

Certification of Shorthand Reporters In the State of Oregon

Effective June 1, 2014

Policies Adopted by the State Court Administrator
Legal Authority: Oregon Revised Statutes 8.415 through 8.455



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INTRODUCTION

The State Court Administrator adopts the following policies and procedures for the certification of shorthand reporters in the state of Oregon as authorized in Oregon Revised Statutes (ORS) 8.415 through 8.455. The policies and procedures in this document affect all individuals applying for or maintaining shorthand reporter certification through the Office of the State Court Administrator (OSCA).

DEFINITIONS

The following definitions apply to the policies and procedures in this document:

Certified Shorthand Reporter (CSR)	An individual who is currently certified in stenographic reporting, voicewriting reporting, or both under this policy.
Certified Shorthand Reporters Advisory Committee	A committee established in ORS 8.455 to provide recommendations to the State Court Administrator.
Shorthand Reporter	An individual who does stenographic reporting or voicewriting reporting.
Stenographic Reporting	Making and transcribing a verbatim record using a written system of manual or machine shorthand procedures.
Verbatim Record	A word-for-word record of an oral proceeding.
Voicewriting Reporting	Making and transcribing a verbatim record using a voice-silencer mask and repeating every word into a digital recorder for subsequent transcription or transcription through a computerized speech-recognition program.

Section 1: Certified Shorthand Reporters Advisory Committee

1.1 Committee Activities

ORS 8.455 establishes the Certified Shorthand Reporters Advisory Committee to provide advice to the State Court Administrator regarding the certification of shorthand reporters and administration of the certification program. The advisory committee may make recommendations to the State Court Administrator on

- (1) General program policies.
- (2) Qualifications for initial certification.
- (3) Continuing education and other requirements for renewal of certification.
- (4) Certifications to be awarded.
- (5) Program fees.
- (6) A Code of Conduct for Certified Shorthand Reporters (CSRs).
- (7) Grounds for suspension, revocation, or denial of certification.
- (8) Investigation of complaints regarding CSRs.
- (9) Disciplinary and related corrective actions.
- (10) Any issue at the State Court Administrator's request.

1.2 Committee Meeting Frequency

- (1) Any person may bring an issue to the advisory committee.
- (2) Any committee member may ask the State Court Administrator to convene the committee to consider issues that arise.
- (3) The advisory committee will meet at the State Court Administrator's direction.

Section 2: Initial Certification

2.1 Qualifying for Initial Certification

To qualify for initial certification as a CSR in Oregon, an individual must

- (1) Have a high school diploma or GED certificate.
- (2) Either
 - (a) Meet the requirements for first-time certification based on qualifying national certification (see Section 2.2), **OR**
 - (b) Pass all skills segments of a qualifying exam (see Section 2.3).
- (3) Not be serving a period of suspension, revocation, resignation, or denial of any shorthand reporter certification, license, or registration from any state or national entity for any reason other than failing to meet documentation requirements.
- (4) Not have any convictions for a crime related to a shorthand reporter's qualifications, functions, or duties. (The State Court Administrator has discretion to decide what crimes are related to a shorthand reporter's qualifications, functions, or duties.)
- (5) Submit to OSCA a completed application, any other documentation OSCA requires, and the initial certification fee.
- (6) Agree to follow the Code of Conduct (see Section 7).

2.2 Qualifying National Certification

An individual may be eligible for initial certification on the basis of holding national certification if the individual

- (1) Is applying to become a CSR for the first time;
- (2) Holds at least one of the following certifications and the certification is valid and active:
 - (a) Registered Professional Reporter (RPR) certification through the National Court Reporters Association (NCRA),
 - (b) Certified Verbatim Reporter (CVR) certification through the National Verbatim Reporters Association (NVRA),
 - (c) Other NCRA or NVRA certification that requires RPR or CVR certification as a prerequisite;
- (3) Provides written proof of the qualifying certification; and

- (4) Has never had a court reporter certification, license, or registration from any jurisdiction suspended, revoked, resigned, or denied for any reason other than failure to meet documentation requirements.

2.3 Qualifying Exam

- (1) If an individual does not meet the requirements in Section 2.2 regarding eligibility through national certification, the individual must have passed all skills segments of a qualifying exam within the 24 months before OSCA receives the individual's application for certification.
- (2) Only stenographic and voicewriting skills exams that meet or exceed the following minimum standards for content, speed, and accuracy qualify. Three, five-minute dictation segments of
 - (a) Literary at 180 words per minute (up to 45 errors allowed),
 - (b) Jury charge at 200 words per minute (up to 50 errors allowed), and
 - (c) Two-voice testimony at 225 words per minute (up to 57 errors allowed).
- (3) OSCA recognizes the following exams offered by the NCRA and NVRA as meeting or exceeding the minimum standards in subsection (2):
 - (a) NCRA's RPR exam.
 - (b) NCRA exams open only to RPRs as a prerequisite.
 - (c) NVRA's CVR exam.
 - (d) NVRA exams open only to CVRs as a prerequisite.
- (4) At any time, OSCA may stop accepting any exam that no longer meets at least the minimum standards in subsection (2).
- (5) The applicant must provide any documentation necessary to establish that the exam qualifies.
- (6) The State Court Administrator may consult the Certified Shorthand Reporters Advisory Committee for help in determining whether a particular exam meets the requirements of this section. The State Court Administrator's decision to accept or not accept an exam is final.

2.4 Applying for Initial Certification

- (1) To apply for initial certification, an individual must submit the following to OSCA:
 - (a) A current application for initial certification with all parts completed.

- (b) Proof of either holding a qualifying national certification (see Section 2.2) or passing a qualifying exam (see Section 2.3).
 - (c) The initial certification fee (see Section 5.1).
- (2) An individual may apply for certification in stenographic reporting, voicewriting reporting, or both; however, the individual must qualify, apply, and pay separately for each certification.

2.5 Expiration Date of Initial Certification

Initial certifications issued on or after January 1, 2014, will expire three years after the end of the quarter in which OSCA receives the individual's application. For example, if OSCA receives an individual's application in February and the individual qualifies for certification, the certification expiration date will be March 31 (the end of the quarter) plus three years.

Section 3: Certification Renewal

3.1 Qualifying for Renewal

To qualify for certification renewal, a CSR must

- (1) Earn sufficient continuing education units (CEU) in qualified courses. (See Section 6 on continuing education.)
- (2) Not be serving a period of suspension, revocation, resignation, or denial of any shorthand reporter certification, license, or registration from any state or national entity for any reason other than failing to meet documentation requirements.
- (3) Not have any convictions for a crime related to a shorthand reporter's qualifications, functions, or duties. (The State Court Administrator has discretion to decide what crimes are related to a shorthand reporter's qualifications, functions, or duties.)
- (4) Submit a completed renewal application, required documentation, and renewal fees to OSCA no later than the end of the grace period specified in Section 3.4.
- (5) Agree to follow the Code of Conduct (see Section 7).

3.2 Applying for Renewal

- (1) At least 60 calendar days before a CSR's certification expires, OSCA will send a renewal notice and renewal forms to the CSR's most recent mailing address on file. To apply for renewal, a CSR must use the current forms included in the packet.
- (2) OSCA urges every CSR to complete and submit the required documents and fees for renewal as soon as feasible after the CSR receives the renewal notice and forms. This will allow the CSR maximum time to handle any problems before the CSR's certification expires. Insufficient documentation, fees, or CEU in qualified courses will not be grounds for extending deadlines for renewal of certification.
- (3) To apply for renewal, a CSR must submit the following to OSCA:
 - (a) A current renewal application with all parts completed.
 - (b) A completed CSR Continuing Education Log, even if also submitting an education log or education transcript from a state or national association.
 - (c) Either
 - (i) An education log or transcript from NCRA or NVRA showing course dates and credits earned for national certification; **OR**

(ii) Legible, official documentation (not personal notes and not printouts of slide shows or other course handouts) showing the following for each educational session:

- Agenda or course description
- Sponsor
- Course date(s)
- Hours of actual education
- Proof of attendance or completion

(d) The certification renewal fee (see Section 5.1).

(4) An individual who holds CSR certification in both stenographic reporting and voicewriting reporting must apply for renewal of each certification separately and pay separate renewal fees for each certification. The CSR may use the same continuing education courses to renew both certifications if the courses meet all other CEU requirements (e.g., the CSR attended the course within the 36 months before each certification expires).

3.3 Expiration Date of Renewed Certification

Certifications renewed on or after January 1, 2014, will expire three years after the previous certification expired.

3.4 Grace Period

- (1) A certification expires if OSCA does not receive a completed renewal application, fully paid fees, and all required documentation to qualify for renewal on or before the certification expiration date.
- (2) OSCA allows a maximum 30-calendar-day grace period after a certification expires. The purpose of the grace period is to allow CSRs additional time to submit documents and fees.
- (3) A CSR cannot use the grace period to obtain additional CEU needed to qualify for renewal.
- (4) A CSR may apply for renewal of an expired certification during the grace period. OSCA must receive all required, completed documents and fully paid renewal fees no later than 30 calendar days after the certification expired.
- (5) A certification eligible for renewal within the grace period is considered expired but still valid until the grace period ends. Agreements to follow the Code of Conduct remain in effect during the grace period, and the individual may continue to use the title of “certified shorthand reporter” during the grace period.
- (6) OSCA will not renew certification after the grace period. If OSCA receives a renewal application, required documentation, or fees after the grace period, OSCA will send the individual an expiration notice and refund submitted renewal fees.

- (7) OSCA will not put a certification into “inactive” or any other status that would postpone renewal requirements beyond the grace period

3.5 Effect of Not Applying for Renewal or Not Qualifying for Renewal

- (1) OSCA will not approve extensions beyond the grace period in Section 3.4.
- (2) An individual who does not meet all of the renewal requirements by the end of the grace period must immediately stop using the expired certification number and the title of “certified shorthand reporter,” CSR, and any other titles, abbreviations, or designations indicating that the person is a Certified Shorthand Reporter in Oregon. This applies to work already in progress as well as future work and transcribing notes that may have been taken while certified, except to note that the individual was a CSR at the time the individual administered any oaths. (See ORS 8.435.)
- (3) The individual may apply to become a CSR again but must meet all the requirements for initial certification—including exam requirements—and must reapply for initial certification.
- (4) If the individual qualifies and applies for initial certification, OSCA will issue a new certification with a new certification number and new expiration date. The CSR must use the new certification number exclusively.

3.6 Notice of Mailing Address or Name Change

A CSR must send written notice of any mailing address or name change to OSCA. OSCA will not extend any deadlines if a CSR misses important information or mailings because the CSR did not send the required notice to OSCA.

Section 4: Aligning CSR and National Certification Dates (Optional)

Recognizing that CSRs may also hold national certification, and may prefer to renew both on the same cycle, the State Court Administrator adopts the following option to align CSR certification expiration and CEU dates to national certification expiration and CEU dates.

4.1 Qualifying for Certification Alignment

To qualify for certification alignment, an individual must

- (1) Have current CSR certification. (Alignment is not available when applying for initial certification.)
- (2) Have current NCRA or NVRA certification with an expiration date after the individual's CSR certification expiration date. (OSCA will move CSR certification dates further into the future only, not backwards to an earlier date.)
- (3) Not be serving a period of suspension, revocation, resignation, or denial of any shorthand reporter certification, license, or registration from any state or national entity for any reason other than failing to meet documentation requirements.
- (4) Not have any convictions for a crime related to a shorthand reporter's qualifications, functions, or duties. (The State Court Administrator has discretion to decide what crimes are related to a shorthand reporter's qualifications, functions, or duties.)
- (5) Submit a completed alignment application, required documentation, and alignment fees to OSCA. OSCA must receive all required documents and fees on or before the CSR's current certification expiration date. A CSR cannot use the 30-day grace period in Section 3.4 to apply for certification alignment.

4.2 Applying for Certification Alignment

- (1) To align CSR certification dates to national certification dates, a CSR must submit the following to OSCA:
 - (a) A current alignment application with all parts completed.
 - (b) Proof of the date the CSR's NCRA or NVRA certification expires.
 - (c) A total fee equal to the alignment fee in Section 5.1 multiplied by the number of months the CSR's certification is to be extended.
- (2) A CSR may contact OSCA before applying to verify the total fee required.

4.3 New CSR Certification Expiration Date

- (1) If a CSR qualifies for certification alignment, OSCA will move the CSR's certification expiration date to the end of the calendar quarter that is closest to, but not after, the expiration date of the CSR's national certification.

Example One:

- The individual's CSR certification expires on June 30.
- The individual's national certification expires 15 months later, on September 30.

OSCA will extend the individual's CSR certification expiration date 15 months, moving the date to the same date the individual's national certification expires. (September 30 is the end of a calendar quarter.)

Example Two:

- The individual's CSR certification expires on June 30.
- The individual's national certification expires 10 months and 1 day later, on May 1.

OSCA will extend the individual's CSR certification expiration date nine months, moving the date to March 31 of the same year the individual's national certification expires. (March 31 is the end of the calendar quarter that is closest to, but before, May 1.)

- (2) OSCA will issue the CSR a new certification with the new expiration date.

4.4 Effect of Certification Alignment

- (1) Alignment is not a certification renewal.
- (2) An agreement to follow the Code of Conduct remains in effect until the end of the grace period following the new certification expiration date.
- (3) Following alignment, the time frame for earning CEU for renewal is based on the new certification expiration date. Courses already taken for renewal may no longer fall within the 24- or 36-month period specified in Section 6.1. For example, if a three-year certification is moved from March 31 to September 30 of the same year, the CSR must earn 3.0 CEU in the 36 months before the September 30 expiration date to be eligible for renewal. Courses taken early in the 36 months, before the original March 31 expiration date, may no longer qualify for CEU.

Section 5: Fees

5.1 Fee Schedule

The State Court Administrator sets the following program fees:

(1)	Initial certification (for three-year certificate)	\$150
(2)	Certification renewal (for three-year certificate)	\$150
(3)	Alignment of Oregon certification to national certification (includes new Oregon certificate)	\$5 per month
(4)	Replacement certificate (original, not photocopy)	\$15
(5)	Copies (paper)	\$0.25 per page + postage

5.2 Waiving Copy Fees

OSCA may choose to waive fees for copies and postage if the cost to produce and mail copies is less than the cost of collecting and processing payment for the copies.

5.3 Refunds

- (1) ORS 8.455 makes fees nonrefundable generally, but OSCA will refund fees paid
 - (a) With an application for initial certification, certification renewal, or certification alignment if OSCA denies issuing a new certificate.
 - (b) If higher than stated in the fee schedule by more than \$5.00.
- (2) OSCA will not refund fees for a suspended, revoked, or resigned certification.

Section 6: Continuing Education

The purpose of continuing education is to equip CSRs with the knowledge and skills necessary to compete in a world of ever-changing information and technology. A uniformly applied, continuing education program ensures that the public will find a consistent quality of proficiency and knowledge among CSRs.

The goals of continuing education are to

- ensure the technical competence of reporters
- strengthen and ensure the professional competence of reporters
- stimulate professional development

In line with these goals, the State Court Administrator adopts the following continuing education requirements.

6.1 Number of CEU Required for Renewal

- (1) For two-year certifications (those expiring on or before December 31, 2015), a CSR must earn 2.0 CEU (20 hours) in the 24 months before the CSR's certification expiration date.
- (2) For three-year certifications (those expiring after December 31, 2015), a CSR must earn 3.0 CEU (30 hours) in the 36 months before the CSR's certification expiration date.
- (3) All CEU must be earned during the specified period. Excess CEU from a prior renewal period do not count toward the CEU requirement, including carryover allowed by national or other certification programs.

6.2 Recordkeeping

Each CSR must

- (1) Keep his or her own records of CEU and supporting documentation to submit for renewal.
- (2) Keep a copy of all documents submitted for renewal of certification until either
 - (a) The CSR receives a renewed certificate; **OR**
 - (b) The 30-day grace period in Section 3.4 expires, if the renewal is denied.

6.3 Courses Eligible for CEU

Courses qualify for CEU based on sponsor, topic, or approval for NCRA or NVRA continuing education credit.

- (1) A CSR may earn CEU for attending the following:
 - (a) Courses sponsored by
 - (i) NCRA or NVRA.
 - (ii) Any court reporter association recognized by NCRA or NVRA.
 - (iii) Any state, national, or local attorney Bar association that qualify for Minimum Continuing Legal Education (MCLE) credit.
 - (iv) An accredited court reporting school.
 - (b) Courses on
 - (i) English language (e.g., vocabulary, grammar, punctuation, spelling).
 - (ii) Legal terminology.
 - (iii) Medical terminology (excluding personal health issues).
 - (iv) Business management (e.g., accounting, bookkeeping, running a business, but excluding personal finances).
 - (v) Technology related to court reporting (e.g., word processing, court-reporting software training).
 - (vi) Professional development (e.g., realtime reporting, ethics, court procedures and processes, government standards and practices).
 - (vii) Academic topics (e.g., math, history, science) with proof of a passing grade from an accredited college or university.
 - (viii) Cardiopulmonary resuscitation (CPR) and first-aid certification (limit of one per renewal cycle).
 - (c) Educational opportunities approved for credit by the NCRA's RPR program or the NVRA's CVR program regardless of sponsor or topic.
- (2) Except as stated in (1)(c), the following do not qualify for CEU:
 - (a) Courses related to hobbies, recreation, entertainment, etc. (e.g., yoga, painting, winemaking).
 - (b) Courses in personal issues (e.g., personal health, meditation, personal finances and retirement planning).
 - (c) Software tutorials.
 - (d) Volunteer activities.
 - (e) Meetings of an organization, government agency, or any other entity, the primary purpose of which is not education (e.g., board meetings, business meetings, town hall meetings, public hearings).
- (3) A CSR may ask OSCA if a particular course qualifies for CEU (see Section 6.5).
- (4) OSCA's decision on whether a course qualifies for CEU is final.

6.4 Earning CEU for Teaching CEU

- (1) A CSR may earn double CEU for teaching a course that is eligible for CEU under Section 6.3 (allowing for class time and prep time).
- (2) OSCA will award CEU for teaching a specific course only once within a 36-month period.

6.5 Finding Out If a Course Qualifies for CEU

A CSR may submit a written request to OSCA to find out if a specific course qualifies for CEU. Submitting a request is not required, but the CSR bears full responsibility if the CSR does not meet the CEU requirements for renewal because a course does not qualify for CEU.

- (1) The written request should include
 - (a) A summary of course content.
 - (b) The name of the course sponsor and sponsor contact information.
 - (c) Course dates and the number of instructional hours.
 - (d) A description of how the course might be applicable to the duties and functions of a CSR.
 - (e) Official sponsor documentation describing the course (hard copy or electronic documents, not internet links).
- (2) OSCA will make determinations based on written requests only.
- (3) OSCA will use the information in the request, and documents the CSR submits with the request, to determine if the course qualifies for CEU. OSCA is not required to research courses or follow internet links to find information about courses.
- (4) A CSR may submit a request before or after taking a course to find out if the course will be accepted toward the CSR's renewal requirement.
- (5) Course qualification is based solely on the provisions of Section 6.3, regardless of whether or not a CSR submits a request. OSCA will approve a request if OSCA determines that the course meets the requirements of Section 6.3. OSCA will not approve any course that does not meet the requirements of Section 6.3.
- (6) OSCA's determination that a course is eligible for CEU does not satisfy the documentation requirements for renewal. The CSR must still obtain and submit all required course documentation and proof of attendance as required in Section 3.2 when applying for renewal.

- (7) If OSCA determines that the course qualifies for CEU, OSCA may inform other CSRs of the educational opportunity.

6.6 Online and Correspondence Courses

A CSR may earn CEU for an online or correspondence course if the course qualifies for CEU under Section 6.3 and the CSR meets all documentation requirements that apply to courses attended in person.

6.7 Credit Date for Long-Term Courses

- (1) A CSR earns CEU for a qualified course on the last day of the course. A CSR might begin a long-term course during one renewal cycle but complete the course during another. The course is eligible for CEU only in the renewal cycle when the CSR completed the course. For example, if a CSR started an online course in medical terminology during February and finished the course over several weeks ending in April, the CSR earns CEU for the course in April. If the CSR's certification expiration date falls in March while the CSR is still taking the course, the CSR cannot use the partially completed course to meet the CEU requirement for renewal; however, after completing the course, the CSR can use the entire course for CEU toward the CSR's next renewal.
- (2) For a multi-day event such as a conference, a CSR earns CEU for each individual session on the day the specific session ends.

6.8 Converting Hours or Credits to CEU

- (1) Except as stated in subsections (2) through (5), a CSR may earn 0.05 CEU for each full half hour of instruction in qualified courses. Break time and lunch time are not included.

Examples:

½ hour = 0.05 CEU
1 hour = 0.1 CEU
1½ hours = 0.15 CEU
2 hours = 0.2 CEU
10 hours = 1.0 CEU
30 hours = 3.0 CEU

- (2) A CSR may earn 0.1 CEU (one hour) for each full half hour of teaching a qualified course (0.05 for class time and 0.05 for preparation).
- (3) Courses approved for NCRA continuing education credit receive the same number of CEU approved by the national association.
- (4) For courses approved for NVRA continuing education (CE), 1 CE is equal to 0.1 CEU (one hour).
- (5) For academic courses allowed under Section 6.3(1)(b)(vii), each 1.0 of college or university credit is equal to 1.0 CEU (10 hours).

6.9 Sponsors Requesting Approval of Courses for CEU

A sponsor who wants to present a course that is not already approved for NCRA or NVRA continuing education credit, and is not one of the sponsors listed in Section 6.3(1)(a), may submit a written request for approval to OSCA.

- (1) The request should contain
 - (a) Scheduled or anticipated class date(s).
 - (b) Beginning and ending time or number of instruction hours.
 - (c) Location.
 - (d) Name of speaker(s).
 - (e) Description of course content and list of topics.
 - (f) Attendance capacity limits,
 - (g) Applicability to the CSR program goals for continuing education.
- (2) The program must be open to all CSRs.
- (3) Within 30 days of receiving the request, OSCA will notify the sponsor in writing whether the program qualifies for CEU and, if so, how many CEU participants may earn. OSCA's decision is final.
- (4) At its own discretion, OSCA may notify CSRs of the educational opportunity.

Section 7: Code of Conduct

ORS 8.420(3)(h) requires the State Court Administrator to establish a Code of Conduct for CSRs. In line with the statute and to ensure that CSRs perform their duties consistently and with a high level of professionalism, the State Court Administrator adopts the following requirements.

7.1 Professionalism

Each CSR must do all of the following:

- (1) Refrain from both behavior that might adversely affect the CSR's ability to properly perform a CSR's duties and illegal activity related to a shorthand reporter's qualifications, functions, or duties.
- (2) Guard against the fact or the appearance of impropriety.
- (3) Maintain impartiality toward each participant in all proceedings.
- (4) Remain alert to the fact or appearance of a conflict of interest. Immediately notify all parties present at the proceedings if a conflict arises.
- (5) Preserve confidentiality of all parties in proceedings.
- (6) Accept only those assignments for which the CSR has the necessary skills to produce the verbatim record, and decline or withdraw from an assignment if the CSR does not have the necessary skills.
- (7) Notify the client if/when a substitute reporter is being assigned to the proceeding and assign only another CSR as a substitute.
- (8) Charge fees independently and equally to all parties unless set by statute.
- (9) Fulfill promised delivery dates, including extensions requested and granted.
- (10) Refrain from accepting or giving gifts, incentives, and rewards—directly or indirectly—that exceed \$150 in the aggregate per year per client or potential client.
- (11) Remain truthful and accurate when making verbal or written statements advertising CSR qualifications.
- (12) Maintain necessary skills and professionalism to perform the duties of a CSR.
- (13) Perform the duties of a CSR only in a reporting method (stenographic or voicewriting) for which the CSR holds current Oregon or national certification.

7.2 Signing Transcripts

A CSR must sign each original transcript (and copy where applicable) and include the CSR's

- (1) Name.
- (2) Certification number.
- (3) Certification expiration date.
- (4) Certified reporting method (stenographic or voicewriting).

The required information and signature may be affixed by electronic means.

7.3 Keeping Notes and Transcripts

- (1) For notes or transcripts of court proceedings, a shorthand reporter must keep, transfer, or destroy the notes or transcripts as directed by the Oregon Judicial Department or by court order.
- (2) Where otherwise not specified, a shorthand reporter must keep transcribed notes for five years and untranscribed notes for ten years.

Section 8: Policy Enforcement

8.1 Verification

- (1) OSCA may require an individual to provide any information or documents needed to show that the individual qualifies for certification or continues to qualify for certification. This includes, but is not limited to, information on criminal convictions.
- (2) OSCA may take reasonable action to verify information on any application or other documentation submitted as part of an application process or investigation.
- (3) OSCA may deny certification or revoke certification if OSCA determines the individual did not qualify for certification at the time OSCA received the individual's application.

8.2 Complaints and Investigations

- (1) Any individual may file a written complaint with the State Court Administrator alleging that a CSR has violated these policies and requesting a review.
- (2) The State Court Administrator may decline to investigate anonymous complaints or any complaint that does not provide sufficient factual details to investigate.
- (3) The State Court Administrator may independently initiate an investigation to determine whether a CSR has violated these policies.
- (4) The State Court Administrator may delegate the investigation to a specific member or division of OSCA or the Oregon Judicial Department or may refer it to an outside entity.

8.3 Grounds for Suspending, Revoking, or Denying Certification

After investigating alleged or suspected violations of these policies, the State Court Administrator may take any action necessary or appropriate within the law. In addition to any other legal action, the State Court Administrator may suspend, revoke, or deny certification to an individual for any of the following:

- (1) Repeated violations of these policies.
- (2) Failure to correct or cease violations of the Code of Conduct within written time periods specified by the State Court Administrator.
- (3) Conviction of a crime related to the qualifications, functions, or duties of a CSR. (The State Court Administrator has discretion to decide what crimes are related to a shorthand reporter's qualifications, functions, or duties.)
- (4) Fraud or misrepresentation in obtaining any certification, license, or registration in Oregon or any other jurisdiction.

- (5) False or misleading statements made on an application.
- (6) Failure to disclose information required on an application.
- (7) Fraud, dishonesty, corruption, willful violation of duty, gross incompetence in practice, or unprofessional conduct contrary to the Code of Conduct.
- (8) False or deceptive advertising.
- (9) Repeated, unexcused failure, whether or not willful, to transcribe notes of cases and to submit transcripts timely as required by law or by the court or as agreed.
- (10) Conduct demonstrating a lack of knowledge or ability to apply the skills of shorthand reporting.
- (11) Failure to meet the qualifications for certification specified in this policy document.

8.4 No Representation as a CSR

If an individual's certification is suspended, revoked, resigned, or denied, the individual must immediately stop representing himself or herself as a CSR. This applies to work already in progress as well as future work and transcribing notes that may have been taken while certified, except to note that the individual was a CSR at the time the individual administered any oaths. (See ORS 8.435.)

8.5 Petitioning for Reconsideration

- (1) If an individual's certification has been suspended, revoked, resigned, or denied for any reason other than failing to meet documentation requirements, the State Court Administrator—at the administrator's discretion—may issue a certificate to the individual for good cause shown or if the individual
 - (a) Submits a petition explaining in detail why the individual should be certified or the penalty reduced;
 - (b) Meets all the initial certification requirements in Section 2.1 if the suspension, revocation, resignation, or denial is lifted; and
 - (c) Meets all other terms or conditions the State Court Administrator may require.
- (2) The State Court Administrator will grant or deny the petition, considering the following:
 - (a) The magnitude and seriousness of the violation or violations that led to the suspension, revocation, resignation, or denial of certification.
 - (b) The petitioner's prior violations, if any.

- (c) The petitioner's history in taking all necessary measures to prevent or correct violations of relevant statutes, rules, and policies.
- (d) Other information or actions that indicate to the State Court Administrator whether the petitioner is likely to violate relevant statutes, rules, or policies in the future.

Section 9: Certification Program Records

9.1 Records Generally

- (1) OSCA will maintain records related to individuals applying for initial certification and CSRs to document compliance with these policies.
- (2) OSCA may destroy any records received with any application that are not required under this policy. Retention and destruction of all other program records will be in accordance with the State Court Administrator's records retention policies under the authority of ORS 8.125(11).
- (3) OSCA will provide for access, review, copies, and release of records and information in accordance with Oregon Public Records Law.

9.2 CSR Lists

- (1) Each CSR must maintain a current mailing address with OSCA.
- (2) OSCA will provide a mailing list of current CSRs—in a readily available format—to anyone on request, subject to recovery of reasonable production and postage costs.
- (3) OSCA may post a list of CSRs on the internet. For each CSR, the list may include the CSR's
 - (a) Name.
 - (b) Certification number.
 - (c) Certification expiration date.
 - (d) Certified reporting method (stenographic or voicewriting reporting).

9.3 Privacy

- (1) Except as the law requires, OSCA will not release information of a personal, financial nature (see ORS 192.501(27)). OSCA will take reasonable steps to ensure the confidentiality of such information provided by the applicant.
- (2) For convenience and to ensure ongoing communication with CSRs, OSCA may request contact information in addition to the CSR's mailing address. CSRs are not required to provide additional contact information.
- (3) Except as the law requires, OSCA will not release any of the following information in program records if the individual who is the subject of the records specifically requests that the information be kept confidential (see ORS 192.502(4)):

- (a) Home address if different from the individual's mailing address.
- (b) Personal phone number if specifically identified as the individual's personal phone number.
- (c) Email address.

A request under this section will remain in effect until superseded.

- (4) Except as provided in law and subsections (1) and (3) of this section, all other program information and records will be open for inspection and release on request, including, but not limited to, the following:
 - (a) Name.
 - (b) Addresses (including email).
 - (c) Phone numbers.
 - (d) Certification number.
 - (e) Status of certification.
 - (f) Records documenting compliance with continuing education requirements.
 - (g) Exam records (including exam results).
 - (h) Correspondence.

Section 10: Policy Interpretation and Exceptions

10.1 Interpretation of Policies

All policies for the certification of shorthand reporters are subject to the State Court Administrator's or designee's interpretation and implementation.

10.2 Granting Exceptions to Policies

- (1) Only the State Court Administrator can authorize exceptions to program policies.
- (2) An individual may submit a written request to the State Court Administrator for an exception to program policies. The request must include the specific exception the person is requesting and the reason for the request.
- (3) The State Court Administrator may seek the advisory committee's advice before deciding whether to grant or deny an exception to program policies.
- (4) The State Court Administrator's decision to grant or deny an exception is final.

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