

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Quinn

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:

John F. Quinn

DISTRICT/ADDRESS:

9th Bristol

[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 hereby amended by
2 inserting after section 97 the following sections:—

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

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

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

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

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

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

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

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

25 Section 101. There shall be a Board of Registration of Court Reporters, hereinafter called the Board,
26 consisting of seven members appointed by the Governor. Members of the Board shall be citizens of the United
27 States and residents of the commonwealth. One member of the Board shall be an attorney in good standing with the
28 Massachusetts Bar with trial experience in the commonwealth for the five years immediately preceding appointment

29 to the Board. One member of the Board shall be a representative of the public and shall not be an attorney, judge or
30 court reporter. Two members of the Board shall be shorthand reporters holding at least a Registered Professional
31 Reporter Certification issued by the National Court Reporters Association or its successor who have engaged in the
32 practice of court reporting in the commonwealth for the five years immediately preceding appointment to the Board.
33 Two members of the Board shall be stenomask reporters holding at least a Certified Verbatim Reporter Certificate
34 issued by the National Stenomask Verbatim Reporters Association or its successor who have engaged in the practice
35 of stenomask reporting in the commonwealth for the five years immediately preceding appointment to the Board.
36 One member of the board shall be a sitting justice of any court in the commonwealth in which court reporters are
37 regularly engaged to preserve the record. The Governor shall make the appointments of the shorthand reporters and
38 stenomask reporters from a list submitted respectively by the Massachusetts Court Reporters Association and the
39 Northeast Stenomask Verbatim Reporters Association or its successor.
40 The Board shall elect annually by majority vote a chairperson, a secretary and such other officers as are deemed
41 appropriate. Five members of the Board shall constitute a quorum to conduct business. The Board shall meet twice
42 each year or more frequently upon the call of the chairperson of the Board.
43 Appointments to the Board shall be for a period of two years except for initial appointments which shall be
44 staggered as follows: public member, two years; attorney member, two years; one shorthand reporter and one
45 stenomask reporter, one year; one shorthand reporter and one stenomask reporter, two years; representative of the
46 Judiciary, one year. The Governor will fill initial appointments to the Board within ninety (90) days of the date of
47 enactment of this Act. Members may be appointed to two successive two-year terms. Any member of the Board may
48 be removed by the Governor for neglect of duty, misconduct, malfeasance or misfeasance in office after being given
49 a written statement of the charges against him/her and sufficient opportunity to be heard thereon. The Governor shall
50 fill any vacancy for the duration of an unexpired term by appointing a person having the appropriate qualifications.
51 Board members shall receive no compensation for their services, but shall be entitled to reasonable travel and other
52 expenses. The expenses of the Board shall not exceed the fees collected under sections 98 to 109, inclusive, of this
53 chapter. The Board is charged with the duty and vested with the power and authority to determine the content of
54 and administer examinations to be given to applicants for licensure as licensed shorthand reporters or stenomask
55 reporters and to issue numbered licenses to those found qualified as licensed shorthand reporters or licensed
56 stenomask reporters who are in compliance with sections 98 to 109, inclusive, of this chapter. The Board shall not
57 mandate, establish, set, or control the rates that are charged by shorthand or stenomask reporters.

58 Section 102. The Board shall examine and/or establish examination and testing procedures to enable the
59 Board to ascertain the competency of persons wishing to be licensed as shorthand reporters or stenomask reporters,
60 each such skills examination to be given at least twice each calendar year. Applications for such licenses, signed and
61 sworn by the applicants, shall be made on forms furnished by the Board. An applicant who furnishes the Board with
62 satisfactory proof of good moral character and graduation from an accredited high school or its equivalent, shall,
63 upon payment of a fee determined by the secretary of administration and finance, be examined by the Board. All
64 applicants who are found qualified to engage in the practice of court reporting as a machine shorthand reporter under
65 the provisions of this Act shall be issued a license as a licensed shorthand reporter and an identifying number. All
66 applicants who are found qualified to engage in the practice of court reporting as a stenomask reporter under the
67 provisions of this Act shall be issued a license as a licensed stenomask reporter and an identifying number. Persons
68 seeking to engage in the practice of court reporting as both a shorthand reporter and a stenomask reporter must apply
69 for, pass specific examinations for, and pay full and separate application fees for each such license.
70 All transcripts produced by a licensed court reporter shall bear the license number of the court reporter within the
71 document. No court reporter may authorize the use of his/her license number on any transcript not produced through
72 his/her personal effort and such violation may be grounds for license suspension or revocation under Article 11.

73 Section 103. Each person licensed hereunder shall apply to the Board every two years on dates determined
74 by the Board for renewal of his/her license and pay a fee determined by the secretary of administration and finance
75 to the Board and thereupon the Board shall issue a numbered license showing that the holder is entitled to practice
76 for the period covered by said payment. The Board shall require specific continuing education as a condition for
77 license renewal. The Board may provide for the late renewal of a license which has lapsed and may require the
78 payment of a late fee and/or examination prior to issuing said renewed license. Licensed court reporters must notify
79 the Board in writing of any change of address within thirty days.

80 Section 104. An applicant who has been engaged in the practice of court reporting in the Commonwealth for
81 a minimum of two years prior to the effective date of this Act and who provides to the Board an affidavit setting
82 forth his/her past education and work experience as a court reporter and the affidavits of three attorneys, unrelated to
83 him/her, who are licensed to practice law in the commonwealth and who have utilized the services of the applicant,
84 which attest to the applicant's proficiency in court reporting, shall, without examination and upon payment of a fee

85 determined by the secretary of administration and finance, be issued a license to practice as a shorthand reporter or
86 stenomask reporter. Persons seeking to engage in the practice of court reporting as both a shorthand reporter and a
87 stenomask reporter under this section must apply for, provide separate affidavits for, and pay full and separate
88 application fees for each such license. Any applicant who provides written verification that he/she has passed the
89 Massachusetts Superior Court examination shall be exempt from providing the affidavits of three attorneys. This
90 section shall automatically terminate one year from the effective date of this Act.

91 Section 105. The Board shall, without examination, license as a shorthand reporter any applicant who
92 furnishes the Board with satisfactory proof that he/she holds either a valid Registered Professional Reporter (RPR)
93 certificate or Registered Merit Reporter (RMR) certificate or similar certificate issued by the National Court
94 Reporters Association or its successor or a valid Massachusetts Certified Shorthand Reporter (CSR) certificate
95 issued by the Massachusetts Court Reporters Association. The Board shall, without examination, license as a
96 stenomask reporter any applicant who furnishes the Board with satisfactory proof that he/she holds a valid Certified
97 Verbatim Reporter (CVR) certificate or Certificate of Merit (CM) certificate or similar certificate issued by the
98 National Stenomask Verbatim Reporters Association or its successor.

99 Section 106. An applicant who has engaged in the practice of court reporting in the Commonwealth of
100 Massachusetts for less than two years on the date of enactment of this Act and provides to the Board satisfactory
101 proof of graduation from an accredited high school or its equivalent and the affidavits of three attorneys, unrelated to
102 him/her, who are licensed to practice law in the commonwealth and who have utilized the services of the applicant,
103 which attest to the applicant's proficiency in court reporting, shall, upon application to the Board on forms approved
104 by the Board and payment of a fee determined by the secretary of administration and finance, be issued a temporary
105 license to practice as a shorthand reporter or voice reporter. Such temporary licenses shall expire on the sixtieth (60)
106 day following the date upon which the next board-approved examination for licensure is given. No additional
107 temporary license shall be issued to any applicant who fails to pass the scheduled examination for licensure.

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

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

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

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

133 Section 110. Superior Court official court reporters that are employees of the Massachusetts Trial Court and
134 subject to competency standards of the Trial Court are exempt from sections 98 to 109, inclusive, of this chapter.
135 Any other state-employed court reporters subject to the rules and regulations of the Commonwealth as state-
136 employees are also exempt from sections 98 to 109, inclusive, of this chapter.

137
138 SECTION 2. Section 30 of chapter 233 of the General Laws is hereby amended by striking out the second sentence
139 and inserting in place thereof the following:— The deponent shall then be examined by the justice or notary, and
140 may be examined by the parties, and the testimony shall be taken by a licensed court reporter.

141
142 SECTION 3. Section 80 of chapter 233 of the General Laws is hereby amended by inserting after the word
143 “proceeding” in line 2 the following:— “or deposition;”; and is hereby further amended by striking the words
144 “stenographer duly appointed for the purpose and sworn, when verified by the certificate of such stenographer” in
145 lines 2, 3,4 and 5 and inserting in place thereof the following:— “court reporter duly appointed for the purpose, and
146 licensed and sworn, when verified by the certificate of such court reporter.”