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**ISSUE DATE: APRIL 7, 2008**  
**RULE ADOPTIONS**  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
**STATE BOARD OF COURT REPORTING**

Adopted Amendments: N.J.A.C. 13:43-1, 2.1, 3.2, 3A.1, 3A.2, 3A.3, 4.1, 4.4, 4.7, 5.3 through 5.6, 5.8, 5.9 and 7.1 through 7.4

Adopted Repeals: N.J.A.C. 13:43-4.2 and 4.3

Adopted Recodification with Amendments: N.J.A.C. 13:43-3.1 as 5.1A

**Name Change from "Shorthand" to "Court" for Reporters and Board; Eligibility for Registration as a Temporary Registered Reporter; Disclosure Forms; Penalties; Examination for Certification as a Court Reporter; Criminal History Check; Continuing Education**

Proposed: August 20, 2007 at 39 N.J.R. 3469(a).

Adopted: November 29, 2007 by the State Board of Court Reporting, Marianne Cammarota, President.

Filed: February 29, 2008 as R.2008 d.78, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), with the proposed repeal and new rule N.J.A.C. 13:43-2.2 and proposed new rules N.J.A.C. 13:43-2.3, 3A.4 and 3A.5 and N.J.A.C. 13:43 Appendices A and B not adopted.

Authority: N.J.S.A. 45:15B-1 et seq., 45:1-7.1 to 45:1-7.2 and N.J.S.A. 45:1-3.2.

Effective Date: April 7, 2008.

Expiration Date: January 23, 2009.

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted rule amendments, repeals and recodification with amendments are subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the adopted amendments follows (additions to the proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

**CHAPTER 43**  
**STATE BOARD OF COURT REPORTING**

**SUBCHAPTER 1. STATE BOARD OF COURT REPORTING; METHODS OF OPERATION**

**13:43-1.1 State Board of Court Reporting; description**

(a) The Board of Court Reporting created in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to N.J.S.A. 45:15B-1 et seq., consists of six members appointed by the Governor, three of whom are certified court reporters, two of whom are appointed by the Governor as public members, and the sixth being a member of the executive branch of government.

(b) The State Board of Court Reporting is charged with the responsibility to certify court reporters

and to discipline persons violating provisions of N.J.S.A. 45:15B-1 et seq., pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

### **13:43-1.2 Methods of operation**

(a) The State Board of Court Reporting elects, from its number, a chairman and a secretary/treasurer to preside over its activities and to assume those duties normally associated with those offices.

(b) The State Board of Court Reporting meets annually for the purpose of conducting business, and at such other times as are necessary.

(c) All communications, submissions and requests to and all inquiries for information from the Board of Court Reporting should be directed to the Office of the State Board of Court Reporting, Post Office Box 45019, Newark, New Jersey 07101.

## **SUBCHAPTER 2. CERTIFICATION OF COURT REPORTERS\*[\*]; REGISTRATION OF TEMPORARY REGISTERED REPORTERS]\***

### **13:43-2.1 Eligibility for certification as a certified court reporter**

(a) In order to qualify for certification as a certified court reporter, an applicant shall:

1. (No change.)

2. Be of good moral character, as established by references and a criminal history name search, as set forth in (b) below, which shall be requested and performed in accordance with N.J.A.C. 13:59-1;

3.-5. (No change.)

6. Have successfully passed the Board-approved examination for the certification of court reporters; and

7. (No change.)

(b) An applicant for initial certification as a court reporter shall submit to the Board his or her name, address, date of birth and, in conformity with N.J.A.C. 13:59-1.4, social security number for the purpose of conducting a criminal history name search to determine whether any criminal history record information exists that the Board may consider in determining whether the applicant shall be certified in the State. The fee for a criminal history name search shall be paid by the applicant for certification as set forth in N.J.A.C. 13:59-1.3. In addition to its use in evaluating an application for initial certification, the Board may obtain criminal history record information from the Division of State Police for any other purpose authorized by statute or rule.

## **SUBCHAPTER 3. CERTIFICATION OF COURT REPORTERS IN REALTIME REPORTING**

### **13:43-3.1 (Reserved)**

### **13:43-3.2 Eligibility for certification as a certified realtime court reporter**

(a) In order to be eligible for certification as a realtime court reporter, an applicant shall:

1. Hold a current New Jersey certified court reporting certification in good standing;

2. Submit a completed application that contains the following information:

i. Proof of certification as a court reporter;

ii.-iv. (No change.)

3. (No change.)

4. Successfully pass the Board-approved examination for the certification of realtime court reporters; and

5. (No change.)

### **13:43-3A.1 Certificate renewal**

(a) (No change.)

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:43-6.1, and shall not engage in the practice of court reporting.

(c)-(d) (No change.)

(e) The Board shall send a notice of renewal to each certificate holder at least 60 days prior to the expiration of his or her certificate. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalty or fines shall apply to the certificate holder for any uncertified practice during the period following the certificate expiration, not to exceed the number of days short of 60 before the renewal was issued.

### **13:43-3A.2 Change of certification status: inactive to active**

(a)-(b) (No change.)

(c) A certificate holder who has been on inactive status for a period of five or more years shall take an examination that has been determined by the Board to test the applicant's ability to practice court reporting.

### **13:43-3A.3 Reinstatement of suspended certificate**

(a) An individual whose certificate has been automatically suspended for failure to renew as provided by N.J.A.C. 13:43-3A.1(d) may be reinstated by the Board, provided the applicant otherwise qualifies for certification pursuant to N.J.A.C. 13:43-2.1 and 3.1, and submits a completed reinstatement application and one of the following to the Board:

1. Certification of licensure or certification in good standing from any other state or jurisdiction in which the applicant has practiced court reporting during the period the certificate was suspended in this State;

2. Certification by the applicant stating that he or she has practiced court reporting in a state or jurisdiction, which does not require certification or licensure, during the period the certificate was suspended in this State; or

**3. Certification stating that the applicant has not practiced court reporting, in this or any other jurisdiction during the period the certificate was suspended in this State.**

(b) An individual who has practiced court reporting in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Board, from all of the applicant's employers.

The verification shall document dates of employment from the date the New Jersey certificate was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c)-(e) (No change.)

#### **13:43-4.1 Examinations for certification as a certified court reporter; frequency**

(a) The examination for certification as a certified court reporter shall be held at least once per year. The time and place of an examination shall be advertised by the Board at least 30 days prior to the date of such examination.

(b) The National Court Reporters Association Registered Professional Reporter examination shall be the Board-approved examination for certification of court reporters.

(c) The Board will accept a National Court Reporters Association Registered Professional Reporter examination taken on or after May 1, 2006 to satisfy the examination requirement for certification as a court reporter under N.J.A.C. 13:43-2.1.

#### **13:43-4.2 (Reserved)**

#### **13:43-4.3 (Reserved)**

#### **13:43-4.4 Examination for certification as a certified realtime court reporter; frequency; components; process; materials to be furnished by the applicant; grading**

(a) The examination for certification as a certified realtime court reporter shall be held at least once a year at such times and places as may be deemed necessary by the Board, providing sufficient applications are on file with the Board. The time and place of an examination shall be advertised by the Board at least 30 days prior to the date of such examination.

(b)-(e) (No change.)

#### **13:43-4.7 Certification without examination**

(a) An applicant for certification as a certified court reporter who presents proof of having earned the designation of Registered Merit Reporter awarded by the National Court Reporters Association shall be deemed to have satisfied the examination requirement set forth in N.J.A.C. 13:43-2.1.

(b) An applicant for certification as a certified realtime court reporter who presents proof of having earned a certificate in realtime reporting awarded by the National Court Reporters Association shall be deemed to have satisfied the examination requirement set forth in N.J.A.C. 13:43-3.2.

### **SUBCHAPTER 5. GENERAL PROVISIONS**

#### **13:43-5.1A Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Certified court reporter" or "CCR" means any person who is certified pursuant to the provisions of N.J.S.A. 45:15B-1 et seq.

"Certified realtime court reporter" or "CRCR" means one who possesses a voluntary certification to perform realtime reporting.

"Court reporting" means making, by use of symbols or abbreviations, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups and causing that record to be provided or printed in a readable form or produced on a computer screen in a readable form.

"Realtime reporting" means a computer-aided method of translation performed by a certified realtime court reporter (who must also hold a current New Jersey certificate as a certified court reporter), in order to provide a simultaneous verbatim transcription on a computer screen of any testimony given under oath before any court, referee, board, commission, or other body created by statute of this State.

\*["Temporary registered reporter" or "TRR" means a non-certified court reporter who has registered with the Board pursuant to N.J.A.C. 13:43-2.2.]\*

### **13:43-5.3 Change of address; service of process**

(a) A certification \*[or registration]\* holder of the Board of Court Reporting shall notify the Board in writing of any change of name or address from that currently registered with the Board and shown on the most recently issued certification \*[or registration]\*. Notice shall be given not more than 30 days following such change.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the certified \*[or registered]\* practitioner's address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding against the certified \*[or registered]\* practitioner.

### **13:43-5.4 Prohibited practices**

(a) Certified court reporters \*[and temporary registered reporters]\* shall not:

1. Provide incentives or rewards to attorneys, clients or their representatives or agents to use the services of a certified court reporter \*[or a temporary registered reporter]\*. Certified court reporters \*[and temporary registered reporters]\* may distribute promotional items of nominal value, which advertise their business;

2. Provide or arrange to provide reporting services, in a judicial or quasi-judicial matter and/or a deposition, if he or she:

i.-iii. (No change.)

iv. Is related to an agent or is an employee of a person or entity with a financial interest in the action or its outcome; or

3. Enter into or arrange any contract or financial relationship that compromises the impartiality of the certified court reporter \*[or temporary court reporter]\* or that may result in the appearance that the impartiality of the certified court reporter \*[or temporary registered reporter]\* has been compromised.

(b) A violation of any provisions in (a) above shall constitute professional misconduct and shall be grounds for disciplinary action, including suspension or revocation of certification as a certified court reporter in the State of New Jersey \*[or of a registration as a temporary registered reporter]\*, by the Board pursuant to N.J.S.A. 45:1-21 et seq.

### **13:43-5.5 Disclosure of title and certification \*[or registration]\* number; the use of misleading titles and abbreviations**

(a) A certified court reporter, \*or a\* certified realtime court reporter \*[or a temporary registered reporter]\* shall indicate his or her title in the form of an abbreviation "C.C.R." (certified court reporter)\*[,]\* \*or\* "C.R.C.R." (certified realtime court reporter), \*[or "T.R.R." (temporary registered reporter)]\* respectively, on all official documents he or she has prepared including, but not limited to, all transcripts, invoices, business cards, advertising and any other document containing reported and/or recorded information.

(b) A person who is not a certified court reporter \*[,]\* \*or\* certified realtime court reporter of New Jersey \*[or a temporary registered reporter]\* shall not use misleading titles or abbreviations such as C.C.R., C.R.C.R., \*[T.R.R.,]\* Court Reporter of the State of New Jersey, Realtime Reporter of the State of New Jersey, Court Reporter or C.R.

### **13:43-5.6 Note and transcript retention policy**

(a) All certified court reporters \*[and all temporary registered reporters]\* shall retain all notes in civil matters for no less than five years unless a full transcript has been prepared of the matter, in which case the electronic notes and the transcript shall be retained for at least five years, but the paper notes may be discarded after two years.

(b) In all criminal matters and any other matter heard in the Superior Court of New Jersey, in a Federal District Court, or any other court of competent jurisdiction, a certified court reporter \*[or a temporary registered reporter]\* shall retain all notes in accordance with the procedures established by such court.

\*[(c) All temporary registered reporters shall retain all forms prepared pursuant to N.J.A.C. 13:43-2.2(d), (e) and (h) for no less than five years.]\*

### **13:43-5.8 Standards of practice**

(a) Certified court reporters \*[and temporary registered reporters]\* shall:

1.-2. (No change.)

3. Attach a certification page to all transcripts attesting that the certified court reporter \*[or temporary registered reporter]\* is unrelated to the parties involved in the action; has no financial interest and is not related to an agent of or employed by anyone with a financial interest in the outcome of the action; is a certified court reporter \*[or temporary registered reporter]\*; the transcript is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey; and includes the notary number, expiration date and certified court reporter certificate number \*[or temporary registration number]\*;

4.-5. (No change.)

### **13:43-5.9 Transcript format**

(a) A certified court reporter \*[or temporary registered reporter]\* shall follow the following transcript format:

1.-8. (No change.)

\*[(b) A temporary registered reporter shall fulfill the requirements of N.J.A.C. 13:43-2.2(f) for original and copied transcripts.]\*

### **13:43-6.1 Fee schedule**

(a) The following fees shall be charged by the Board:

1. Application fee:

- i. Certified court reporter.....\$ 150.00
- ii. Certified realtime court reporter..... 150.00
- \*[iii. Temporary registered reporter..... 150.00]\*

2. Examination fee

- i. Certified realtime court reporter..... 100.00

3. Initial certification fee (certified court reporter only):

i.-ii. (No change.)

4. Initial certification fee (certified realtime court reporter only):

i.-ii. (No change.)

\*[5. Initial registration fee (temporary registered reporter only) . . . . . 125.00]\*

\*[6.]\* \*5.\* Biennial renewal fee:

- i. Certified court reporter..... 250.00
- ii. Certified realtime court reporter..... 100.00

\*[7. Annual renewal fee temporary registered reporter..... 125.00]

\*[8.]\* \*6.\* (No change in text.)

\*[9. Late registration renewal fee..... 100.00]\*

Recodify proposed 10. and 11. as \*7. and 8.\* (No change in text.)

\*[12. Duplicate registration fee..... 20.00]\*

\*[13.]\* \*9.\* Replacement wall certificate \*[or registration]\*..40.00

\*[14.]\* \*10.\* (No change in text.)

\*[15.]\* \*11.\* Inactive license fee ... (to be determined by the Director by rule)

**13:43-7.1 Certificate renewal: continuing education requirement**

(a) A certified court reporter applying for biennial certificate renewal shall complete, during the preceding biennial period, continuing education in the continuing education (CE) credits specified in N.J.A.C. 13:43-7.2. Certificate holders are exempt from the continuing education requirements of this subchapter for the initial period of certification.

(b) (No change.)

**13:43-7.2 Credit-hour requirements**

(a) An applicant for a biennial certificate renewal shall complete, during the preceding biennial period, a minimum of 15 credits of continuing education in the following manner:

1. At least 10 credits shall be in core areas relating to court reporting, such as:

- i. Computer assisted technology, including computer-aided transcription (CAT), communication access realtime translation (CART) and captioning;
- ii. Speed/accuracy;
- iii. Grammar;
- iv. Real time technology and proficiency;
- v. Ethics;
- vi. Transcript preparation and production; or
- vii. Business practices; and

2. Subjects other than those listed in (a) above may be acceptable for continuing education credit if the certificate holder can demonstrate to the satisfaction of the Board that such subject or specific program contributes to the maintenance of the certificate holder's professional competence.

(b) A certificate holder who completes more than the 15 minimum continuing education credits in any biennial registration period may carry over no more than five of the additional credits into a succeeding biennial period only if the additional credits were earned in the last six months of the preceding biennial period.

(c) A certificate holder whose certificate has been suspended pursuant to N.J.A.C. 13:43-3A.1(d) for a period of two to five years shall complete 15 credits of continuing education within two years prior to reinstatement.

(d)-(e) (No change.)

### **13:43-7.3 Continuing education programs, courses and seminars**

(a) A certificate holder may obtain continuing education credits from the following:

1. Successful completion of any course, program or seminar, which has been approved by the National Court Reporters Association and is in one of the core areas listed under N.J.A.C. 13:43-7.2(a)1;

2. Successful completion of continuing education programs, courses or seminars approved by the Board pursuant to N.J.A.C. 13:43-7.7. The Board shall approve only such continuing education programs, courses or seminars as are available and advertised on a nondiscriminatory basis to all persons granted certificates by the New Jersey State Board of Court Reporting. The Board shall maintain a list of approved programs, courses and seminars at the Board office and shall furnish this information to certificate holders upon request;

3. Post-secondary course work, transcripts of which shall be furnished to the Board, in areas relating to court reporting, such as:

i.-iii. (No change.)

iv. Business practices; and

v. (No change.)

4. (No change in text.)
5. Authorship of textbooks, articles or manuals, as they specifically relate to court reporting;
6. Correspondence, televised, videotaped, teleconference and internet courses upon verification by the course provider that the course was monitored and successfully completed by the certificate holder;
7. Successful completion of each of the following National Court Reporters Association examinations:
  - i. National or State Certified Realtime Reporter (CRR) Examination;
  - ii. National Certified Broadcast Captioner (CBC) Examination;
  - iii. National Certified CART Provider (CCP) Examination;
  - iv. National Registered Merit Reporter (RMR) Examination; and
  - v. Registered Diplomate Reporter (RDR) Examination;
8. Successful completion of the National Certified Manager of Reporting Services (CMRS) course in part or whole; or
9. Successful completion of pro bono events that each required at least one hour of the certified court reporter's time and required the certified court reporter's specific skills and knowledge. A pro bono event shall include, but shall not be limited to, providing services free of charge that result in the completion of a transcript, such as for indigent legal services and moot court.

### **13:43-7.4 Credit hour calculations**

- (a) Credit for continuing education shall be granted as follows for each biennial certification period:
1. Successful completion of any course, program or seminar, which has been approved by the National Court Reporters Association and is in one of the core areas listed in N.J.A.C. 13:43-7.2(a): one continuing education credit for each hour of attendance at an approved course. Credit shall not be granted for courses that are less than one instructional-hour long. An entire course or segment of course instruction shall be completed in order to receive any continuing education credit;
  2. Attendance at programs, courses or seminars approved by the Board pursuant to N.J.A.C. 13:43-7.7: one continuing education credit for each hour of attendance at an approved course. Credit shall not be granted for courses, which are less than one instructional-hour long. An entire course or segment of course instruction shall be completed in order to receive any continuing education credit;
  3. Successful completion of post-secondary course work pursuant to N.J.A.C. 13:43-7.3(a)3: one continuing education credit for each course credit awarded;
  4. Publication in a professional journal of an article related to the practice of court reporting of not less than 500 words: three continuing education credits per article with a maximum of six credits per biennial certification period;
  5. Authorship of a textbook or manual of not less than 7,500 words related to the practice of court reporting: five continuing education credits for each textbook or manual with a maximum of 10 credits per biennial certification period;

6. Teaching, research appointments and program development: five continuing education credits for each new course, with a maximum of 10 credits per biennial certification period. "New" means a new course, which the licensee has never taught before in an educational setting;
7. Correspondence, televised, videotaped, teleconference and internet courses: one continuing education credit for each hour of instruction for an approved course. Credit shall not be granted for courses, which are less than one instructional-hour long. An entire course or segment of course instruction shall be completed in order to receive any continuing education credit;
8. Successful completion of each of the National Court Reporters Association examinations as set forth in N.J.A.C. 13:43-7.3(a)7: two continuing education credits may be earned, on a one-time basis, per biennial certification period;
9. Successful completion of the National Certified Manager of Reporting Services (CMRS) course: five continuing education credits for each Part, with a total of 15 continuing education credits for successfully completing the course as a whole, which includes preparing a Thesis; and
10. Pro bono events as set forth in N.J.A.C. 13:43-7.3(a)9: up to three continuing education credits per biennial certification period.