

WEST'S MISSISSIPPI RULES OF COURT
RULES AND REGULATIONS GOVERNING CERTIFIED COURT REPORTERS [FN*]

*CT Reporters
(30 hrs over 3 yrs)*

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Current with amendments received through June 1, 2006

I. DEFINITIONS

As used in these rules and regulations, the following terms have the following meanings, unless expressly otherwise provided, or as may result from necessary implication:

(A) **Applicant.** Individual applying for certification as a certified shorthand reporter.

(B) **Board.** Board of Certified Court Reporters.

(C) **Clerk.** Clerk of the Supreme Court.

(D) **Court.** Supreme Court of Mississippi.

(E) **Notify or Notified.** Notice by the Board shall be effective when mailed by regular first class mail, postage prepaid, to the address listed by the applicant on his/her application. Applicants shall notify the Board in writing of any change in mailing address occurring after their applications have been received by the Board.

(F) **Rules and Regulations.** The Rules and Regulations Governing Certified Court Reporters as adopted by the Board and approved by the Supreme Court.

(G) **Secretary.** Secretary of the Board of Certified Court Reporters.

(H) **Certification.** Authorization by the Board to engage in those activities regulated by the Board.

(I) **Certified Shorthand Reporter.** A person holding a permanent certificate issued by the Board permitting the person to engage in activities regulated by the Board, including shorthand reporters and stenomask reporters.

[Approved effective January 2, 1995, nunc pro tunc.]

II. BOARD OF CERTIFIED COURT REPORTERS

(A) **Creation.** By virtue of Section 9-13-101, Mississippi Code of 1972, the Mississippi Legislature created a judicial board to be known as the Board of Certified Court Reporters to oversee the certification of shorthand reporters in order to aid the proper administration of the judicial branch of government.

(B) **Appointment--Term of Office.** The Board shall be composed of nine (9) members. Two (2) members shall be judges, one (1) from the Supreme Court and one (1) from a trial court, appointed by the Chief Justice of the Supreme Court with the approval of the full court. Two (2) of the Board members shall be practicing attorneys and shall be appointed by the Chief Justice, with the approval of the full court, on nomination by the Mississippi Bar. Two (2) of the members shall be official shorthand reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination by the Board of Directors of the Mississippi Court Reporters Association. Two (2) of the members shall be free-lance reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination of the Board of Directors of the Mississippi Court Reporters Association. The ninth Board member shall be the Supreme Court Clerk, who shall serve as a permanent member of the Board.

Initially, for judges, lawyers and reporters, one (1) of the two (2) shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. For shorthand reporters, one (1) official shall be appointed for a term of one (1) year and one (1) for a term of two (2) years and one (1) free-lance reporter shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. After each member's term expires, his/her successor shall be appointed for a term of two (2) years. The Chief Justice of the Supreme Court shall fill any vacancy for the duration of an unexpired term by appointing a person having the appropriate qualifications. The Supreme Court may remove any member for cause. Members may be appointed to successive terms.

(C) Duties and Powers. The Board is charged with the duties and vested with the power and authority:

(1) To determine the content of and administer examinations to be given to applicants for certification as Certified Shorthand Reporters.

(2) To determine an applicant's ability to make a verbatim record of proceedings which may be used in any court in this State by any recognized system designated by the Board and to pass upon the eligibility of applicants for certification.

(3) To issue certificates to those found qualified as Certified Shorthand Reporters.

(4) To promulgate, amend and revise regulations relevant to the duties of the Board, subject to the approval of the Supreme Court.

(5) To make studies and, from time to time, recommendations to the Supreme Court concerning matters pertaining to Certified Shorthand Reporters.

(6) To account to the Supreme Court in all fiscal matters following recognized accounting procedures of the State Auditor.

(7) To exercise jurisdiction over disciplinary matters with regard to Certified Shorthand Reporters in accordance with rules and regulations adopted by the Board.

(8) To enter into contracts, hire staff and do such other things as may be necessary to carry out the administration of the duties of the Board.

(D) Oath. Each member of the Board shall take a prescribed oath to be administered by one (1) of the Justices of the Supreme Court, or by another person authorized by law to take oaths, to fairly, impartially and to the best of his/her ability discharge the duties of the office.

(E) Officers. At the first meeting of the calendar year, the Board may elect a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

(F) Compensation and Expenses. The members of the Board shall receive all reasonable and necessary travel expenses incurred in the performance of their duties. All fees collected by the Board shall be paid to the State Treasurer, who shall issue receipts therefor and who shall deposit such funds in the State Treasury in a special fund to the credit of the Board. All expenses incurred by the Board shall be paid out of such special fund pursuant to legislative appropriation. An annual budget shall be prepared by the Supreme Court and submitted to the Board for its approval prior to submission by the Court of its budget to the Mississippi State Legislature.

(G) Quorum. The Board shall act upon each application at a special or regular meeting of the Board at which a quorum is present. A quorum shall consist of a majority of the members. Action on any matter at the meeting of the Board may be taken by a majority of a quorum. The Board may act upon any matter without a meeting by a written poll conducted by the Chairman. Action taken upon such a poll may be taken only upon majority vote of the entire Board. The action of the Board taken by written poll shall be placed in the minutes of the Board at its next meeting.

(H) Headquarters. The office of the Board shall be located at 656 North State Street, Jackson, Mississippi, 39201. The mailing address of the Board is P.O. Box 369, Jackson, Mississippi, 39205-0369, and the telephone number is 354-6056.

[Approved effective January 2, 1995, nunc pro tunc.]

III. APPLICATION FOR CERTIFICATION

(A) Application Forms and Fees. Upon request, the Board shall forward to any person application forms, statement of reference forms, and copies of the statutes and regulations of the Board. There shall be a fee of \$5.00 for the packet of official application forms (money order, certified check or cash only). A packet may be obtained by writing to the Board.

Applicants for certification as Certified Shorthand Reporters, other than those admitted without examination under Section 9-13-101, et seq., shall file with the Board a written application in the form prescribed by the Board together with payment of a nonrefundable fee of \$100. No application shall be accepted which is not filed on official forms and which is not accompanied by the full amount of fees due. Payment of fees shall be made to "Board of Certified Court Reporters". Applications must be complete at time of filing. The applicant must give a full and direct response to all inquiries on the application and furnish all additional documents required by the application.

(B) Qualifications of Applicants. Applications shall be screened by the Board, and those applicants twenty-one (21) years of age and older and of good moral character and a resident of the State of Mississippi shall be deemed eligible to take the examination. An application must be filed with the Board at least thirty (30) days before the date fixed for examination. Each applicant shall be advised of the time and place the examination will be conducted.

(C) Denial of Application. All decisions of the Board denying an application for temporary or permanent certification shall be made in writing and the reasons for denying the application shall be included in the decision of the Board. The applicant shall be notified within thirty (30) days of the Board's decision.

[Approved effective January 2, 1995, nunc pro tunc.]

IV. TEMPORARY PERMISSION

(A) Non-Certified Court Reporters. A non-certified court reporter may make application to the Board for temporary permission to do verbatim reporting within the State. To be granted temporary permission, the applicant must make application on the same forms as required of other applicants, must pay the Board a fee of \$100, and must (1) furnish proof that he/she has previously been a competent practicing reporter or (2) furnish proof of attendance at a court reporting program with a passing grade at the speed of 200 words per minute of Question and Answer.

Temporary status may be granted upon a finding by the Board that the applicant is at least twenty-one (21) years of age, is of good moral character, is a resident of the State of Mississippi, and has previously been a competent practicing reporter or attended a court reporting program with a passing grade at the speed of 200 words per minute of Question and Answer. Temporary status shall be renewed on or before January 2nd of the succeeding year upon payment of the annual fee.

A non-certified court reporter who is granted temporary status must take the next scheduled examination. The court reporter shall immediately notify the Board in writing when he/she passes the examination and request permanent certification. If the applicant does not pass one of the three (3) consecutive examinations given after temporary permission is granted, such permission shall be further extended only under the provisions of Miss. Code Ann. § 9-13-121 (2). The court reporter shall no longer be eligible for temporary status and must reapply to the Board for permanent certification.

(B) Non-Resident Court Reporters. Non-resident reporters wishing to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Mississippi or where appeal to any court of the State of

Mississippi is allowable by law, shall make annual application for a non-resident certificate. The applicant must make application on the same forms as required of other applicants, must pay the Board a fee of \$100, and must present proof that he/she is a competent practicing reporter in another state. The Board shall issue a non-resident certificate upon a finding that the applicant is at least twenty-one (21) years of age, is of good moral character, and is a competent practicing reporter in another state. Such certificate shall be valid for a period not greater than one year. A non-resident reporter must reapply annually. An annual fee of \$100 or such fee as the Board may hereafter set is required.

[Approved effective January 2, 1995, nunc pro tunc; Amended effective July 27, 2000.]

V. EXAMINATION

(A) Certified Shorthand Reporter Examination Defined. The State of Mississippi's Certified Shorthand Reporter examination shall be either the Mississippi Court Reporter Examination or the Registered Professional Reporter (RPR) examination. The Mississippi Court Reporter Examination shall be administered under the direction of the Board of Certified Court Reporters. For the Mississippi Court Reporter Examination, all grading decisions of the Board of Certified Court Reporters shall be final. The Registered Professional Reporter examination shall be administered by the National Court Reporters Association in accordance with their specifications for the RPR designation. For the Registered Professional Reporter examination all grading decisions of the National Court Reporters Association will be final.

(B) Mississippi Court Reporter Examination.

(1) Fees for the Mississippi Court Reporter Examination shall be as follows:

| | |
|-----------------------------------|---------|
| Application fee | \$35.00 |
| Examination fee, written only | \$50.00 |
| Examination fee, oral only | \$75.00 |
| Examination fee, written and oral | \$75.00 |

The \$35.00 application fee is a one-time, non-refundable fee. If only the written portion of the examination is to be taken, the examination is \$50.00; if only the oral portion is to be taken, or if both are to be taken, the examination fee is \$75.00. This \$75.00 fee is the same regardless of how many legs of the Part A Oral Examination are to be taken. First time applicants must pay both the application fee and the examination fee.

Payments are due thirty (30) days before the examination, upon registration. Refunds of the examination fees will be given if the cancellation is received before the deadline of thirty (30) days prior to the examination, or the applicant may apply payment to the next scheduled test. Payments may be in the form of a check or a money order. All checks must be made payable to the Administrative Office of Courts.

(2) Administration of Mississippi Court Reporters Examination

(a) Oral Examination-Part A.

The oral portion of the test consists of 5 minutes of 2 voice (Question and Answer) dictation of testimony given at 225 words per minute, 5 minutes of dictation of jury charge given at 200 words per minute, and 5 minutes of dictation of selected literary material given at 180 words per minute. Each of these legs will have one minute of warm up material. Each applicant shall personally take down the test, either in his/her own writing (or by stenotype machine) or his/her own voice, and reduce to writing the takedown on a typewriter, word processor or CAT (computer aided transcription) equipment. The minimum passing grade on each section of Part A of the test shall be ninety-five percent (95%) accuracy. An error shall be charged for each wrong word, each omitted word, for each added word not dictated, for each contraction where read as two words, for two words where read as a contraction, for each misspelled word, for each plural or singular where the opposite was dictated, and for each wrong number.

Applicants may use a dictionary during Part A of the test. Applicants have three (3) hours to type Part A of the test. If time permits, the applicant may review his transcript but shall use only his/her original takedown from which his/her transcript was prepared to review that transcript. If applicant passes any one leg of Part A of the test with ninety-five percent (95%) accuracy, he/she need not retake that leg on reexamination and may consider that leg passed.

All steno notes, disks, and any printed material becomes property of the Board of Certified Court Reporters. These must be turned in after the examination, and all tests must be deleted from the hard drive of the applicant's word processor or computer.

The approximate allowable number of errors for each leg of the oral examination is:

| | |
|-------------|-----|
| Testimony | 57 |
| Jury Charge | 50 |
| Literary | 45. |

(b) Written Examination-Part B.

The written examination is a forty-five (45) minute, fifty (50) question, multiple choice test based on the following areas of court reporting. Approximately thirty percent (30%) of the questions will be on reporting, thirty percent (30%) on transcription; twenty percent (20%) Mississippi court procedures, and twenty percent (20%) grammar and punctuation. These approximations are intended for general guidance only.

Materials recommended for study in preparation for the written portion of the examination include, but are not limited to:

National Court Reporters Association Professional Education Series, (a) English, (b) law, and (c) medical;

National Court Reporters Association Publications: (a) Systematic Guide to Medical Terminology, (b) Grammar for Shorthand Reporters, and (c) Punctuation for Shorthand Reporters:

Mississippi Rules of Civil Procedure applying to the duties and responsibilities of court reporters;

Mississippi Rules of Appellate Procedure.

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(c) Test Results.

Test results are mailed four (4) to six (6) weeks after the examination. No results will be given over the telephone. The written examination candidates receive the numeric scores, in addition to Pass or Fail conclusions. The oral examination candidates receive numeric scores as well as a Pass or Fail conclusion on each leg.

(d) Appeals.

All appeals must be in writing to the Board of Certified Court Reporters and must be postmarked no more than twenty (20) days from the mailing date of the examination results. Applicants may request a regrade. The regrade fee is \$35.00 and is due at the time of the appeal.

[Approved effective January 2, 1995, nunc pro tunc; amended effective July 27, 2000.]

VI. CERTIFICATION

(A) Requirements. Upon payment of the appropriate application fee, proof of residence in the State of Mississippi,

and meeting all other requirements of the Board for certification, the applicant who has successfully passed the examination administered by the Mississippi Board of Certified Court Reporters, National Court Reporters Association or an equivalent state exam from another state shall be eligible to become a certified shorthand reporter in the State of Mississippi without further testing. Where applicable the applicant must ensure that his/her scores are furnished by the National Court Reporters Association to the Board of Certified Court Reporters.

(B) Certified Shorthand Reporter. Each person who is issued a certificate as a Certified Shorthand Reporter shall be entitled to use the abbreviation "CSR" after his/her name. The Board shall issue a identification number to each successful applicant, and said number shall be placed on all title and certificate pages of proceedings.

(C) Annual Fee. The designation "Certified Shorthand Reporter (CSR)", once granted by the Board, shall remain in effect upon the payment to the Board of an annual fee of \$100.00, or such other amount as may be hereafter established by the Board, on or before January 2nd of each succeeding year unless such designation is suspended or revoked. Upon payment of the annual fee and compliance with educational requirements under Rule VIII herein, a reporter shall have renewal of their certificate on or before January 2nd of each succeeding year.

The Board may reinstate an expired certification if, not later than the 120th day after the date of expiration, the applicant pays the renewal fee and a penalty fee of \$50.00. The reinstatement dates from the original date of expiration. The Board may reinstate a certification that has expired for more than 120 days if the Board finds, on a sworn affidavit of the applicant, that the applicant has retained the professional skills required for original certification and has paid all delinquent renewal fees and a penalty fee of \$50.00. If the Board finds otherwise, the shorthand reporter must reapply for certification.

(D) Roll of Shorthand Reporters. The Board shall maintain a roll containing names and pertinent information on all individuals who have been certified. This roll will contain a roster of all official shorthand reporters holding appointments and of individuals eligible and available for appointment. Certified Shorthand Reporters must notify the Board in writing within thirty (30) days of any change in employment, home or business address, or telephone number.

(E) Oath. Before entering into his/her office, a court reporter shall take, in open court, an oath that (s)he will faithfully discharge the duties thereof; the oath so taken shall be entered into the minutes of the court, pursuant to Miss.Code Ann. § 9-13-3 (1974).

Upon certification, a free-lance reporter shall take an oath that (s)he will faithfully discharge his/her duties; the oath so taken shall be submitted to the Board of Certified Court Reporters.

(F) Bond. Court reporters and free-lance reporters shall give bond in a penalty of not less than two thousand dollars, pursuant to Miss.Code Ann. § 9-13-9 (1974).

The bond of a court reporter shall be approved by the court, conditioned for the faithful discharge of duties and shall be filed in the office of the clerk of the court of any county in the district, who shall, at the cost of the court reporter, certify a copy thereof to the clerk of said court in each of the other counties of the district, to be filed and preserved in his office, and said copies shall be competent evidence in any proceedings. Such bond shall be recorded at length in the bond record of the county where the original is filed.

The bond of a free-lance reporter shall be approved by the Board of Certified Court Reporters, conditioned for the faithful discharge of duties, and such bond shall be filed in the office of the Board of Certified Court Reporters, who shall, at the cost of the reporter, certify a copy thereof to the clerk of any other court, to be filed and preserved in his office, and said copies shall be competent evidence in any proceedings.

[Approved effective January 2, 1995, nunc pro tunc; amended effective July 27, 2000.]

VII. REVIEW BEFORE THE BOARD

(A) Petition for Review. If an application for certification is not acted upon favorably by the Board, the applicant may file a Petition for Review. Such Petition must be filed not later than forty-five (45) days after the date on which the Board has notified the applicant by mail of its decision.

(B) Content of Petition. A Petition for Review shall be verified under oath by the applicant and shall designate the reasons for such Petition. The Petition shall particularize how the decision of the Board is unjustified. No generalized claims shall be considered by the Board.

(C) Review by Board. Upon receipt of a Petition for Review, a review committee of not less than three (3) members of the Board shall review the application. In the event that a majority of the members of the Review Committee finds clear and manifest evidence that the application should not have received favorable consideration, the Review Committee shall so report to the Board and the Board, as a whole, shall review the application. In the event that a majority of the members of the Review Committee finds that the application should have received favorable consideration, such determination shall be final without further action by the Board as a whole. Upon completion of the review process, an order shall be entered in the Board minutes granting or denying the applicant's Petition. The applicant shall be notified within thirty (30) days of the Board's final decision on the Petition.

[Approved effective January 2, 1995, nunc pro tunc.]

VIII. CONTINUING EDUCATION

(A) Requirement. In order to maintain certification, all certified shorthand reporters and holders of a non-resident certificate will be required to obtain a minimum of thirty (30) continuing education credits over a three-year period in courses approved by the Board or in compliance with the continuing education requirements of the National Reporters Association. The three-year period will begin on January 2nd of the year during which the reporter is initially certified. No credits may be carried over to the following three-year term.

(B) Report. Each certified shorthand reporter shall make a written report to the Board, in such form as the Board shall prescribe, concerning his/her completion of the continuing education requirements for credit other than Mississippi Judicial College or Mississippi Court Reporters Association seminars which are already reported by those associations, on or before January 2nd at the conclusion of the third year. The Administrator of the Board shall be the recorder of education credits.

(C) Non-compliance and Sanctions. If the Board's records reflect that a reporter had not attained the required continuing education credits at the end of each three-year period, the Board shall serve, by certified mail, the shorthand reporter with an order to show cause within sixty (60) days, why the reporter's certificate should not be suspended. The reporter shall furnish the Board with an affidavit:

- (1) Indicating that the reporter has complied with the requirements prior to the expiration of sixty (60) days, or
- (2) Setting forth a valid excuse for failure to comply with the requirements because of illness or other good cause.

If a reporter's certification is suspended, he/she may file an affidavit with the Board indicating compliance with continuing education requirements and the Board may agree to reinstate the reporter's certification. If a reporter's certification is revoked, the reporter must reapply for certification.

[Approved effective January 2, 1995, nunc pro tunc.]

IX. DISCIPLINE

(A) Jurisdiction.

(1) The Board of Certified Court Reporters has jurisdiction of matters pertaining to discipline of shorthand reporters, and hereafter such proceedings shall be conducted in accordance with these rules.

(2) Nothing contained in these rules shall be construed to deny to any court such powers as may be necessary for that court to maintain control over its proceedings.

(3) The Supreme Court may, for default in the professional obligations of any shorthand reporter or reporter pro tempore, if such default threatens and adversely affects the efficiency of the judicial system, enter an order referring an apparent offender to the Board of Certified Court Reporters for the State of Mississippi for a disciplinary hearing as provided in these rules.

(B) Initiation and Filing of Complaints.

(1) Any matter touching on the misconduct of a shorthand reporter certified by the State of Mississippi shall be called to the attention of the Board or in writing. All shorthand reporters, courts and their officers shall have the affirmative duty to notify the Board of unprofessional or unethical conduct by a shorthand reporter and any action taken by the court.

(2) The Board may act on its own motion on information and belief or may act upon written complaint filed by any person. A written complaint shall contain the name, mailing address, and phone number of the complainant, the name and address of the accused shorthand reporter, a statement of the facts of the complaint, a list of witnesses, with addresses and phone numbers if known, and copies of any statements by the witnesses and documents in support of the statement of facts of the complaint.

(3) The Board may dismiss any complaint without merit and retire the file.

(C) Investigation and Hearing.

(1) The Board may conduct an investigation, either with or without notice to the accused, as in the Board's discretion appears appropriate.

(2) If the Board believes that a hearing is advisable, the Board shall set a date for the hearing and notify the accused by registered or certified mail. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The accused shall have fifteen (15) days from date of notice in which to respond.

(3) The Board shall conduct any investigation or investigatory hearing fairly and impartially and shall seek to elicit any and all facts which might be exculpatory or incriminatory of the accused. The Chairman or the Chairman's designee shall preside at the hearing. The accused and/or his/her counsel may appear at the hearing for the purposes of examining or cross-examining all witnesses and for presenting witnesses and evidence on behalf of the shorthand reporter.

(4) The Board may assess costs incurred in the investigation or hearing of any disciplinary matter as justice may require. Such costs and expenses shall include actual and necessary expenses. A shorthand reporter exonerated of the charges may recover from the Board any sums actually paid to the Board and costs paid to the Clerk of the Court. The shorthand reporter shall recover no other costs or expenses.

(D) Grounds for Disciplinary Action. The following shall be considered by the Board as grounds for disciplinary action against a certified shorthand reporter:

(1) Fraud or corruption;

(2) Dishonesty;

(3) Willful or negligent violation or failure of duty;

(4) Incompetence in the performance of duties authorized by the certificate;

- (5) Fraud or misrepresentation in obtaining certification;
- (6) A final conviction of a criminal offense involving moral turpitude that indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a certified shorthand reporter;
- (7) Engaging in the practice of court reporting while certification is suspended;
- (8) Adjudication of insanity or incompetency;
- (9) Violation of any rule or order promulgated by the Supreme Court governing the obligations or duties of shorthand reporters;
- (10) Unprofessional conduct; or
- (11) Other sufficient cause.

(E) Disciplinary Action.

(1) If the Board should find a minor ethical violation or instance of relatively trivial misconduct which does not warrant disciplinary action but should not be dismissed as being without merit, a letter of admonition shall be sent to the shorthand reporter and a copy thereof to the person making complaint. Informal admonition shall not be used as a substitute for and shall not be considered discipline. However, the fact, nature and cause of such admonition may be disclosed in any subsequent disciplinary proceedings of a similar nature against the shorthand reporter.

(2) At the conclusion of a hearing, the Board, upon majority vote, shall render a written opinion incorporating a finding of fact and a judgment which may:

- (a) Exonerate the accused and dismiss the complaint; or
- (b) Publicly or privately reprimand the accused; or
- (c) Suspend the accused with or without probation for a fixed period of time and specify conditions precedent to reinstatement; or
- (d) Revoke certification.

(F) Reinstatement.

(1) No shorthand reporter whose certificate has been revoked or suspended for a period of six (6) months or longer shall be reinstated except upon petition to the Board.

(2) All reinstatement petitions shall be addressed to the Board, shall state the cause or causes for suspension or revocation, the reasons justifying reinstatement, and requisite moral character and professional skills to be reinstated to the privilege of shorthand reporting.

(3) If a petition for reinstatement is denied, no other petition shall be filed until one (1) year after the date of the prior adverse decision.

[Approved effective January 2, 1995, nunc pro tunc.]

FN* These Rules and Regulations do not apply to persons who transcribe deposition testimony taken by non-stenographic means as allowed by Rule 30(b)(4) of the Mississippi Rules of Civil Procedure.

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