

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency: Alabama Board of Court Reporting  
Rule No.: **Chapter 257-X-4**  
Rule Title: **Standards of Professional Conduct**

\_\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

\*\*\*\*\*  
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer   
Paula McCaleb, Executive Director 334.215.7232

Date: February 15, 2017

(DATE FILED)  
(STAMP)

**Alabama Board of Court Reporting**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:**

Alabama Board of Court Reporting

**RULE NO. & TITLE:**

257-X-4 – Standards of Professional Conduct

**INTENDED ACTION:**

To amend the Rules and Regulations

**SUBSTANCE OF PROPOSED ACTION:**

To amend the Rules and Regulations. Specifically, to clarify licensee's duty to report.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

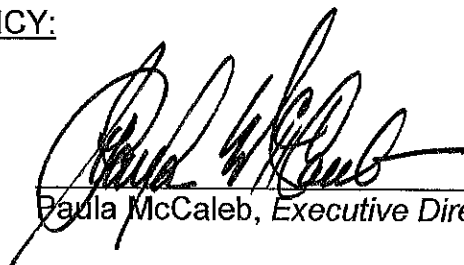
Written comments, views, or arguments will be received by the Alabama Board of Court Reporting until 4:30 p.m. on April 5, 2017. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241565, Montgomery, AL 36124.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

April 5, 2017

**CONTACT PERSON AT AGENCY:**

Paula McCaleb  
334-215-7232

  
\_\_\_\_\_  
Paula McCaleb, Executive Director

## **Chapter 257-X-4 - Standards of Professional Conduct**

### **257-X-4.01 Standards of Professional Conduct**

In order to establish and maintain a high standard of integrity in the practice of court reporting, the following Standards of Professional Conduct shall be binding on every person holding a CCR (Certified Court Reporter) or a Temporary License from the Board:

- (a) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.
- (b) A licensee should only accept an assignment if his/her level of competence will result in the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.
- (c) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties. The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.
- (d) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.
- (e) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee's responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.
- (f) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.
- (g) It is the licensee's responsibility to preserve his/her shorthand notes and audio files (if any) for a period of no less than five (5) years, except as otherwise prescribed by law, e.g. the Alabama Unified Judicial System's Records Retention Schedule for the Circuit, District, Juvenile and Municipal Courts, through storage of the audio files and the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.
- (h) Once the transcript is prepared, audio files (if any) must be maintained for one (1) year from the date the transcript is filed.
- (i) Audio files are the property of the licensee and shall be provided by request at the licensee's discretion or by order of the Court.
- (j) A licensee's signature, license number, and expiration date, and the date the transcript was certified shall be affixed to a transcript of his/her

stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.

- (k) A licensee shall not permit the use of his/her name or firm's name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.
- (l) A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.
- (m) A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.
- (n) A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.
- (o) Licensees having knowledge of possible/probable violations of any of these Rules and Regulations shall file a complaint form with the Board and cooperate as necessary with the Board investigation of such violation.

**Author: Alabama Board of Court Reporting**

**Statutory Authority: Code of Alabama, 1975, § 34-8B-1 thru . § 34-8B-18**

**Effective Date: June 19, 2012**