

## COURT REPORTER REGULATIONS

**House Bill 5604**

**Sponsor: Rep. Ted Wallace**

**Committee: Judiciary**

**Complete to 3-2-98**

### **A SUMMARY OF HOUSE BILL 5604 AS INTRODUCED 2-19-98**

The bill would amend the Revised Judicature Act to establish guidelines and restrictions for persons who transcribe by shorthand or stenographically take down testimony during court proceedings or during related proceedings, such as depositions. The following types of stenographers or transcribers would be subject to the bill's provisions: court reporters, court recorders, stenomask reporters and firms that offered the services of such reporters or recorders. These types of reporters and recorders would be required to meet certain standards in the performance of their duties and refrain from certain business practices under the bill. The bill would specifically provide that its intent was not to unduly interfere with fair competition between court reporters or firms where competition did not involve financial arrangements that tend to, or appear to, compromise impartiality.

The State Court Administrative Office (SCAO) would be responsible for enforcing the bill's provisions and could do so either through the court recording and reporting board of review or by other administrative means. The SCAO could refuse to issue renewal certificates to certified reporters for violation of the bill's provisions and, for willful violations, could discipline or censure, or suspend or revoke certification.

Registration. All reporting or recording firms, including those from out of state, would be required to register with the state court administrative office through a form that would be adopted by the SCAO. Any rules that were applicable to court reporters and recorders would also apply to court reporting or recording firms. Failure to comply with the registration requirement could be punished by a reasonable fine. A court reporter or recorder would be required to maintain 30 continuing education credits over a 3-year period in order to maintain his or her Michigan state certification. The criteria adopted would have to follow the guidelines of the National Court Reporters Association.

Contractual relationships. Reporters, recorders and the owners of firms that employed them would be prohibited from entering any financial relationship that would compromise or appear to compromise their impartiality. Unless he or she disclosed the relationship, a reporter or recorder could not provide or arrange to provide services where he or she was a relative, employee, attorney, or counsel of any of the parties, or was a relative or employee of an attorney or counsel to any of the parties. In addition, a reporter or recorder would be prohibited from providing or arranging to provide services where he or she had a financial interest in the action.

Reporters, recorders and the owners of firms that employed them would be prohibited from entering into a "blanket contract" with parties, litigants, attorneys, or their representatives

unless the parties to the action were informed of and consented in writing to the fees that would be charged. A "blanket contract" would be defined as a contract where the reporter or firm agreed to perform all court reporting or recording services for a client on two or more cases at a fixed rate set in the contract. Furthermore, before accepting a court reporting or recording assignment as an independent contractor or employee, a reporter or recorder would be required to get information from the prospective client to determine whether the contract was a prohibited blanket contract. A person or other entity that was a party to a blanket contract who knowingly provided false information to the court reporter seeking such information would be considered to have committed an act that was grounds for discipline or censure. However, the requirements that a reporter or recorder seek information to determine the nature of a contract would not apply to contracts for reporting or recording services for courts, agencies, or instrumentalities of this state or the United States.

Duties. The bill would require a reporter or recorder to provide complete, accurate and timely transcripts to his or her clients or the court. However, a portion or excerpt of a transcript or statement of facts could be furnished if authorized by court order, agreement of the parties, or request of a party.

When selling original transcripts, copies, or other services, a reporter or recorder would be required to charge all parties the same rates for like services. In addition, the charge for a copy of a transcript could not be more than two-thirds of the price of the original transcript.

Reporters, recorders and firms would be prohibited from directly or indirectly giving any incentives or rewards to an attorney, client, or their representatives or agents. However, nominal items that did not cost more than \$25 per transaction or \$100 in aggregate for a recipient in a year would be allowed.

A reporter or recorder regulated under the bill would be required to truthfully advertise or represent that he or she is a certified court reporter and that only a certified individual will be making the record.

Reporters and recorders would also be required to stay "on the record" during a deposition unless ordered by the court or all the parties or their attorneys agreed otherwise.

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