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**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**STATE BOARD OF COURT REPORTING**

**Readoption with Amendments: N.J.A.C. 13:43**

**Adopted Recodification: N.J.A.C. 13:43-5.1A as 13:43-1A**

**Adopted New Rules: N.J.A.C. 13:43-2.3, 3A.4 and 3A.5 and 13:43 Appendices A and B**

**Adopted Repeal and New Rule: N.J.A.C. 13:43-2.2**

**State Board of Court Reporting Rules; Eligibility for Registration as a Temporary Registered Reporter; Disclosure Forms; Penalties**

Proposed: February 17, 2009 at 41 N.J.R. 851(a).

Adopted: May 18, 2009 by the State Board of Court Reporting, Marianne Cammarota, President.

Filed: May 27, 2009 as R.2009 d.207, **without change**.

Authority: N.J.S.A. 45:1-3.2, 45:1-7.1 to 7.2, 45:1-15 to 15.1 and 45:15B-1 et seq.

Effective Dates: May 27, 2009, Readoption;

July 6, 2009 , Amendments, New Rules, Repeals and Recodification.

Expiration Date: May 27, 2014.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments, new rules and a repeal are subject to State statutory requirements and are not subject to any Federal requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:43.

**Full text** of the adopted new rules and amendments follows:

**SUBCHAPTER 1A. DEFINITIONS**

**13:43-1A.1 Definitions**

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

...

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

## SUBCHAPTER 2. CERTIFICATION OF COURT REPORTERS; REGISTRATION OF TEMPORARY REGISTERED REPORTERS

### 13:43-2.2 Eligibility for registration as a temporary registered reporter; disclosure forms; penalties

(a) In order to qualify to register as a temporary registered reporter pursuant to N.J.S.A. 45:15B-9, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character, as established by references and a criminal history name search as set forth in (c) below, which shall be requested and performed in accordance with N.J.A.C. 13:59-1;
3. Have obtained a high school diploma or its equivalent;
4. Have submitted a completed application form to the Board; and
5. Paid the application fee set forth in N.J.A.C. 13:43-6.1;

(b) In addition to (a) above, the applicant must present proof of one of the following:

1. A certificate of completion from a reporting school program;
2. Proof that the applicant has practiced court reporting in at least three out of the last five years preceding the date of application. Such proof shall consist of one of the following:
  - i. Submission of an affidavit of employment listing each job held during the three-year period that includes the name, address and telephone number of each employer; or
  - ii. Complete copies of all business records, such as, but not limited to, caption and appearance sheets and invoices, made for each court reporting assignment completed;
3. Proof of an active certificate or license from another state; or
4. A certification issued by the National Court Reporters Association under any of the following titles:
  - i. Registered Merit Reporter;
  - ii. Certified Real Time Reporter;
  - iii. Certified Broadcast Captioner; or
  - iv. Certified Communications Access Realtime Translation Provider.

(c) An applicant for initial registration as a temporary registered 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 registered in the State. The fee for a criminal history name search shall be paid by the applicant for registration as set forth in N.J.A.C. 13:59-1.3. In addition to its use in evaluating an application for initial registration, the Board may obtain criminal history record information from the Division of State Police for any other purpose authorized by statute or rule.

(d) A temporary registered reporter who is engaged in court reporting shall disclose to all participants of a proceeding

and obtain from those participants, before commencement of the proceeding, a written acknowledgment that the temporary registered reporter is not certified by the Board but is registered with the Board to practice as a court reporter on a temporary basis. The written acknowledgement referred to above shall be in the form prescribed by the Board attached to these rules as chapter Appendix A and incorporated herein by reference.

(e) A temporary registered reporter who is engaged in court reporting shall abide by the requirements set forth in New Jersey Court Rules, R. 4:14-5. The waiver of the reading and signing of the deposition referred [page=2675] to in R. 4:14-5, shall be in the form prescribed by the Board, attached to these rules as chapter Appendix B and incorporated herein by reference.

(f) The original of the forms referred to in (d) and (e) above shall be placed with the original transcript. All copies of the transcript shall include a copy of the forms referred to in (d) and (e) above.

(g) The transcript shall not be considered complete if the registrant has not complied with the requirements of (f) above.

(h) The temporary registered reporter shall maintain a log of all proceedings, which shall include the date, time, place, caption and appearance sheet and all disclosure forms referred to in (d) above and those forms referred to in (e) above. The log shall be retained for a period of no less than five years.

(i) The Board may randomly audit records maintained by a temporary registered reporter under (h) above for any one-year period as determined by the Board.

(j) A certified court reporter who has had his or her certification suspended and/or revoked for any reason may not apply for temporary registered reporter status.

(k) A person who is in violation of this section shall be subject to a penalty of not more than \$ 500.00 for the first violation, and not more than a \$ 1,000 for each violation thereafter, to be sued for by the Board in a summary proceeding and collected in court pursuant to N.J.S.A. 2A:58-10 et seq. A person who fails to comply with the requirements of this section is subject to the suspension or revocation of that individual's certificate or temporary registration pursuant to N.J.S.A. 45:1-21.

### 13:43-2.3 Employment of temporary registered reporters

(a) An employer of a certified court reporter or owner of a shorthand and/or court reporting agency, or certified court reporter may utilize temporary registered reporters referred to in N.J.A.C. 13:43-2.2 only in circumstances where a certified court reporter is unavailable. In such circumstances where a certified court reporter is unavailable, the employer, owner of a shorthand and/or court reporting agency or certified court reporter shall contact five shorthand and/or court reporting agencies to seek an available certified court reporter. The employer, owner of a shorthand or court reporting agency or certified court reporter shall record the five contacts in an affidavit that shall include the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified court reporter is sought, including the date, time and location of the job, as well as the name(s) of the party (parties) soliciting the certified court reporter and the name of the case for which the certified court reporter is sought.

1. The employer, owner of a shorthand and/or court reporting agency or certified court reporter shall retain the affidavits referred to above for a period of three calendar years. The records shall be made available to the Board within two business days of the Board's written notice of request, and shall be subject to the Board's random audit. For purposes of this paragraph, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

## SUBCHAPTER 3A. CERTIFICATE RENEWAL; REGISTRATION RENEWAL; INACTIVE STATUS; REINSTATEMENT

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

(a) (No change.)

(b) A certificate holder on inactive status shall complete 15 credits of continuing education, which shall be completed by the applicant within one year prior to and one year after the date of application for return to active status. The 15 credits of continuing education earned by the certificate holder under this subsection shall be consistent with the requirements and subject to all provisions of Subchapter 7.

(c) If the certificate holder completes any or all of the 15 credits of continuing education required by (b) above after reinstatement to active status, he or she is required to complete an additional 15 credits of continuing education for the biennial renewal period immediately following reinstatement in the manner set forth in Subchapter 7.

#### 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 3.2, and submits a completed reinstatement application and one of the following to the Board:

1.-3. (No change.)

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

#### 13:43-3A.4 Registration renewal for temporary registered reporters

(a) All temporary reporter registrations issued by the Board shall be issued for a one-year period. A temporary reporter registration holder who seeks renewal of the registration shall submit a registration renewal application and the registration renewal fee set forth in N.J.A.C. 13:43-6.1 prior to the expiration date of the registration.

(b) A temporary reporter registration may be renewed for two consecutive one-year periods following initial registration, during which time a registrant shall attempt to complete the certification examination. After the three-year period has expired, the registrant shall not be allowed to register as a temporary registered reporter and shall not practice court reporting in the State until he or she has passed the certification examination and has been certified by the Board.

(c) If the temporary reporter registration holder does not renew the registration prior to its expiration date, the temporary reporter registration holder may renew it within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:43-6.1.

(d) A temporary reporter registration that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended registration shall be deemed to be engaged in unregistered practice.

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

#### 13:43-3A.5 Reinstatement of suspended registration

(a) An individual whose registration has been automatically suspended for failure to renew as provided by N.J.A.C. 13:43-3A.4(c) may be reinstated by the Board, provided the applicant:

1. Otherwise qualifies for registration pursuant to N.J.A.C. 13:43-2.2;

2. Demonstrates competency satisfactory to the Board;

3. Submits a completed reinstatement application; and
4. Pays the reinstatement fee pursuant to N.J.A.C. 13:45-6.1.

(b) An individual with a suspended registration shall submit to the Board:

1. A certification stating that the applicant has not practiced court reporting, in this jurisdiction during the period the registration was suspended in this State; or
2. A written verification from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey registration was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

## SUBCHAPTER 5. GENERAL PROVISIONS

### 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.

### [page=2676] 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. (No change.)

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

(b) Temporary registered reporters are prohibited from using the following titles or abbreviations: C.C.R.; C.R.C.R.; Court Reporter of the State of New Jersey; Realtime Reporter of the State of New Jersey; Court Reporter or C.R.

(c) A violation of any provisions in (a) or (b) 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) (No change.)

(b) A temporary registered reporter shall be identified as such on all business cards, letterhead advertising, and all other work-related documents.

(c) (No change in text.)

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.

SUBCHAPTER 6. FEES

13:43-6.1 Fee schedule

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

- 1. Application fee:
  - i.-ii. (No change.)
  - iii. Temporary registered reporter . . . . . 150.00

- 2.-4. (No change.)
- 5. Initial registration fee (temporary registered reporter only) .. 125.00
- 6. (No change in text.)
- 7. Annual renewal fee 125.00

temporary registered  
reporter . . . . .  
8. (No change in text.)  
9. Late registration 100.00  
renewal fee . . . . .  
. . . . .  
Recodify existing 7. and 8.  
as 10. and 11. (No change  
in text.)  
12. Duplicate registration 20.00  
fee . . . . .  
13. Replacement wall 40.00  
certificate or registration . .  
. . . . .

Recodifying existing 10. and 11. as 14. and 15. (No change in text.)

[page=2677] **APPENDIX A**

**WRITTEN NOTIFICATION AND DISCLOSURE FORM**



[page=2678] A Temporary Registered Reporter is required to disclose to all parties at a proceeding that he/she is not a certified court reporter in this State and is further required to obtain a written acknowledgment that this information has been disclosed to the parties. Therefore, please sign and date this form below in order to acknowledge and attest to the fact that this proceeding is being recorded by a Temporary Registered Reporter rather than a Board certified court reporter.

Plaintiff/Petitioner/Attorney Defendant/Respondent/Attorney

\_\_\_\_\_ Print Name \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature \_\_\_\_\_ Signature

Plaintiff/Petitioner/Attorney Defendant/Respondent/Attorney

\_\_\_\_\_ Print Name \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature \_\_\_\_\_ Signature

Plaintiff/Petitioner/Attorney Defendant/Respondent/Attorney

\_\_\_\_\_ Print Name \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature \_\_\_\_\_ Signature

Plaintiff/Petitioner/Attorney Defendant/Respondent/Attorney

\_\_\_\_\_ Print Name \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature \_\_\_\_\_ Signature

[page=2679] **REFUSAL TO CONSENT**

I, \_\_\_\_\_, a Temporary Registered Reporter, Registration Number \_\_\_\_\_, hereby certify that, as required by N.J.S.A. 45:15B-9 b(2) and N.J.A.C. 13:43-2.2(d), I disclosed to the participants of the proceeding identified above that I am not certified by the State Board of Court Reporting but that I am registered with the Board to practice as a court reporter on a temporary basis. The parties thereafter chose to postpone the proceeding until a certified court reporter is available. The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

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Name and Registration Number of Temporary Registered Reporter

[page=2680] **APPENDIX B**

**WAIVER FORM**



[page=2681] I hereby waive the reading and signing of the deposition transcript in the above-captioned matter, which was recorded by a non-certified court reporter (or temporary registered reporter), of the State of New Jersey.

Plaintiff/Petitioner/Attorney      Defendant/Respondent/Attorney

\_\_\_\_\_ Print Name      \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature      \_\_\_\_\_ Signature

\_\_\_\_\_ Print Name      \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature      \_\_\_\_\_ Signature

\_\_\_\_\_ Print Name      \_\_\_\_\_ Print Name

\_\_\_\_\_ Signature      \_\_\_\_\_ Signature

