

WAC 308-14-085 Examination. (1) The examination for (~~"court reporter," "shorthand reporter,"~~) certified court reporter (~~(, "or "certified shorthand reporter")~~) shall be an examination developed, administered, and graded by the department (~~(with the advice of the board)~~) or any examination prepared, administered, and graded by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) (~~(Recognition of an examination as)~~) The Washington certification examination ((is conditioned upon the examination meeting)) shall meet the following requirements:

(a) Be a timed (~~(tape)~~) audio recording with content, speed, and quality approved by the department (~~(with the advice of the board,)~~) prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

(d) Be offered at least twice a year;

(e) (~~(The pass/fail scores of the state certification applicants are)~~) A letter of notification of examination results will be provided to the ((department)) applicant within four weeks of the date of the examination (~~(to include a complete list of all the applicants))~~;

(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;

(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and

(h) (~~(The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review.)~~) The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

(3) (~~(The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.~~

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certification without additional examination if certified documentation of the passed examination is provided.

(5)) Applicants who have failed the examination may apply by submission of a reexamination application and the required fee.

AMENDATORY SECTION (Amending WSR 04-17-072, filed 8/13/04, effective 9/13/04)

WAC 308-14-090 Application. Applications for certification must be complete in every detail and submitted with the required fee. (~~The applications for examination must be received at least eight weeks prior to the examination.~~) Complete applications will contain the following information:

- (1) Name and address;
- (2) Birth date;
- (3) Social Security number;
- (4) Professional licensure/certification, including any action taken against the license or certificate; and
- (5) Personal affidavit(~~([.])~~).

AMENDATORY SECTION (Amending WSR 11-01-119, filed 12/20/10, effective 7/1/11)

WAC 308-14-100 License renewal-Continuing education-Penalties.

(1) Certification must be renewed on or before the expiration date shown on the certificate. The expiration date is the certificate holder's birth date. Effective July 1, 2011, each certified court reporter shall verify they have completed a minimum of five continuing education units annually at renewal in a manner defined by the director. Excess continuing education units from the previous reporting year shall not be carried over. Failure to renew the certificate by the expiration date will result in a penalty fee in an amount determined by the director. Certification may be reinstated for up to three years by payment of all renewal fees and a penalty fee for the period for which the certification had lapsed and documentation of five continuing education units completed in the past year.

(2) Continuing education units shall have direct relevance to the professional development of the certified court reporter. The program must be led by an instructor, be interactive, and involve assessment or evaluation. Approved programs include, but are not limited to, the following:

- (a) Language skills:
 - (i) English or a foreign language;
 - (ii) American Sign Language;
 - (iii) Grammar;
 - (iv) Punctuation;
 - (v) Proofreading;
 - (vi) Spelling;
 - (vii) Vocabulary;
 - (viii) Linguistics, including regional dialects or colloquialisms;
 - (ix) Etymology;
 - (x) Word usage.
- (b) Academics:
 - (i) Medical terminology and abbreviations related to any medical or medically related discipline (e.g., anatomy, psychiatry, psychology, dentistry, chiropractic, podiatry);
 - (ii) Pharmacology;

- (iii) Surgical procedures and instruments, with emphasis on terminology and concepts encountered in litigation;
- (iv) Pathology and forensic pathology, including DNA and other terminology encountered in litigation;
- (v) Legal terminology and etymology;
- (vi) Legal research techniques;
- (vii) Presentations on various legal specialty areas (e.g., torts, family law, environmental law, admiralty, corporate law, patent law);
- (viii) History of legal systems;
- (ix) Technical subjects, with emphasis on terminology and concepts encountered during litigation (e.g., construction, accident reconstruction, insurance, statistics, product testing and liability, various engineering fields).

(c) Case law, federal and state statutes, and regulations:

- (i) Federal and state rules of civil and criminal procedure and rules of evidence;
- (ii) Codes of federal and/or state regulations;
- (iii) Presentations on legal proceedings (depositions, trials, federal and state appellate procedure, administrative proceedings, bankruptcy proceedings, workers' compensation proceedings);
- (iv) Any changes to (a), (b), and (c) of this subsection as they affect the certified court reporter.

(d) Technology and business practices:

- (i) Computer skills;
- (ii) Voice recognition technology;
- (iii) Videotaping, video conferencing;
- (iv) Reporting skills and practices (e.g., readbacks, marking exhibits, administering oaths);
- (v) Transcript production, formats, indexing, document management;
- (vi) Technological developments related to court reporting, real-time reporting, CART, or captioning;
- (vii) Office practices, office management, marketing, accounting, personnel practices, public relations;
- (viii) Financial management, retirement planning, estate planning;
- (ix) Partnerships, corporations, taxation, insurance.

(e) Professionalism and ethics:

- (i) Standards of court reporting practice applicable to individual states or governmental entities;
- (ii) Professional comportment and demeanor as it relates to judges, attorneys, fellow reporters, witnesses, litigants and court and law office personnel.

(f) CPR/first-aid classes.

(g) In-house courses offered by court reporting firms.

(h) Vendor sponsored training, with the exception of sales presentations.

- (i) Community based programs.
- (j) Meetings that include educational or professional development presentations that otherwise meet Washington state criteria for award of continuing education units((+)).
- (k) Documented pro bono services on an hour-for-hour basis including, but not limited to:
 - (i) Presence at a court hearing or deposition;
 - (ii) Transcription;
 - (iii) Editing;

(iv) Proofreading.

(1) Documented teaching, research or writing for a planned, directly supervised continuing education experience that fulfills continuing education criteria where no payment is received. Continuing education units will be awarded only once for each separate item.

(3) Any course or activity previously approved by any nationally or state recognized association for court reporting professions shall be approved for continuing education units.

(4) Courses offered with a documented grade of C or better at an accredited college or university will be awarded continuing education units at the following rates:

(a) Semester course: 6 continuing education units.

(b) Trimester course: 5 continuing education units.

(c) Quarter course: 4 continuing education units.

(5) Activities that are not acceptable for continuing education units include, but are not limited to, the following:

(a) Attendance at professional or association business meetings or similar meetings convened for the purpose of election of officers, policymaking, or orientation;

(b) Leadership activities in national, state, or community associations and board or committee service;

(c) Attendance at entertainment, recreational, or cultural presentations;

(d) Recreation, aerobics, massage, or physical therapy courses or practice or teaching of same;

(e) Classes in the performing arts, studio arts, or crafts or teaching of same;

(f) Tours of museums or historical sites;

(g) Social events at meetings, conventions, and exhibits;

(h) Visiting vendor exhibits or attending vendor sales demonstrations;

(i) Jury duty;

(j) Any event for which the attendee receives payment for attendance;

(k) Any event which is part of the attendee's regular employment or is attended for the purpose of gaining employment;

(l) On-the-job training or other work experience, life experience, previous work experience.

(6) Individuals shall maintain documentation of continuing education units for at least three years and provide them to the department on request.

(7) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a (~~"shorthand reporter," "court reporter," "certified shorthand reporter," or "~~)certified court reporter() until the certificate has been reinstated.

(8) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state-approved examination. Upon passage of the exam a certificate will be issued.

WAC 308-14-130 Standards of professional practice. All certified court reporters (CCR) shall comply with the following professional standards except where differing standards are established by court or governmental agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified court reporters shall:

(1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms. This section applies to any arrangement or agreement between the CCR and any party or any person paying for court reporting services in the case.

(2) Include on all transcripts, business cards, and advertisements their CCR reference number.

(3) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.

(4) Preserve and file shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years and untranscribed notes shall be retained for not less than ten years, or as required by statute, whichever is longer.

(5) Provide transcripts on agreed delivery date, and give notification of any delays.

(6) Prepare accurate transcripts. A certified court reporter shall not go "off the record" during a deposition or court proceeding unless agreed to by all parties or their attorneys or as ordered by the court.

(7) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties. No deposition shall be taken before a CCR:

• Who is a relative, employee, attorney, or counsel of any of the parties;

• Who is a relative or employee of such attorney or counsel; or

• Who is financially interested in the outcome of the case without the agreement of all parties.

(8) Be truthful and accurate in advertising qualifications and/or services provided.

(9) Preserve the confidentiality of all information obtained during a proceeding and take all steps necessary to ensure its security. The CCR's personal backup tapes or electronic audio files, if retained, may be released to parties of the case at the discretion of the CCR, after "off the record" discussions, if any, have been removed.

(10) Notify all involved parties when transcripts or personal backup tapes or electronic audio files are ordered or provided.

(11) All parties shall be notified when a transcript is ordered by a person not involved in the case. If any party objects, the transcript cannot be provided without a court order.

(12) Supply certified copies of transcripts to any involved party, upon appropriate request.

AMENDATORY SECTION (Amending WSR 09-22-051, filed 10/29/09, effective 12/1/09)

WAC 308-14-200 Court reporter fees. The following fees shall be charged by the business and professions division, department of licensing:

Title of Fee	Fee
Certification	
Application	\$150.00
Renewal	125.00
Late renewal penalty	125.00
Verification	25.00
Duplicate	15.00