

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 03-9053

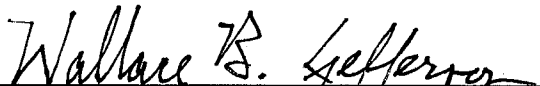
APPROVAL OF CODE OF PROFESSIONAL CONDUCT FOR CERTIFIED SHORTHAND REPORTERS AND COURT REPORTING FIRMS

ORDERED that:


The Court approves the following Code of Professional Conduct for Certified Shorthand Reporters and Court Reporting Firms, effective January 1, 2004.

Approved in Chambers on December 30, 2003.


Signed, this 27th day of October, 2004.



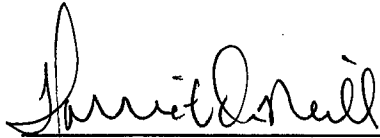
Wallace B. Jefferson, Chief Justice



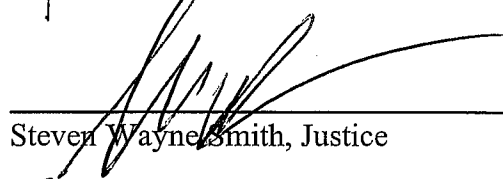
Nathan L. Hecht, Justice



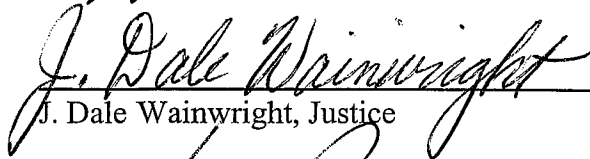
Priscilla R. Owen, Justice



Harriet O'Neill, Justice



Steven Wayne Smith, Justice

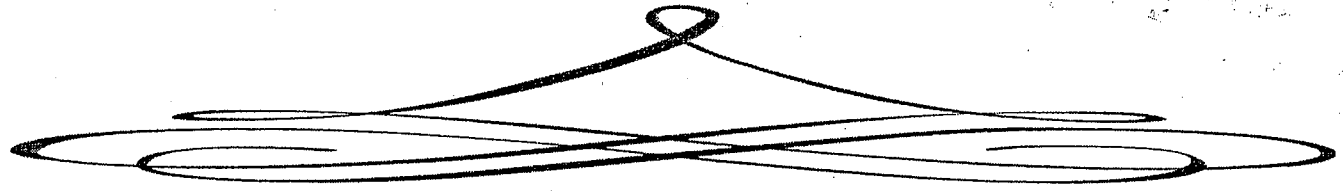


J. Dale Wainwright, Justice



Scott Brister, Justice

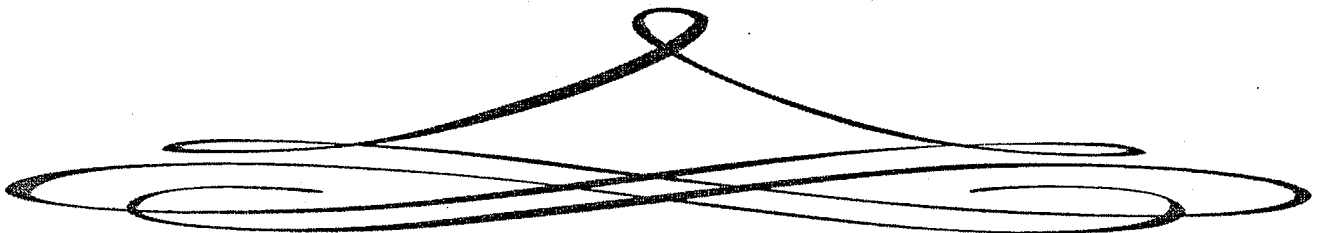
FINAL



***CODE OF PROFESSIONAL
CONDUCT***

FOR

***CERTIFIED SHORTHAND
REPORTERS
AND
COURT REPORTING FIRMS***



**CODE OF PROFESSIONAL CONDUCT
FOR CERTIFIED SHORTHAND REPORTERS
AND COURT REPORTING FIRMS**

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APPLICABILITY AND DEFINITIONS

The rules of professional conduct, where applicable, shall apply to and be observed by all Certified Shorthand Reporters and Court Reporting Firms engaged in the practice of court reporting or offering the services of a Certified Shorthand Reporter, unless otherwise provided by law.

The term Texas Court Reporters Certification Board will be hereinafter referred to as the CRCB or the Board.

The term Certified Shorthand Reporter will be hereinafter referred to as CSR.

The term Court Reporting Firm will be hereinafter referred to as CRF.

The term CRF includes officers, directors, managerial employees, and agents of the CRF or affiliate offices.

The term Code of Professional Conduct will be hereinafter referred to as the Code.

The term transcript shall include the reduction into writing of an oral deposition or any legal proceeding identified in 2(a) and 2(b).

LICENSE AND REGISTRATION REQUIREMENTS

An individual shall not provide court reporting services for use in litigation in the courts of this State, grand jury, arbitration, county or city proceedings unless the individual has a license issued by the CRCB, unless otherwise authorized by rule or statute. The license shall be in good standing.

A CRF shall not provide court reporting services for use in litigation in the courts of this State, grand jury, arbitration, county or city proceedings unless the firm has a current registration issued by the CRCB. The registration shall be in good standing at all times that court reporting services are provided by the CRF.

For purposes of this section, good standing is defined as a CSR whose license is eligible for renewal and a CRF with a current registration with the CRCB.

A CSR whose license has been suspended or revoked by another state or federal authority is subject to review and/or disciplinary action by the Board.

PROFESSIONAL JUDGMENT

A CSR or CRF shall not take any action or attempt to influence, directly or indirectly, the sound professional judgment of a CSR or to cause a CSR or CRF to violate the Code.

A CSR shall not allow a non-certified person or non-registered entity to interfere or intervene with the CSR's practice of court reporting; nor shall the CSR submit to such interference or intervention by a non-certified person or non-registered entity.

A CSR shall avoid all relationships, which could result in interference or intervention in the CSR's practice by a non-certified person or non-registered entity.

A CSR shall be responsible for his or her actions and is directly responsible to the parties and/or the Court in carrying out his or her duties in accordance with the Code.

A CRF shall be responsible for the actions of the firm and is directly responsible to the parties and/or the Court in carrying out the duties of the firm in accordance with the Code.

HONESTY, INTEGRITY AND FAIR DEALING

CSRs and CRFs shall conduct business with honesty, integrity, and fair dealing to all parties in a timely manner, in services rendered, and in the amount charged.

Honesty, integrity, and fair dealing include but are not limited to the following:

A CSR shall deliver a transcript or reporter's record to a client, court, or CRF in a timely manner as determined by statute, court order, or agreement.

A CRF shall deliver a transcript or reporter's record to a client or court in a timely manner as determined by statute, court order, or agreement.

A CSR shall not produce a partial transcript or partial reporter's record except upon order of a court, agreement of the parties, or request of a party.

A CSR or CRF shall notify all parties or their attorneys of a request for a transcript or reporter's record, or any part thereof, in sufficient time for copies to be prepared and delivered simultaneously with the original.

A CSR shall not go "off the record" during a deposition when not agreed to by all parties or their attorneys unless otherwise ordered by the Court.

A CSR shall go "on the record" during a deposition at the request of any party or the party's attorney.

A CSR or CRF shall not engage in a pattern of receiving, or benefiting from, or being employed as a result of, or giving, directly or indirectly, any incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for nominal items that do not exceed \$100 in the aggregate per recipient per year.

Nothing in the above section shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.

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BEHAVIOR

The CSR or CRF shall treat lawyers and members of the judiciary with respect.

The CSR shall conduct herself/himself in a legal proceeding in a professional manner and demonstrate respect for the Court and the law.

The CSR shall not engage in any conduct that offends the dignity and decorum of any legal proceeding.

The CSR shall preserve the shorthand notes in accordance with statute or court order, or for a period of three years for oral depositions in civil cases. The required retention period stated by statute or court order shall prevail over this rule. Preservation shall be through storage of the original paper notes or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, optical or laser disk systems, or any other reliable storage media.

COMPETENCY

A CSR shall produce an accurate transcript or reporter's record.

A CSR shall engage in the practice of shorthand reporting using only the method for which the reporter was certified.

A CSR shall prepare all records in accordance with the Uniform Format Manual for Texas Court Reporters.

A CSR shall not undertake any engagement for the performance of professional services that is beyond the reporter's competence.

A CSR shall meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.

DUTY TO NOTIFY

A CSR shall have the immediate duty to notify the parties, attorneys, and/or the Court in any case where the court reporting duties requested are beyond the CSR's capabilities. A CSR's decision on whether to accept or continue a job, which may require expertise beyond the CSR's capabilities, shall be based on the exercise of professional judgment by the CSR.

The duty to notify includes situations in which the CSR is not able to meet court-imposed or reasonable client deadlines for delivery of transcripts. The CSR is responsible for recognizing situations in which the CSR is required to notify the parties, attorneys, and/or the Court where the court reporting duties are beyond the CSR's capabilities.

OBSERVANCE OF CONFIDENTIALITY

A CSR or CRF shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to CSR or CRF by any of the parties in a proceeding.

MISCONDUCT

A CSR or CRF shall not violate this Code, knowingly assist or induce another to do so, or violate this Code through the acts of another.

A CSR shall not engage in fraud or deceit in obtaining a certificate as a CSR.

A CSR shall not use or represent that he or she possesses any certificate, college degree, or title to which he or she is not entitled.

A CRF shall not engage in fraud or misrepresentation in obtaining registration as a CRF.

A CSR or CRF shall not commit any criminal act that reflects adversely on the CSR's honesty, trustworthiness, or fitness as a CSR.

A CSR or CRF shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

A CSR or CRF shall not engage in conduct constituting obstruction of justice.

A CSR or CRF who has been held in contempt by a state or federal court is subject to review and/or disciplinary action by the Board.

With regard to a complaint or disciplinary proceeding, a CSR or CRF shall furnish to the CRCB a response or other information within the time frame requested unless the CSR or CRF in good faith timely asserts a privilege or other legal ground for failure to do so.

A CSR or CRF shall not engage in the practice of court reporting when the CSR or CRF is on inactive status or when the right to practice has been suspended or terminated, including but not limited to situations where a CSR's or CRF's right to practice has been administratively suspended for failure to timely pay required fees or assessments or, in the case of a CSR, for failure to comply with the continuing education requirements as stated in the Continuing Education Rules for Court Reporters as promulgated by the Supreme Court of Texas.

A CRF shall not engage the services of a CSR when the CSR is on inactive status or when the CSR's right to practice has been suspended or terminated.

A CSR shall not work for a CRF that has been placed on inactive status or when the CRF's registration has been suspended or terminated.

A CSR or CRF shall be considered to have engaged in misconduct upon violation of a Board order or negotiated settlement issued as a result of a complaint against the CSR or CRF, unless the Board order or negotiated settlement has been lawfully stayed.

A CSR or CRF shall not violate any other laws of the State of Texas, other states, or of the United States, relating to the professional conduct of CSRs or CRFs or to the practice of court reporting.

A CSR or CRF shall not violate any Rule promulgated by the Supreme Court of Texas.

A CSR or CRF shall be considered to have engaged in misconduct upon a final conviction of a felony, or imposition of community supervision in connection with a criminal prosecution of a felony, under the laws of any state or the United States.

A CSR or CRF shall be considered to have engaged in misconduct upon a final conviction of any crime, or imposition of community supervision in connection with a criminal prosecution, an element of which is dishonesty or fraud, or involving a crime of moral turpitude, under the laws of any state or the United States.

A CSR or CRF may be considered to have engaged in misconduct upon the imposition of deferred adjudication in connection with a felony, any crime of moral turpitude, or any crime an element of which is dishonesty or fraud.

A CSR or CRF shall not fail to comply with a final order of any state or federal court unless said order has been lawfully stayed.

A CSR or CRF shall respond to a party's inquiry within a reasonable time. Repeated failure to respond without good cause shall be misconduct.

A CSR or CRF shall not misrepresent facts, qualifications, or make misleading or deceitful statements to parties.

A CSR or CRF shall not falsely swear or commit perjury in any communication to the Board or any other federal or state regulatory or licensing authority or court.

A CSR or CRF shall not threaten or commit assault or retaliation against parties, make libelous or slanderous statements, or make public allegations of a lack of mental capacity regarding parties, which cannot be supported in fact.

A CSR shall not cause or be party to, directly or indirectly, a breach in the security of the CSR examination or any court proceeding.

A CSR or CRF shall not enter into or provide services under a prohibited contract described by Section 52.034 of the Texas Government Code.

AVOID CONFLICTS OF INTEREST

A CSR or CRF who fails to disclose as soon as practical to the parties or their attorneys existing or past financial, business, professional, family or social relationships, including contracts for court reporting services which might reasonably create an appearance of partiality, may be subject to disciplinary action by the Board.

Reasonable disclosure shall be within five days of when the deposition or other reporting assignment is booked but no later than three days before such deposition or other reporting assignment is held. If such engagement is made less than three days before such deposition or other reporting assignment, the disclosure should be made immediately.

A CSR who reports any proceeding and is a relative of a party or their attorney within the second degree by affinity or consanguinity may be subject to disciplinary action by the Board, unless, as soon as practicable, the reporter discloses the relation in writing to all parties and the Court; and either no party or the Court objects to the use of the reporter on the grounds of the relation, or the Court enters an order finding that, under the circumstances, the relation does not reasonably create an appearance of partiality and that good cause exists to permit use of the reporter. If a party or the Court objects to the use of the reporter on the grounds of the relation, then the objection must be made as soon as practicable after the relation is disclosed.

A CSR who reports any proceeding in which the reporter is financially interested in the action or who is associated with a firm or entity who is financially interested in the action may be subject to disciplinary action by the Board.

A CSR or CRF shall be fair and impartial toward each participant in a legal proceeding.

A CSR working in the position as an official reporter shall refrain from freelance reporting activities that interfere with official duties and obligations.

EXPOSE CORRUPT OR DISHONEST
CONDUCT OF ANOTHER LICENSEE

A CSR or CRF shall report to the CRCB any violation of this Code, which can be supported in fact.

A CSR or CRF shall not, without good cause, attribute bad motives or unethical conduct of another reporter nor bring the profession into disrepute by unfounded accusations of impropriety.

A CSR or CRF shall not file a frivolous complaint with the Board.

REPORTABLE EVENTS

A CSR or CRF shall report in writing to the Board the occurrence of any of the following events within thirty (30) days of the date the CSR or CRF has knowledge of these events:

1. Conviction or imposition of community supervision or deferred adjudication of the CSR or CRF of any of the following:
 - a. a felony or any crime of which fraud or dishonesty is an element; or
 - b. any crime involving moral turpitude; or
 - c. any crime related to the qualifications, functions or duties of a CSR or CRF.
2. Any disciplinary action, including but not limited to revocation or suspension of a license, registration, or other authority to practice.
3. Refusal by another authority to renew a license, registration, or other authority to practice court reporting or provide court reporting services in another jurisdiction.
4. Finding of contempt by a state or federal court.

As used in this Section, a conviction includes the initial plea, verdict, or finding of guilt, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted.

SUPERVISORY RESPONSIBILITIES

A CSR who employs and/or supervises an unlicensed person to assist in the preparation of a transcript or reporter's record shall be responsible for any acts of the unlicensed person.

A CRF shall be subject to disciplinary action by the Board if the CRF has direct supervisory authority over a person and knows or should have known the person violated the Code and the CRF knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the person's actions.

A CRF shall be subject to disciplinary action by the Board if the CRF has engaged the services of an independent contractor and knows or should have known the person violated the Code and the CRF knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the person's actions.

CONTACT INFORMATION

Each CSR and CRF shall, at all times, keep the CRCB informed of the current mailing address of the CSR or CRF. Such mailing address shall be included on each license application and each license renewal form. In the absence of the submission of a specific written request to change that mailing address, which shall be separate from any other submission, the CSR's or CRF's current mailing address is presumed to be the address on the most recent license renewal or license application form, whichever is latest. Any request for a change of address shall be sent to the CRCB within 30 days after the change of address becomes effective.

Additionally, each CRF shall provide to the CRCB at the time of registration and renewal the name, mailing address, phone number, fax number and e-mail address of an individual designated to receive any request for information or other correspondence from the CRCB. This individual shall include any officer, director, or managerial employee of the CRF. Any change in this information is subject to the terms of this section.

DISPLAY OF LICENSE; COMPLAINT INFORMATION AND
NOTICE TO CLIENTS

A CRF shall display the certificate received from the Board showing current registration as a CRF at each place of business in the area most frequented by the public, such as a waiting room or lobby. The current registration shall be in good standing.

A CSR may display his or her certificate only if the license is current and in good standing. A CSR shall provide proof of his or her current certification upon request by the Court or parties to an action or assignment.

A CSR shall provide upon request the necessary information to file complaints with the Board about his or her services. The contact information shall include the current address, phone number, and Internet address of the CRCB.

A CRF shall prominently display the contact information in order to file complaints with the Board about its services that is easily read and understood at each registered firm's place of business in the area most frequented by the public, such as a waiting room or lobby. The contact information shall contain the current address, phone number, and Internet address of the CRCB.

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ADVERTISING

A CSR or CRF shall not use or participate in the use of any written, oral, or electronic communication having reference to the CSR's or CRF's professional services that contains a false, fraudulent, misleading or deceptive statement or claim.

A CSR or CRF shall not advertise or represent falsely the qualifications of a CSR or CRF, including professional designations or membership in professional organizations, or that an unlicensed individual is a CSR.

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FEES

A CSR or CRF shall not provide court reporting services on a contingent fee basis under any circumstances.

A CSR or CRF shall charge all parties to an action the same price for an original transcript or reporter's record.

A CSR or CRF shall charge all parties to an action the same price for a copy of a transcript or reporter's record or for like services performed in an action.

A CSR or CRF shall disclose in writing to all parties or their attorneys upon request at any time an itemization of all rates and charges to all parties or their attorneys.

A CSR or CRF shall not charge for a copy at a rate more than one-third the per page cost of the original and first copy.

CONTINUING EDUCATION

A CSR shall comply with the continuing education requirements as set out in the Continuing Education Rules for Court Reporters as promulgated by the Supreme Court of Texas.

The use, submission, or filing of any document which is all or in part false or deceptive for the purpose of complying with the continuing education statutes and/or requirements by the Supreme Court may be subject to disciplinary action by the Board.

Obtaining or accepting any certificate of completion or certificate of attendance from a continuing education provider when the licensee has not met the minimum completion requirements may be subject to disciplinary action by the Board.

Cheating or using unauthorized materials or receiving unauthorized assistance during an exam to complete continuing education requirements may be subject to disciplinary action by the Board.

PROHIBITED DISCRIMINATORY ACTIVITIES

A CSR or CRF shall not willfully manifest, by words or conduct, bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation towards any person involved in an action or proceeding in any capacity or in hiring practices or in accepting business.

