

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 06-9067

ORDER AMENDING RULES IV AND VI AND ADDING RULE XI STANDARDS AND RULES FOR CERTIFICATION OF SHORTHAND REPORTERS

IT IS **ORDERED** that the *Standards and Rules for Certification of Certified Shorthand Reporters* are amended in the following manner:

Amend Rule IV to read as follows:

A. The Board may revoke or suspend any certification issued under this Act or issue a reprimand to a certified shorthand reporter on a verified complaint after notice and opportunity of a hearing for:

1. fraud or corruption;
2. dishonesty;
3. willful or negligent violation or failure of duty;
4. incompetence;
5. fraud or misrepresentation in obtaining certification;
6. a final conviction of a criminal offense, involving moral turpitude, that indicates a clear and rational likelihood that the reporter will not properly discharge the responsibilities of a certified shorthand reporter;
7. engaging in the practice of shorthand reporting for use in litigation in the courts of this state by using a method for which the reporter is not authorized to practice or while certification is suspended;
8. unprofessional conduct; or
9. violation of the Code of Professional Conduct for Court Reporters and Court Reporting Firms; or
10. other sufficient cause as determined by the Board.

Amend Rule VI to read as follows:

A. Certification Fee. A fee of eighty-five (\$85) dollars shall be charged for each application submitted. Rejection or withdrawal of application will not entitle applicant to a refund of the fee or any part thereof.

B. Examination Fee. A fee of fifty (\$50) dollars for Part B, one hundred (\$100) dollars for Part A, or one hundred dollars (\$100) for Parts A & B combined shall be due and payable not later than midnight on the date established by the Board.

C. Renewal Fee. A fee of two hundred ten (\$210) dollars shall be paid on or before the expiration date of the certification. Unless this fee is timely paid or the certification reinstated as provided in Rule I.E., the certification previously issued shall expire at the date of the second anniversary of the date of the issuance of the certification.

D. Penalty Fee. A fee of one hundred (\$100) dollars shall be charged for reinstatement of an expired certification pursuant to Rules I.E.2 or I.E.3.

~~**E. Re-examination Fee.** A fee of seventy-five (\$75) dollars shall be charged for a re-examination of the complete test or of only Part A of the examination. A fee of fifty (\$50) dollars shall be charged for re-examination of Part B.~~

F. Regrading Fee. A fee of thirty-five (\$35) dollars shall be paid by any applicant requesting a regrade of an examination.

~~**G. Payment of Fees.** Payment of each fee shall be in the form of a money order, cashier's check or bank-certified check made payable to the Board or the State of Texas. Personal checks not certified or cash will not be accepted.~~

~~**H. Refund Policy for Examination Fees.** Applicants who cancel by written notification on or before the deadline date established by the Board will receive a full examination fee refund. No refunds will be granted after the deadline date.~~

Add Rule XI to read as follows:

XI. Administrative Penalty

A. After receiving a complaint and affording notice and an opportunity for a hearing, the Board may assess an administrative penalty against a certified shorthand reporter or court reporting firm that violates chapter 52 of the Texas Government Code, or a Board rule approved by the Supreme Court, or a provision of the Code of Professional Conduct for Court Reporters and Court Reporting Firms.

B. In determining the amount of an administrative penalty assessed under this section, the Board shall consider:

1. the seriousness of the violation, including but not limited to, the nature, circumstances, extent and the gravity of the prohibited act(s);
2. the history of previous violations;
3. the amount necessary to deter future violations;

4. efforts made to correct the violation; and
5. any other matters that justice may require.

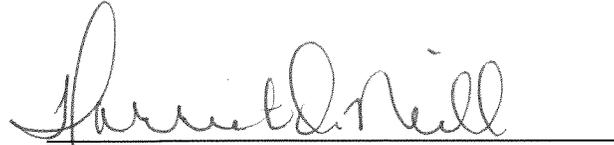
C. The amount of the administrative penalty may not exceed that specified in a standardized penalty schedule established by the Board, approved by the Supreme Court, and published in a manner accessible to the public.

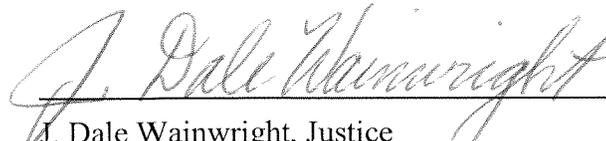
IT IS FURTHER ORDERED that the above amendments are effective immediately.

In Chambers, this 19th day of June, 2006.

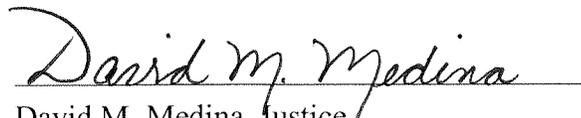

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice