

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the licensure of court reporters .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	3rd Plymouth
Stephen J. Buoniconti	Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1690 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 the most recent edition, is
2 hereby amended by inserting after section 97 the following sections:—

3 Section 98. The Legislature hereby finds and declares that it is the policy of the
4 commonwealth to promote the skill, art, and practice of court reporting; to assure that court
5 reporters possess the necessary skills and qualifications; and that a Board be established to
6 prescribe the qualifications of court reporters and issue a license to persons who demonstrate
7 their ability and fitness therefore.

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

15 Section 99. The following words and phrases, when used in sections 98 to 109, inclusive,
16 of this chapter shall have the meaning given to them in this section unless the context clearly
17 otherwise requires:—

18 “Licensed Court Reporter”, a licensed shorthand reporter or a licensed stenomask
19 reporter;

20 “Licensed Shorthand Reporter”, a person who is qualified and licensed under this Act to
21 practice court reporting as a shorthand reporter; “Licensed Stenomask Reporter”, a person who is
22 qualified and licensed under this Act to practice court reporting as a stenomask reporter;

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

27

28 Section 100. No person, except as otherwise provided by law, shall practice or attempt to
29 practice court reporting in the commonwealth or hold himself/herself out as a court reporter
30 unless he/she is a licensed court reporter.

31

32 Section 101. There shall be a Board of Registration of Court Reporters, hereinafter called
33 the Board, consisting of seven members appointed by the Governor. Members of the Board shall
34 be citizens of the United States and residents of the commonwealth. One member of the Board
35 shall be an attorney in good standing with the Massachusetts Bar with trial experience in the
36 commonwealth for the five years immediately preceding appointment to the Board. One member
37 of the Board shall be a representative of the public and shall not be an attorney, judge or court
38 reporter. Two members of the Board shall be shorthand reporters holding at least a Registered
39 Professional Reporter Certification issued by the National Court Reporters Association or its
40 successor who have engaged in the practice of court reporting in the commonwealth for the five
41 years immediately preceding appointment to the Board. Two members of the Board shall be
42 stenomask reporters holding at least a Certified Verbatim Reporter Certificate issued by the
43 National Stenomask Verbatim Reporters Association or its successor who have engaged in the
44 practice of stenomask reporting in the commonwealth for the five years immediately preceding
45 appointment to the Board. One member of the board shall be a sitting justice of any court in the
46 commonwealth in which court reporters are regularly engaged to preserve the record. The
47 Governor shall make the appointments of the shorthand reporters and stenomask reporters from a
48 list submitted respectively by the Massachusetts Court Reporters Association and the Northeast
49 Stenomask Verbatim Reporters Association or its successor.

50 The Board shall elect annually by majority vote a chairperson, a secretary and such other
51 officers as are deemed appropriate. Five members of the Board shall constitute a quorum to
52 conduct business. The Board shall meet twice each year or more frequently upon the call of the
53 chairperson of the Board.

54 Appointments to the Board shall be for a period of two years except for initial
55 appointments which shall be staggered as follows: public member, two years; attorney member,
56 two years; one shorthand reporter and one stenomask reporter, one year; one shorthand reporter

57 and one stenomask reporter, two years; representative of the Judiciary, one year. The Governor
58 will fill initial appointments to the Board within ninety (90) days of the date of enactment of this
59 Act. Members may be appointed to two successive two-year terms. Any member of the Board
60 may be removed by the Governor for neglect of duty, misconduct, malfeasance or misfeasance in
61 office after being given a written statement of the charges against him/her and sufficient
62 opportunity to be heard thereon. The Governor shall fill any vacancy for the duration of an
63 unexpired term by appointing a person having the appropriate qualifications. Board members
64 shall receive no compensation for their services, but shall be entitled to reasonable travel and
65 other expenses. The expenses of the Board shall not exceed the fees collected under sections 98
66 to 109, inclusive, of this chapter. The Board is charged with the duty and vested with the power
67 and authority to determine the content of and administer examinations to be given to applicants
68 for licensure as licensed shorthand reporters or stenomask reporters and to issue numbered
69 licenses to those found qualified as licensed shorthand reporters or licensed stenomask reporters
70 who are in compliance with sections 98 to 109, inclusive, of this chapter. The Board shall not
71 mandate, establish, set, or control the rates that are charged by shorthand or stenomask reporters.
72

73 Section 102. The Board shall examine and/or establish examination and testing
74 procedures to enable the Board to ascertain the competency of persons wishing to be licensed as
75 shorthand reporters or stenomask reporters, each such skills examination to be given at least
76 twice each calendar year. Applications for such licenses, signed and sworn by the applicants,
77 shall be made on forms furnished by the Board. An applicant who furnishes the Board with
78 satisfactory proof of good moral character and graduation from an accredited high school or its
79 equivalent, shall, upon payment of a fee determined by the secretary of administration and
80 finance, be examined by the Board. All applicants who are found qualified to engage in the
81 practice of court reporting as a machine shorthand reporter under the provisions of this Act shall
82 be issued a license as a licensed shorthand reporter and an identifying number. All applicants
83 who are found qualified to engage in the practice of court reporting as a stenomask reporter
84 under the provisions of this Act shall be issued a license as a licensed stenomask reporter and an
85 identifying number. Persons seeking to engage in the practice of court reporting as both a
86 shorthand reporter and a stenomask reporter must apply for, pass specific examinations for, and
87 pay full and separate application fees for each such license.

88 All transcripts produced by a licensed court reporter shall bear the license number of the
89 court reporter within the document. No court reporter may authorize the use of his/her license
90 number on any transcript not produced through his/her personal effort and such violation may be
91 grounds for license suspension or revocation under Article 11.
92

93 Section 103. Each person licensed hereunder shall apply to the Board every two years on
94 dates determined by the Board for renewal of his/her license and pay a fee determined by the
95 secretary of administration and finance to the Board and thereupon the Board shall issue a

96 numbered license showing that the holder is entitled to practice for the period covered by said
97 payment. The Board shall require specific continuing education as a condition for license
98 renewal. The Board may provide for the late renewal of a license which has lapsed and may
99 require the payment of a late fee and/or examination prior to issuing said renewed license.
100 Licensed court reporters must notify the Board in writing of any change of address within thirty
101 days.
102

103 Section 104. An applicant who has been engaged in the practice of court reporting in the
104 Commonwealth for a minimum of two years prior to the effective date of this Act and who
105 provides to the Board an affidavit setting forth his/her past education and work experience as a
106 court reporter and the affidavits of three attorneys, unrelated to him/her, who are licensed to
107 practice law in the commonwealth and who have utilized the services of the applicant, which
108 attest to the applicant's proficiency in court reporting, shall, without examination and upon
109 payment of a fee determined by the secretary of administration and finance, be issued a license to
110 practice as a shorthand reporter or stenomask reporter. Persons seeking to engage in the practice
111 of court reporting as both a shorthand reporter and a stenomask reporter under this section must
112 apply for, provide separate affidavits for, and pay full and separate application fees for each such
113 license. Any applicant who provides written verification that he/she has passed the
114 Massachusetts Superior Court examination shall be exempt from providing the affidavits of three
115 attorneys. This section shall automatically terminate one year from the effective date of this Act.
116

117 Section 105. The Board shall, without examination, license as a shorthand reporter any
118 applicant who furnishes the Board with satisfactory proof that he/she holds either a valid
119 Registered Professional Reporter (RPR) certificate or Registered Merit Reporter (RMR)
120 certificate or similar certificate issued by the National Court Reporters Association or its
121 successor or a valid Massachusetts Certified Shorthand Reporter (CSR) certificate issued by the
122 Massachusetts Court Reporters Association. The Board shall, without examination, license as a
123 stenomask reporter any applicant who furnishes the Board with satisfactory proof that he/she
124 holds a valid Certified Verbatim Reporter (CVR) certificate or Certificate of Merit (CM)
125 certificate or similar certificate issued by the National Stenomask Verbatim Reporters
126 Association or its successor.
127

128 Section 106. An applicant who has engaged in the practice of court reporting in the
129 Commonwealth of Massachusetts for less than two years on the date of enactment of this Act and
130 provides to the Board satisfactory proof of graduation from an accredited high school or its
131 equivalent and the affidavits of three attorneys, unrelated to him/her, who are licensed to practice
132 law in the commonwealth and who have utilized the services of the applicant, which attest to the
133 applicant's proficiency in court reporting, shall, upon application to the Board on forms
134 approved by the Board and payment of a fee determined by the secretary of administration and

135 finance, be issued a temporary license to practice as a shorthand reporter or voice reporter. Such
136 temporary licenses shall expire on the sixtieth (60) day following the date upon which the next
137 board-approved examination for licensure is given. No additional temporary license shall be
138 issued to any applicant who fails to pass the scheduled examination for licensure.
139

140 Section 107. The Board may, after a hearing pursuant to chapter 30A, revoke or suspend
141 the license of, place on probation, reprimand, censure or otherwise discipline a licensee upon
142 proof satisfactory to a majority of the Board that said person:

- 143 (a) obtained or attempted to obtain a license by fraud;
- 144 (b) has been dishonest or has violated any provision of the laws of the commonwealth
145 relating to the practice of court reporting or any rule or regulation adopted by the Board;
- 146 (c) has violated section 91D of chapter 221 of the General Laws;
- 147 (d) has been convicted of a felony or of a crime involving moral turpitude;
- 148 (e) acted in a manner which is professionally unethical according to the ethical standards
149 of the professions of shorthand or stenomask reporting;
- 150 (f) displayed gross incompetence while engaged in the practice of court reporting;
- 151 (g) been adjudged mentally ill or incompetent by a court of competent jurisdiction;
- 152 (h) used drugs or intoxicating liquors to an extent which adversely affected his/her
153 practice; provided, however, that any person whose license is revoked under this provision may
154 apply for relicensure one year from the date of revocation upon such terms and conditions as the
155 Board may deem appropriate.

156
157 Section 108. The Board shall maintain records of its proceedings and a registry of all
158 persons licensed by it, which shall be public records and open to inspection. The Board shall
159 make such rules and regulations as may be necessary for the proper conduct of its duties. The
160 Board shall investigate all complaints of the violation of any provisions of this Act and, where
161 appropriate, report the same to the proper prosecuting officers.
162

163 Section 109. Fifty percent (50%) of all funds collected under sections 98 to 109,
164 inclusive, of this chapter shall be deposited in the division of professional licensure trust fund as
165 established pursuant to section 35V of chapter 10, and the remaining fifty percent (50%) shall be
166 deposited in the General Fund. All expenses incurred by the Board in implementing section 98
167 to 109, inclusive, of this chapter shall be paid out of such special fund, provided that the
168 expenses of the Board shall not be in excess of the receipts from registration and other sources
169 that have been received by the treasurer of the commonwealth from the Board.
170

171 Section 110. Superior Court official court reporters that are employees of the
172 Massachusetts Trial Court and subject to competency standards of the Trial Court are exempt

173 from sections 98 to 109, inclusive, of this chapter. Any other state-employed court reporters
174 subject to the rules and regulations of the Commonwealth as state-employees are also exempt
175 from sections 98 to 109, inclusive, of this chapter.

176 **SECTION 2.** Section 30 of chapter 233 of the General Laws is hereby amended by
177 striking out the second sentence and inserting in place thereof the following:— The deponent
178 shall then be examined by the justice or notary, and may be examined by the parties, and the
179 testimony shall be taken by a licensed court reporter.

180 **SECTION 3.** Section 80 of chapter 233 of the General Laws is hereby amended by
181 inserting after the word “proceeding” in line 2 the following:— “or deposition;”; and is hereby
182 further amended by striking the words “stenographer duly appointed for the purpose and sworn,
183 when verified by the certificate of such stenographer” in lines 2, 3,4 and 5 and inserting in place
184 thereof the following:— “court reporter duly appointed for the purpose, and licensed and sworn,
185 when verified by the certificate of such court reporter.”

186