

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 19-9077

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## ORDER APPROVING AMENDMENTS TO RULE 6.2 AND THE FEES OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION

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**ORDERED** that:

1. The Supreme Court of Texas approves the following amendments to the rules and fees of the Judicial Branch Certification Commission.
2. The fee amendments incorporate changes to comply with Act of May 26, 2019, 86th Leg., R.S., ch. 606 (SB 891, codified at TEX. GOV'T CODE § 154.107(d)).
3. The amendments are effective September 1, 2019.
4. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

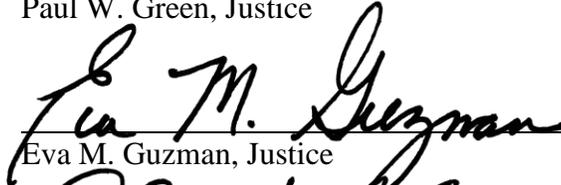
Dated: August 23, 2019.



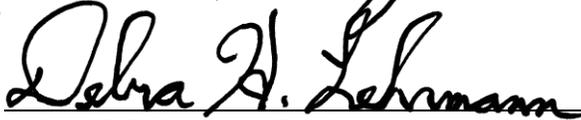
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



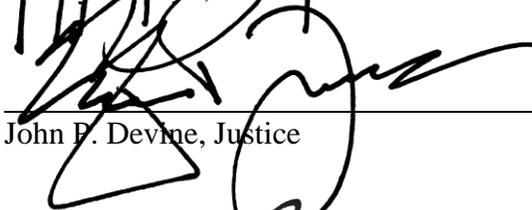
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



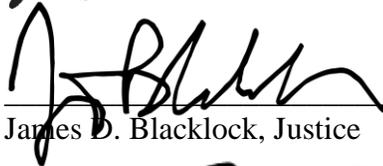
Jeffrey S. Boyd, Justice



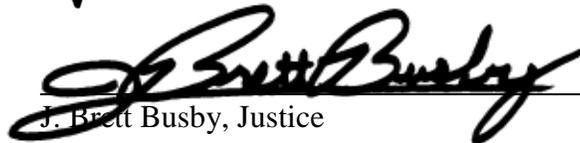
John F. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice

## **RULES OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION**

### **6.2 Requirement of Certification or Registration**

- (a) A person may not engage in shorthand reporting in this State or be appointed as an official court reporter or deputy court reporter unless that person is certified as a shorthand reporter by the Supreme Court of Texas.
  - (1) A certification must be for one or more of the following methods of shorthand reporting:
    - (A) written shorthand;
    - (B) machine shorthand;
    - (C) oral stenography; or
    - (D) any other method of shorthand reporting authorized by the Supreme Court.
  - (2) A person may not assume or use the title or designation “court recorder,” “court reporter,” or “shorthand reporter,” or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter by the Supreme Court of Texas. Nothing in this rule must be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the Supreme Court of Texas.
- (b) A court reporting firm and its affiliate offices must register with the Commission. Unless a firm and its affiliate offices are registered with the Commission, the firm must not:
  - (1) use the title or designation “court recording firm,” “court reporting firm,” or “shorthand reporting firm” or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm; or
  - (2) offer services as a court reporting firm or shorthand reporting firm.
- (c) These rules do not apply to:

- (1) a party to the litigation involved, the party's attorney, or a full-time employee of either; or
  - (2) court reporting services performed outside of this State by a shorthand reporter who is not certified in this State for use in a court proceeding in this State, provided that the work resulting from those services is produced and billed wholly outside of this State.
- (d) Subject to the requirements of Rule 6.4(d) and (e), nothing in these rules should be construed to prohibit the employment of a noncertified shorthand reporter until a certified shorthand reporter is available in the judicial district where services of a shorthand reporter are desired.
- (e) To qualify for certification, a person must:
- (1) satisfy the requirements of Section 3.0 of these rules;
  - (2) pass an examination as required by the Commission in one or more of the methods of shorthand reporting authorized by Rule 6.2(a)(1); and
  - (3) be a high school graduate or possess the GED equivalent.
- (f) ~~Examination procedures.~~
- ~~(1) To take an examination, an applicant for certification must file the required forms and pay the required fees according to the deadlines established by the Commission.~~
  - ~~(2) Prior to or simultaneously with the submission of an applicant's application to take Part A of the examination, the applicant must submit a statement of proficiency.~~
    - ~~(A) The statement of proficiency must be on the form provided by the Commission and must contain the certification of a court reporting school instructor.~~
    - ~~(B) If the applicant attended and learned court reporting skills at a court reporting school, the statement of proficiency must be countersigned by the appropriate administrative officer of the school.~~

- ~~(C) — The person making the certification required in (f)(2)(A) must certify that the applicant has satisfactorily passed at the rate of 95% accuracy at least two tests on new material of each of the following:~~
- ~~(i) — five minutes of two voice dictation of questions and answers given at 225 words per minute;~~
  - ~~(ii) — five minutes of dictation of a jury charge given at 200 words per minute; and~~
  - ~~(iii) — five minutes of dictation of selected literary material given at 180 words per minute.~~
- ~~(D) — The tests required by (f)(2)(C) must be administered and graded by the person who certifies the applicant's statement of proficiency and must be taken by the method of shorthand reporting for which the applicant has applied for examination. The two tests must have been taken and passed no more than one year apart.~~
- ~~(E) — The applicant may not be deemed eligible to take an examination until the Commission receives the statement of proficiency.~~
- ~~(F) — If the Commission has on file a valid statement of proficiency for an applicant, the applicant is not required to file a new statement of proficiency. A statement of proficiency is valid for one year from the date of the last proficiency test described in (f)(2)(C) and must be valid on the date of the examination for which the applicant has applied.~~
- ~~(G) — In lieu of the statement of proficiency, an applicant who:~~
- ~~(i) — is licensed in good standing in another jurisdiction may submit proof of licensure from the licensing authority of that jurisdiction; or~~
  - ~~(ii) — is certified as an RMR, as an RPR, or pursuant to a national examination that the Commission determines is of equivalent or greater degree of difficulty than the RMR or RPR examinations may submit a letter from the certifying organization.~~
- ~~(H) — The letter submitted under (f)(2)(G) must:~~

~~(i) be an original on the certifying organization's letterhead;~~

~~(ii) state the certification that the applicant has attained and the date the certification expires; and~~

~~(iii) attest that the applicant has passed the exam for the certification and is currently certified and in good standing.~~

~~(I) The national certification must be valid on the date of the Texas examination for which the applicant has applied.~~

~~(J) The letter submitted under (f)(2)(G) is valid until the next expiration date of the applicant's national certification.~~

(g) Each examination will be given in two parts to be designated Part A and Part B.

(1) Part A component.

(A) Part A will be composed of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of a jury charge given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute.

(B) Each applicant must personally take down the test and must reduce the takedown to writing.

(C) The minimum passing grade on each section of Part A is 95% accuracy. An error will be charged for:

(i) each wrong word;

(ii) each omitted word;

(iii) each added word not dictated;

(iv) each contraction where read as two words;

(v) two words where read as a contraction;

(vi) each misplaced word;

- (vii) each misplaced period that materially alters the sense of a group of words or a sentence;
      - (viii) each misspelled word;
      - (ix) each plural or singular if the opposite was dictated; and
      - (x) each wrong number.
    - (D) Applicants may use a dictionary during Part A.
    - (E) Applicants will be allowed three hours to complete the transcription of Part A of the test. If time permits, an applicant may review his or her transcript but may use only the original takedown from which the transcript was prepared to review the transcript.
  - (2) Part B component.
    - (A) Part B of the test must consist of objective questions touching on elementary aspects of court reporting, spelling, and grammar and Texas rules and procedure.
    - (B) Applicants may not use a dictionary during Part B.
    - (C) The minimum passing grade on Part B is 75%.
  - (3) Notwithstanding Rule 3.11(d), an applicant who passes Part A or Part B of the examination but fails the other part will not be required to be reexamined on the part that the applicant passed.
- (h) An applicant who fails an examination may request that the examination be regraded by sending a written request to the Commission office within 20 days of the date of notice that the applicant has failed the examination. If the examination is regraded, the Commission will inform the applicant of the results of the regrading. Upon receipt of the regrading results, the applicant may request a personal review of the examination with a member of the advisory board. The request for a personal review must be in writing and filed within 20 days of the notice of regrading results.
- (i) The Commission must certify to the Supreme Court of Texas the names of applicants who have completed all application requirements and are determined on examination to be qualified in professional shorthand reporting. In its certification, the Commission must

specify the method or methods of reporting used by each successful applicant in taking the examination.

- (j) A person certified under Chapter 52 of the Government Code prior to September 1, 1983, may retain a general certification authorizing the person to use any method of shorthand reporting authorized in Rule 6.2(a)(1), provided that the person keeps the certification in continuous effect.
- (k) To register, a court reporting firm or affiliate office must pay all required fees and register on a form provided by the Commission. The registration form must state whether any officers, directors, or managerial employees of the firm or affiliate office have been finally convicted of a felony or misdemeanor other than a minor traffic offense or juvenile offense.
  - (l) The Commission may:
    - (1) refuse to certify to the Supreme Court the application of a person who was finally convicted of an offense that directly relates to the duties and responsibilities of a certified court reporter as determined using the factors listed in Rule 3.5; or
    - (2) refuse to register a court reporting firm or affiliate office if an officer, director, or managerial employee of the firm or affiliate office was finally convicted of a felony or misdemeanor that directly relates to providing court reporting services as determined using the factors listed in Rule 3.5.

## **FEES OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION**

### **Certified Court Reporters and Registered Court Reporting Firms**

- (a) Applicants for Certification and Certified Reporters.
  - (1) Certification Application Fee—\$200
  - (2) Examination Fee—\$75 for Part B, \$125 for Part A, or \$190 for Parts A and B combined
  - (3) Renewal Fee—\$200
  - (4) Late Renewal Fee (Expired for 90 Days or Less)—\$300
  - (5) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$400
  - (6) Recertification Fee (Moved to Another State)— \$400 (A person who was certified in this State, moved to another state, and is currently certified and has been in practice in the other state for one year preceding the date of application may obtain a new certification without reexamination by paying a fee of \$400.)
  - (7) Regrading Fee—\$35
  - (8) Certificate Replacement Fee—\$15
  - (9) Certification Card Replacement Fee—\$5
- (b) Applicants for Registration and Registered Court Reporting Firms.
  - (1) Registration Fee—\$200
  - (2) Renewal Fee—\$200
  - (3) Late Renewal Fee (Expired for 90 Days or Less)—\$300
  - (4) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$400
  - (5) Registration Replacement Fee—\$15

### **Certified Guardians**

- (a) Certification Application Fee—\$100 (An employee of the Texas Health and Human Services Commission Office of Guardianship (“HHSC”) who is applying for certification

to provide guardianship services to a ward of the HHSC is exempt from payment of this fee.)

- (b) Examination Fee (initial)—\$175 (This fee must be paid separately from all other fees by the date established in the exam schedule.)
- (c) Examination Fee (retake)—\$175 (This fee must be paid separately from all other fees by the date established in the exam schedule.)
- (d) Renewal Fee—\$100 (An employee of the Texas HHSC who is applying for renewal of certification to provide guardianship services to a ward of the HHSC is exempt from payment of this fee.)
- (e) Late Renewal Fee (Expired for 90 Days or Less)—\$150
- (f) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$200
- (g) Recertification Fee (Moved to Another State)—\$200 (A person who was certified in this State, moved to another state, and is currently certified and has been in practice in the other state for one year preceding the date of application may obtain a new certification without reexamination by paying a fee of \$200.)
- (h) Certification Card Replacement Fee—\$5

#### **Registered Guardianship Programs**

- (a) Initial Registration Application Fee—\$200
- (b) Renewal Fee—\$200
- (c) Late Renewal Fee (Expired for 90 Days or Less)—\$300
- (d) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$400

#### **Certified Process Servers**

- (a) Certification Application Fee —\$200
- (b) Renewal Fee—\$200
- (c) Late Renewal Fee (Expired for 90 Days or Less)—\$300
- (d) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$400

- (e) Recertification Fee (Moved to Another State)—\$400 (A person who was certified in this State, moved to another state, and is currently certified and has been in practice in the other state for one year preceding the date of application may obtain a new certification without reexamination by paying a fee of \$400.)
- (f) Certification Card Replacement Fee—\$5

### **Licensed Court Interpreters**

- (a) License Application Fee—\$200
- (b) Renewal Application Fee—\$200
- (c) Upgrade to Master Application Fee—\$25
- (d) Additional Language Fee—\$25
- (e) Replacement License Fee—\$5
- (f) Written Examination Fee—\$100
- (g) Oral Examination Fee—\$300
- (h) Late Renewal Fee (Expired for 90 Days or Less)—\$300
- (i) Late Renewal Fee (Expired More than 90 Days but Less than 1 Year)—\$400
- (j) Relicensing Fee (Moved to Another State)—\$400 (A person who was licensed in this State, moved to another state, and is currently licensed and has been in practice in the other state for one year preceding the date of application may obtain a new license without reexamination by paying a fee of \$400.)
- (k) License Card Replacement Fee—\$5

### **Fee Waivers—~~Military Service~~**

- (a) Pursuant to Section 55.009 of the Occupations Code, the application and examination fees are waived for the following persons:
  - ~~(a)~~ (1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements of the certification, registration, or license for which the military service member or veteran applies;  
or

~~(b)~~ (2) military service member, military veteran, or military spouse who holds a current certification, registration, or license issued by another jurisdiction which has certification, registration, or licensing requirements that are substantially similar to the requirements enforced by the Commission.

(b) Pursuant to Section 154.107 of the Government Code, the registration and renewal fees for a court reporting firm are waived if a certified court reporter submits a declaration in lieu of payment that the reporter:

(1) owns more than 50 percent of the firm; and

(2) maintains actual control of the firm.