

MEMORANDUM

To: Members of the General Assembly
From: Iowa Judicial Branch
Re: 1148 XD— Court Reporter Certification and Ethical Standards
Date: 1/22/2015

This bill amends and adds new provisions to chapter 602 of the Iowa Code related to shorthand reporters. The bill adds a new section to clarify the authority of the Board of Examiners of Shorthand Reporters to deny certification of a shorthand reporter applicant based on certain circumstances in the applicant's past record. Additionally, this bill extends the scope and coverage of existing ethical standards for Iowa certified reporters and shorthand reporting firms.

The Supreme Court recently adopted amendments to chapter 46 of the Iowa Court Rules based on Senate File 303, the Home Base Act. The new rules provide for accreditation of training acquired while in military service and reciprocal licensing for veterans who hold a valid shorthand reporter certification in another state. The new rules are based on similar rules drafted for executive branch licensing agencies by the Attorney General, and include provisions for denial of certification based on circumstances in an applicant's past record. Although the authority to deny certification arguably is implied by the bases set out in Iowa Code section 602.3203 for revocation or suspension of an existing license, adding explicit authority to chapter 602 regarding denial of initial certification seems prudent. The new section 602.3108 would expressly empower the board to certify meritorious applicants as shorthand reporters, allow the board to consider past felony convictions and disciplinary history, and allow the board to deny certification if the applicant makes a material false statement on the application for certification or has committed any of the allowable bases for suspension or revocation listed in section 602.3203.

A secondary purpose of this bill is to ensure the integrity of transcripts in all depositions prepared by Iowa certified shorthand reporters. The bill responds to certain practices by some out-of-state reporting firms that engage Iowa reporters for work in Iowa, which have prompted concerns of Iowa freelance certified shorthand reporters and Iowa lawyers. Standards for dissemination of transcripts and fair treatment of the parties currently exist in Iowa Rule of Civil Procedure 1.713(2), but are limited to the Iowa court proceedings subject to that rule. This bill codifies in statute the provisions of rule 1.713(2) and makes them applicable to any deposition taken by an Iowa reporter. This bill prohibits a shorthand reporter who handles the engagement from relinquishing control of an original deposition before it is certified and delivered to the custodial attorney, ensuring integrity of the transcripts.

The proposed bill was drafted with the assistance of, and is supported by, the Iowa Court Reporters Association.