion under Article 11.

128 Section 103. Each person licensed hereunder shall apply to the
129 Board every two years on dates determined by the Board for
130 renewal of his/her license and pay a fee determined by the secre-
131 tary of administration and finance to the Board and thereupon the
132 Board shall issue a numbered license showing that the holder is
133 entitled to practice for the period covered by said payment. The
134 Board shall require specific continuing education as a condition
135 for license renewal. The Board may provide for the late renewal
136 of a license which has lapsed and may require the payment of a
137 late fee and/or examination prior to issuing said renewed license.

138 Licensed court reporters must notify the Board in writing of any
139 change of address within thirty days.

140 Section 104. An applicant who has been engaged in the practice
141 of court reporting in the Commonwealth for a minimum of two
142 years prior to the effective date of this Act and who provides to
143 the Board an affidavit setting forth his/her past education and
144 work experience as a court reporter and the affidavits of three
145 attorneys, unrelated to him/her, who are licensed to practice law in
146 the Commonwealth and who have utilized the services of the
147 applicant, which attest to the applicant's proficiency in court
148 reporting, shall, without examination and upon payment of a fee
149 determined by the secretary of administration and finance, be
150 issued a license to practice as a shorthand reporter or stenomask
151 reporter. Persons seeking to engage in the practice of court
152 reporting as both a shorthand reporter and a stenomask reporter
153 under this section must apply for, provide separate affidavits for,
154 and pay full and separate application fees for each such license.
155 Any applicant who provides written verification that he/she has
156 passed the Massachusetts Superior Court examination shall be
157 exempt from providing the affidavits of three attorneys. This
158 section shall automatically terminate one year from the effective
159 date of this Act.

160 Section 105. The Board shall, without examination, license as a
161 shorthand reporter any applicant who furnishes the Board with
162 satisfactory proof that he/she holds either a valid Registered Pro-
163 fessional Reporter (RPR) certificate or Registered Merit Reporter
164 (RMR) certificate or similar certificate issued by the National
165 Court Reporters Association or its successor or a valid Massachu-
166 setts Certified Shorthand Reporter (CSR) certificate issued by the
167 Massachusetts Court Reporters Association. The Board shall,
168 without examination, license as a stenomask reporter any appli-
169 cant who furnishes the Board with satisfactory proof that he/she
170 holds a valid Certified Verbatim Reporter (CVR) certificate or
171 Certificate of Merit (CM) certificate or similar certificate issued
172 by the National Stenomask Verbatim Reporters Association or its
173 successor.

174 Section 106. An applicant who has engaged in the practice of
175 court reporting in the Commonwealth of Massachusetts for less
176 than two years on the date of enactment of this Act and provides

177 to the Board satisfactory proof of graduation from an accredited
178 high school or its equivalent and the affidavits of three attorneys,
179 unrelated to him/her, who are licensed to practice law in the Com-
180 monwealth and who have utilized the services of the applicant,
181 which attest to the applicant's proficiency in court reporting, shall,
182 upon application to the Board on forms approved by the Board
183 and payment of a fee determined by the secretary of administra-
184 tion and finance, be issued a temporary license to practice as a
185 shorthand reporter or voice reporter. Such temporary licenses shall
186 expire on the sixtieth (60) day following the date upon which the
187 next board-approved examination for licensure is given. No addi-
188 tional temporary license shall be issued to any applicant who fails
189 to pass the scheduled examination for licensure.

190 Section 107. The Board may, after a hearing pursuant to
191 Chapter 30A, revoke or suspend the license of, place on proba-
192 tion, reprimand, censure or otherwise discipline a licensee upon
193 proof satisfactory to a majority of the Board that said person:—

194 (a) obtained or attempted to obtain a license by fraud;

195 (b) has been dishonest or has violated any provision of the laws
196 of the Commonwealth relating to the practice of court reporting or
197 any rule or regulation adopted by the Board;

198 (c) has violated Section 91D of Chapter 221 of the General
199 Laws;

200 (d) has been convicted of a felony or of a crime involving
201 moral turpitude;

202 (e) acted in a manner which is professionally unethical
203 according to the ethical standards of the professions of shorthand
204 or stenomask reporting;

205 (f) displayed gross incompetence while engaged in the practice
206 of court reporting;

207 (g) been adjudged mentally ill or incompetent by a court of
208 competent jurisdiction;

209 (h) used drugs or intoxicating liquors to an extent which
210 adversely affected his/her practice; provided, however, that any
211 person whose license is revoked under this provision may apply
212 for relicensure one year from the date of revocation upon such
213 terms and conditions as the Board may deem appropriate.

214 Section 108. The Board shall maintain records of its proceed-
215 ings and a registry of all persons licensed by it, which shall be

216 public records and open to inspection. The Board shall make such
217 rules and regulations as may be necessary for the proper conduct
218 of its duties. The Board shall investigate all complaints of the vio-
219 lation of any provisions of this Act and, where appropriate, report
220 the same to the proper prosecuting officers.

221 Section 109. Fifty percent (50%) of all funds collected under
222 Sections 98 to 109, inclusive, of this chapter shall be deposited in
223 the division of professional licensure trust fund as established pur-
224 suant to Section 35V of Chapter 10, and the remaining fifty per-
225 cent (50%) shall be deposited in the General Fund. All expenses
226 incurred by the Board in implementing Section 98 to 109, inclu-
227 sive, of this chapter shall be paid out of such special fund, pro-
228 vided that the expenses of the Board shall not be in excess of the
229 receipts from registration and other sources that have been
230 received by the treasurer of the Commonwealth from the Board.

231 Section 110. Superior Court official court reporters that are
232 employees of the Massachusetts Trial Court and subject to compe-
233 tency standards of the Trial Court are exempt from Sections 98 to
234 109, inclusive, of this chapter. Any other state-employed court
235 reporters subject to the rules and regulations of the Common-
236 wealth as state-employees are also exempt from Sections 98 to
237 109, inclusive, of this chapter.

1 SECTION 2. Section 30 of Chapter 233 of the General Laws is
2 hereby amended by striking out the second sentence and inserting
3 in place thereof the following:— The deponent shall then be
4 examined by the justice or notary, and may be examined by the
5 parties, and the testimony shall be taken by a licensed court
6 reporter.

1 SECTION 3. Section 80 of Chapter 233 of the General Laws is
2 hereby amended by inserting after the word “proceeding” in line 2
3 the following:—“or deposition;”; and is hereby further amended
4 by striking the words “stenographer duly appointed for the pur-
5 pose and sworn, when verified by the certificate of such stenogra-
6 pher” in lines 2, 3,4 and 5 and inserting in place thereof the
7 following:— “court reporter duly appointed for the purpose, and
8 licensed and sworn, when verified by the certificate of such court
9 reporter.