

NOTICE
DELAWARE SUPREME COURT
REQUESTS WRITTEN COMMENTS
ON PROPOSED DELAWARE'S
PRINCIPLES OF PROFESSIONALISM
FOR COURT REPORTERS

The Delaware Supreme Court is requesting written comments on the proposed Delaware's Principles of Professionalism for Court Reporters. The proposed principles are attached for your review. Written comments may be submitted to Stephen D. Taylor, Court Administrator, Delaware Supreme Court, Carvel State Office Building, 820 North French Street, Wilmington, DE 19801 and must be received no later than Friday, March 1, 2013.

If you have any questions, please contact Stephen D. Taylor at 302-577-8742 or steve.taylor@state.de.us.

January 23, 2013

Delaware's Principles of Professionalism for Court Reporters

PREAMBLE

Every court reporter plays an essential role in the administration of justice. A court reporter is a public servant, responsible for preserving the accuracy and the integrity of the court's record. Such considerations are paramount in maintaining public trust and confidence in the courts. The indispensable role of the court reporter in the judicial process places a responsibility on those who serve in that capacity to maintain high standards of proficiency and impartiality. The following precepts, which were adopted by the Delaware Supreme Court effective _____, 2013, reflect the guiding principles and best practices for professional behavior to which every court reporter working in Delaware should aspire.

1. Principles

A court reporter providing services in a Delaware case should:

a) be fair and impartial toward each participant in all aspects of a reported proceeding and offer to provide comparable services at comparable rates to all parties in a proceeding.

b) be alert to and guard against situations that present a conflict of interest or that may give the appearance of a conflict of interest or the appearance of impropriety. If a conflict or a potential conflict arises, the reporter should disclose that conflict or potential conflict to the parties in a proceeding or to the appropriate judicial authority.

c) preserve the confidentiality and ensure the security of information, oral or written, entrusted to the reporter by any of the parties in a proceeding.

d) accept an assignment only if the reporter's level of knowledge, skill, and competency will result in the preparation of a complete, accurate, and timely transcript. A reporter should withdraw from an assignment if the reporter believes that his or her abilities or time constraints may not result in the preparation of a complete, accurate, and timely transcript, in which case, the reporter should recommend or assign another competent reporter to complete the assignment.

e) provide truthful, accurate, and adequate information when making public statements or when advertising the reporter's qualifications for the services provided.

f) determine fees independently, except when established by statute, court order, or applicable fee schedules, entering into no unlawful agreements regarding fees to be charged.

g) refrain from giving, directly or indirectly, anything of value to attorneys or their employees, clients, witnesses, or any other person or entity associated with the proceeding, or to the representatives or agents of any of the foregoing, except for nominal items that do not exceed \$50.00 in the aggregate per recipient each year. Nothing should be offered in exchange for the promise of future work, regardless of its value. It is always permissible, however, for a court reporter to provide pro bono reporting services to qualified legal assistance organizations that offer free legal services to indigent persons.

h) maintain the integrity of the court reporting profession.

i) abide by any court rules or directives governing the recording of judicial proceedings.

2. Best Practices

Common sense and professional courtesy should guide the reporter in applying the following practices in order to maintain the integrity of the reporting profession and the judicial process. At all times, the reporter should strive to:

a) observe the law and maintain high ethical standards of personal conduct.

b) contribute to the integrity and the impartiality of the judicial process or of any other proceeding by treating all participants with courtesy and respect. If the reporter has not understood a speaker, the reporter should respectfully request the speaker to repeat what was said, but should otherwise make all reasonable efforts to avoid unnecessary interruptions of a proceeding.

c) act with diligence to complete and deliver transcripts in accordance with court rules, if applicable, or by promised delivery dates, or, when no delivery date is specified, within a reasonable time. The court reporter should refrain from promising transcript delivery by a deadline that cannot reasonably be met and should provide immediate notification whenever delays are encountered.

d) prepare the record in accordance with any transcript format guidelines established by rule, statute, or court order.

e) refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.

f) preserve any original notes or recordings in accordance with statute, court order, or established retention schedules.

g) notify, whenever possible, the parties engaging the reporter if a substitute reporter, equally qualified, will be assigned to report the proceedings.

h) refrain immediately from practice if the reporter becomes impaired or unable to function according to acceptable standards of conduct. The reporter should seek supervision and/or personal therapy for any problem that is interfering with the ability of the reporter to provide professional services.

i) strive to enlarge the reporter's professional knowledge in addition to improving professional skills by keeping abreast of current literature, technological advances and developments, and participating in relevant continuing education programs.

j) assist in improving the reporting profession by participating in national, state, and local association activities that advance the quality and standards of the reporting profession.

k) cooperate with the bench and bar for the improvement of the administration of justice.