SUPREME COURT OF DELAWARE

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CHIEF JUSTICE

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ADMINISTRATIVE DIRECTIVE NO. 132

This 15th day of October, 2001,

IT APPEARS TO THE COURT:

(1) Court reporters act as officers of the Court in reporting and transcribing the testimony of witnesses and otherwise preserving the record of proceedings.

(2) There are currently in place in the Delaware courts no minimum standards prescribing the levels of skill, competency and ethics that must be observed by court reporters who provide court reporting services in proceedings pending in the Delaware courts, or where appeal may lie to the Courts of this State.

(3) It is important to establish minimum requirements relating to the skill, competency and ethics of Delaware court reporters.

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the Justices of the Supreme Court (Del. Const., art. IV, § 13), that:

(A) **Purpose**

This Directive is intended to establish, for both "Official Court Reporters" and "Freelance Court Reporters," as defined in Section 2 below, a minimum standard of competency for persons engaged in the practice of court reporting, and to allow for the governance of court reporters. This Directive is intended for the protection of the public in general, and for the protection of all litigants whose rights to personal freedom and property are affected by the competency of court reporters. It is also the intent of this Directive to promote the impartial and prompt operation of the judicial system of the State of Delaware.

(B) **Definitions**

The following words and phrases, when used herein, shall have the meanings given to them in this section:

(1) "Board." The Board on Certified Court Reporters created by this Directive.

(2) "Certified Court Reporter." A person who is qualified under this Directive to engage in the practice of court reporting.

(3) "Practice of Court Reporting." As to all proceedings in the Delaware Courts or where appeal may lie to the Delaware Courts; the making by machine stenotype system of a verbatim record of any oral court proceeding; state agency public hearing; sworn statement; deposition; examination before trial or hearing; grand jury proceeding; proceedings before a referee, board, commission, master or arbitrator; or of any other testimony given under oath.

(4) "Court Reporting Services." Services incident to the practice of court reporting, including such services as recording testimony by machine stenotype system and transcribing such testimony in written transcript, computer disk or similar form.

(5) "Official Court Reporter." A Court Reporter whose full time employment is with one of the courts of the State of Delaware.

(6) "Freelance Court Reporter." A Court Reporter who is not "an official Court Reporter" under the definition set out in subsection (5) above.

(C) **Board on Certified Court Reporters**

(1) The Board. In order to supervise the certification and conduct of court reporters engaged in reporting matters before the State Courts of Delaware or for use therein, the Board on Certified Court Reporters ("The Board") is hereby created.

(2) Membership. The Board shall be composed of five (5) persons, appointed by the Delaware Supreme Court as follows:

(a) Four (4) members of the Board shall be court reporters. Such members shall consist of two (2) official court reporters and two (2) freelance court reporters. The remaining one (1) member of the Board shall be a lawyer admitted to practice by the Supreme Court of Delaware. Each County in the State shall be represented on the Board. Action of the Board shall be by majority vote. The members of the Board shall be:

New Castle Co.:	Mr. Kurt Fetzer	Freelance Reporter
	Mr. William Dawson	Official Reporter
Kent County:	Ms Jennie Washington	Official Reporter
Sussex County:	Ms Pam Washington	Freelance Reporter
Lawyer Member:	Ken J. Nachbar, Esquire	

(b) The Delaware Supreme Court hereby designates as Chair Kenneth Nachbar and as Vice Chair William Dawson of the Board. The members of the Board shall hold office for terms of four (4) years. Members of the Board may not be appointed for more than two consecutive terms. With the approval of the Chair, a member of the Board may hold over following the expiration of his or her term to permit the conclusion of any matter commenced before the member prior to the conclusion of the member's term.

(3) Vacancies. The Supreme Court shall fill any vacancy on the Board for the duration of the unexpired term by appointing a person having the appropriate qualifications.

(4) The Board shall meet at least one time a year and may otherwise meet as frequently as necessary at such times and places as the Board may designate.

(5) The members of the Board shall receive no compensation for the performance of their Board duties, but shall be reimbursed for actual expenses incurred in the performance of such duties.

(D) **Powers of the Board**

The Board is charged with the duty and vested with the power and authority, subject to review by the Delaware Supreme Court:

(1) To determine an applicant's eligibility for certification.

(2) To issue certificates to those found qualified as certified court reporters who are in compliance with this Directive.

(3) To adopt rules for the conduct of its hearings and its other business.

(4) To exercise jurisdiction over disciplinary matters with regard to certified court reporters.

(5) To make studies and recommendations concerning matters pertaining to certified court reporters.

(6) To enter into contracts and do such other things as necessary to implement the provisions of this Directive.

(7) To report regularly to the Delaware Supreme Court on all its activities and decisions.

(8) To set such application and other fees as may be necessary to defray costs incurred in the operation of the Board.

(9) To maintain a register of all applicants for certification and of all certifications issued by the Board.

(10) To adopt a Delaware Court Reporters' Code of Responsibility.

(11) To adopt requirements for continuing education.

(E) **Certification Requirement**

Effective January 31, 2002, no person shall engage in the practice of court reporting within the State of Delaware in connection with any proceeding pending in the State Courts of Delaware or in which appeal to any State Court of Delaware may lie, unless he or she is the holder of a valid certificate issued in accordance with this Directive. Unless a finding of special circumstances is made by a State Court, no transcript of testimony or statements shall be used in the courts of this State unless reported and transcribed by or transcribed under the supervision of a certified court reporter.

(F) **Scope**

The provisions of Section (E) notwithstanding, this Directive shall not apply to depositions or other proceedings that take place outside of the State of Delaware.

(G) **Certification Program**

The Board, subject to the approval of the Delaware Supreme Court, shall develop and implement a program in accordance with this Directive. The program shall provide for the certification of court reporters who receive and maintain a Registered Professional Reporter ("RPR") certification, as granted by the National Court Reporters Association, or the equivalent thereof, as determined by the Board. The program shall also provide for periodic renewal of certificates and shall provide for reciprocity with states that have certification or licensure requirements similar to those provided for in this Directive, as determined by the Board.

(H) **Prior Service Certification**

(1) A court reporter with a minimum period of two years' prior work experience in Delaware as a court reporter or a court reporter already employed by the State of Delaware as of the date of

the adoption of this Directive may, within the discretion of the Board, be granted certification ("prior service certification") by submitting to the Board written proof of his or her past work experience to date, together with letters of recommendation from three members of the Delaware Bar who have utilized the services of the court reporter.

(2) A freelance court reporter not already employed by the State with less than two years' prior work experience in Delaware as of the date of the adoption of this Directive may, within the discretion of the Board, continue to provide court reporting services on the condition that the court reporter receives within one year of the date of the adoption of this Directive a RPR certification, as granted by the National Court Reporters Association, or the equivalent thereof, as determined by the Board.

(3) Court reporters who receive prior service certification under H(1) above are exempt from the provisions of this Directive requiring RPR certification, or the equivalent thereof, but are subject to all other provisions of this Directive.

(4) Court reporters who wish to receive prior service certification under H(1) and H(2) above must apply to the Board for such within sixty (60) days following the issuance of this Directive.

(I) **Temporary Certification**

The board shall develop a temporary certification process. The process shall allow, at the board's discretion, a reporter certified in another state temporary certification to provide court reporting services in exigent circumstances in Delaware.

(J) **Prohibited Contracts**

(1) It is the purpose and intent of this Section to prohibit relationships between court reporters, litigants and others that compromise or appear to compromise the impartiality of court reporters. It is not the purpose of this Section to interfere unduly with fair competition between and among court reporters where such competition does not involve financial arrangements that tend to, or appear to, compromise that impartiality. This Section is to be construed and applied in a manner that is consistent with this purpose.

(2) Court reporters (or the firms for which they work) are prohibited from entering into contracts (whether written or oral) which cover multiple cases or administrative proceedings and/or which provide special financial terms or other services (including but not limited to expedited delivery of transcripts to the contracting party) that are not offered at the same time and on the same terms to all other parties in the litigation.

(K) **Code of Responsibility**

The Board, subject to the approval of the Delaware Supreme Court, may adopt a "Delaware Court Reporters' Code of Responsibility" to cover matters of conduct in addition to those set forth in Section (J) above entitled "Prohibited Contracts."

(L) **Disciplinary Procedures and Sanctions**

Failure to adhere to the standards of conduct provided for herein, including the "Delaware Court Reporters' Code of Responsibility" and Section (J) regarding "Prohibited Contracts," may result in the imposition of disciplinary sanctions, including revocation of certification. The Board shall develop disciplinary procedures and sanctions designed to insure due process,

which procedures and sanctions shall be implemented by the Board subject to the review of the Delaware Supreme Court.

(M) **Effective Date**

This Administrative Directive is effective November 1, 2001, and will be in force for a period of one (1) year.

Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Myron T. Steele
Members of Judicial Conference
The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan
Mr. Dennis B. Jones
Court Administrators
Clerk of Supreme Court