

Rule 367

RULES ADOPTED BY THE STATE BOARD OF EXAMINERS OF COURT REPORTERS

No. 1. The word "Board," as used in these rules, means the State Board of Examiners of Court Reporters.

No. 2. The terms "verbatim notes" and "verbatim reporting," as used in these rules include stenographic and voice methods of preserving the record.

No. 3. An applicant to become a certified court reporter will not be examined until the applicant has satisfied the Board of the following.

- A. The applicant is a person of good moral character.
- B. The applicant's educational and special training includes at least one of the following:
 1. Graduation from and completion of a court reporting course in a business college or other school licensed or accredited by the State of Kansas or the state where the school is located. For good cause shown the Board may waive the formal educational requirement.
 2. The applicant is certified as a Registered Professional Reporter (RPR) by the National Court Reporters Association or certified as a Certified Verbatim Reporter (CVR) by the National Verbatim Court Reporters Association.
 3. The applicant has had at least two years of experience in making verbatim records of judicial or related proceedings in the system of verbatim reporting for which the applicant seeks certification.
 4. The applicant holds a valid and unrevoked certificate as a certified shorthand reporter or certified court reporter issued under the laws of any other state or territory of the United States.

No. 4. An application to obtain a certificate as a certified court reporter must be on the form prepared by the Board and must be received by the Office of Judicial Administration at least 30 days before any regular or special examination by the Board.

No. 5. Upon receiving an application, the Board will make any preliminary inquiries it deems proper and determine whether the applicant appears to have the requisite learning and other qualifications suitable to take an examination for certification as a certified court reporter and inform the judicial administrator of the result of its investigation.

No. 6. *Examination.*

- A. Applicants will be required to take verbatim notes from dictation of regular court proceedings or another matter the Board

selects. An applicant who passes one or more portions of the dictated examination may carry over those passing scores for three consecutive examinations.

- B. Any generally recognized system of reporting may be used in taking the examination.
- C. Applicants will be examined with respect to their knowledge of the duties of a court reporter, court procedure, and general legal terminology.
- D. Applicants will be required to transcribe or read aloud portions of the dictation as the Board may indicate.
- E. Applicants must furnish their own equipment and materials and will print their own transcripts for submission to the Board.
- F. Speed and accuracy in taking, transcribing, and reading of notes will be the chief basis of the tests, but the Board will also consider punctuation, spelling, and style of transcript and general education.
- G. After completion of an examination, all verbatim notes, transcripts, and other papers in connection with the examination must be returned to and remain in the custody of the Board.

No. 7. In October of each year, the Board will hold a regular meeting to conduct examinations of applicants for certificates at a time and place designated by the Board. The Board may also hold special meetings as needed to address Board business or to conduct additional examinations. The Board will give advance notice of the time and place of the examination.

No. 8. Any person who has successfully passed the examinations provided for by these rules will be recommended by the Board to the Supreme Court for the issuance of a certificate as a Certified Court Reporter.

No. 9. The Board may, on its own motion or on complaint of a third party, initiate an investigation and, if necessary, commence disciplinary proceedings against any certificate holder the Board determines has committed any of the prohibited conduct set forth in subsection F below.

- A. Complaints against a certificate holder brought by a third party must be in writing, signed by the complainant, filed with the Board, and contain substantiating evidence to support the complainant's allegations. The complaint must include the complainant's address and telephone number.
- B. Any complaint, which will be held in confidence by the staff in the Office of Judicial Administration and the Board, must be reviewed by the Board. If the Board determines that the complaint has no merit, the Board will order it dismissed. If the Board determines the complaint has merit, the Board must, in

writing, advise the certificate holder of the complaint. The certificate holder will have 20 days from receipt of the Board's notice to answer the complaint in writing. Once an answer has been received, the Board will then review the complaint again. If the Board determines the complaint has no merit, the Board will order the complaint dismissed. The Board may, in its discretion, issue to the certificate holder an accompanying letter of caution or of informal advice with copies to the complaining party or other interested persons as deemed appropriate. If the Board determines that the complaint and answer provide probable cause to believe that a conduct rule of this Board has been violated by a certificate holder, the Board will order that the proceedings continue as provided in subsection D below.

- C. Investigation. Subject to the availability of funds, the Board may appoint a third party to investigate and prosecute a complaint before the Board.
- D. Formal disciplinary proceedings.
 - 1. The notice of hearing must be in writing and served either by personal service or certified mail, return receipt requested. The notice must include the following:
 - a. a statement of the nature of the hearing;
 - b. a reference to the particular sections of the rules allegedly involved; and
 - c. a concise statement of the matters asserted or, if the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
 - 2. Within 20 days after service of the notice of hearing, the certificate holder may file an answer.
 - 3. The time and place for hearing will be set after the filing of the certificate holder's answer or after the expiration of the time for its filing on not less than 20 days' notice to all parties.
 - 4. If the Board deems it necessary or if the certificate holder requests, subpoenas may be issued, subject to the rules of civil procedure, to ensure the attendance of any party or other person. Each Board member is empowered to administer oaths and affirmations, subpoena witnesses, require the production of records relevant to the hearing, and take evidence at any place within the state concerning any matter within the jurisdiction of the Board. A judge of the district court of any judicial district where the attendance or production is required must, upon proper application,

- enforce the attendance and testimony of any witness and the production of documents subpoenaed.
5. If a certificate holder fails to appear after proper notice, the Board may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the certificate holder.
 6. Opportunity will be afforded all parties to present evidence and cross-examine witnesses, present argument on all issues involved, and be represented by counsel at their expense. The proceedings at the hearing will be recorded verbatim.
 7. At the conclusion of the hearing, the Board may take any of the actions set forth in subsection E of this rule. If action is taken pursuant to E.1., E.2., or E.3., the court reporter must be notified in writing and the complainant may be notified in the Board's discretion. If a recommendation of discipline is made to the Kansas Supreme Court pursuant to E.4., a copy of the Board's recommendation, findings of fact, and conclusions of law must be served on all parties and the Kansas Supreme Court. Any determination or report of the Board need only be concurred in by a majority of the sitting Board members, and any member has the right to file a dissent from the majority determination or report.
 8. Nothing in these rules prevents the Board from informally stipulating and settling any matter relating to the certificate holder's discipline.
- E. Disciplinary sanctions. The Board may, based upon clear and convincing evidence, take one or more of the following actions:
1. dismiss the charges;
 2. admonish the certificate holder;
 3. issue a private order of cease and desist; or
 4. recommend discipline to the Kansas Supreme Court. "Discipline" means public reprimand, imposition of a period of probation with special conditions that may include additional professional education or re-education, suspension of the certificate, or revocation of the certificate. In addition to any discipline imposed pursuant to these rules, if the certificate holder is a state employee, the reporter may be disciplined under the Rules Relating to the Kansas Court Personnel System.
- F. Prohibited Conduct. The Board may investigate complaints lodged for the following reasons:
1. Fraud or misrepresentation in procuring a license.

2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations as a court reporter. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to drugs.
5. Commission of any felony or of a misdemeanor if the misdemeanor is substantially related to the functions and duties of a court reporter or if the misdemeanor erodes public confidence in the integrity of the court system. A certified copy of the record of conviction or plea of guilty is conclusive evidence of the commission of such crime.
6. Fraud in representations relating to skill or ability as a court reporter.
7. Use of untruthful or misleading statements in advertisements.
8. A finding of contempt by any court of record that arose out of the reporter's conduct in performing or attempting to perform any act as a court reporter.
9. Failure to maintain impartiality toward each participant in all aspects of reported proceedings or other court-related matters.
10. Violation of a district court rule, Supreme Court rule, or Board rule.
11. Refusal to cooperate in an investigation conducted by the Board or obstructing such investigation.

No. 10. *Rates for Official District Court Transcripts.*

- A. The rate for official district court transcripts shall be \$2.75 for each 25-line page of the original transcript and \$0.50 for each 25-line page of a copy of the original transcript if copies are ordered. Effective January 1, 2008, the rate for official district court transcripts shall be \$3.00 for each 25-line page of the original transcript. Effective January 1, 2010, the rate for official district court transcripts shall be \$3.25 for each 25-line page of the original transcript. Effective January 1, 2012, the rate for official district court transcripts shall be \$3.50 for each 25-line page of the original transcript. No one is required to purchase a copy when requesting production of an original transcript, and access to the record shall be permitted by the district court under the Kansas Open Records Act and Supreme Court Rule 3.06. The "official district court transcript" shall be a transcript produced by any Kansas Certified Court Reporter or person authorized by these rules to produce official transcripts.

- B. The rate for “expedited” production of official district court transcripts shall be no more than twice the rate provided in (A) above for each 25-line page of the original transcript and one-fourth of this “expedited” rate for each 25-line page of a copy of the original transcript. Expedited production of official district court transcripts means delivery of the transcript on or before the third business day after the request is made for expedited production.
- C. The rate for “daily copy” production of official district court transcripts shall be no more than four times the rate provided in (A) above for each 25-line page of the original transcript and one-fourth of this “daily copy” rate for each 25-line page of a copy of the original transcript. Requested “daily copy” production of official district court transcripts means delivery of the transcript at or before 9:00 a.m. the next day.
- D. A Kansas Certified Court Reporter may provide unedited text or a “Rough Draft” of proceedings if requested. The rate for an unedited text provided either in print or in electronic format shall be no more than \$1.50 for each 25-line page. The unedited text shall not be certified and may not be used to contradict the official district court transcript. Each page of such unedited text, whether delivered in print or electronically, shall bear the words “Rough Draft–Not Certified” at the top or bottom of each page.
- E. A Kansas Certified Court Reporter who holds the designation of Certified Realtime Reporter (CRR) from the National Court Reporters Association or Realtime Verbatim Reporter (RVR) from the National Verbatim Reporters Association may provide realtime reporting services. The rate to the receiving party of the realtime text shall be no more than \$2.50 for each 25-line page. A Kansas Certified Court Reporter who is not a Certified Realtime Reporter may provide realtime reporting services, but the rate shall be no more than \$1.50 per 25-line page. The words “Rough Draft from Realtime Not Certified” must appear at the top or bottom of each page. The unedited text from realtime reporting services may not be used to contradict the official district court transcript. Realtime services delivered to judges shall be at no charge.
- F. A 25-line page of transcript, other than the title, index or final pages of a transcript, consists of any 25 or more consecutive typewritten lines, double-spaced on copyable paper not less than 8 1/2 inches in width, with a margin of not more than 1 1/2 inches on the left and 5/8 of an inch on the right, exclusive of lines disclosing page and numbering. Type shall be a

conventional style typeface with no more than 12 and no fewer than 9 characters per inch. Questions and answers shall each begin a new line, and indentations for questions and answers shall not be more than four spaces from the left margin line, including the designations for "Q" and "A." Indentations for speakers or paragraphs shall not be more than 15 spaces from the left margin line, and such paragraphed material shall not be more than four spaces from the left margin line. Indentations for parenthetical notations shall not be more than 20 spaces from the left margin.

[**History:** No. 3 Am. effective May 18, 1977; Nos. 3(B)(1) and 12 Am. effective April 18, 1980; No. 7 Am. effective December 10, 1982; No. 12 Am. effective July 1, 1988; Nos. 3 and 12 Am. effective July 1, 1996; No. 8 Am. effective December 9, 1996; No. 12 Am. effective February 26, 1999; No. 12 Am. effective July 1, 2002; No. 6 Am. A. effective January 28, 2005; Am. effective January 3, 2006; No. 10 (A.) Am. effective June 25, 2007; No. 10 Am. effective September 30, 2015; No. 4 Am. effective January 25, 2016; Am. effective July 1, 2020.]