

Chapter 308-14 WAC

COURT REPORTERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-14-080	Certification requirements—Permanent and temporary certificates. [Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. WSR 90-10-009, § 308-14-080, filed 4/20/90, effective 5/21/90.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-14-110	Persons practicing as of the effective date of this chapter. [Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. WSR 90-10-009, § 308-14-110, filed 4/20/90, effective 5/21/90.] Repealed by WSR 96-17-040, filed 8/19/96, effective 9/19/96. Statutory Authority: RCW 34.05.354, 18.16.030, 43.17.060, 43.24.040, 43.24.024, 46.01.160, 18.145.050 and 18.39.175.
308-14-210	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-053, § 308-14-210, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.050. Later promulgation, see chapter 308-08 WAC.
308-14-220	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-053, § 308-14-220, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.050. Later promulgation, see chapter 308-08 WAC.
308-14-230	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-053, § 308-14-230, filed 5/1/97, effective 6/1/97.] Repealed by WSR 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 18.145.-050. Later promulgation, see chapter 308-08 WAC.

WAC 308-14-010 Definitions. "Character" is a letter, numeral, punctuation mark, control character, blank, or other such symbol.

"Continuing education unit" is defined as sixty minutes of education in a program approved by the department. Units will be recognized in not less than thirty minute increments of time.

"Standard line" is a line that can be determined by looking at a full line of text and counting from the first letter, including punctuation and spaces, to the last letter of that line. The standard line does not include a "Q" or "A," or the numbers on the left side of the page.

[Statutory Authority: Chapter 18.145 RCW, RCW 43.24.023, and 2010 c 49. WSR 11-01-119, § 308-14-010, filed 12/20/10, effective 7/1/11. Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-010, filed 8/13/04, effective 9/13/04.]

(12/20/10)

WAC 308-14-085 Examination. (1) The examination for "court reporter," "shorthand reporter," "certified court reporter," or "certified shorthand reporter" shall be an examination developed, administered, and graded by the department with the advice of the board or any examination prepared by a recognized person (institution, organization, corporation) approved by the department that meets the requirements stated in this regulation.

(2) Recognition of an examination as the Washington certification examination is conditioned upon the examination meeting the following requirements:

(a) Be a timed tape with content, speed, and quality approved by the department with the advice of the board, prior to use;

(b) The examination requires the applicant be able to report and transcribe at least two hundred words per minute of two-voice testimony for five consecutive minutes;

(c) At least ninety-five percent accuracy is needed to pass the examination;

(d) Be offered at least twice a year;

(e) The pass/fail scores of the state certification applicants are provided to the department within four weeks of the date of the examination to include a complete list of all the applicants;

(f) Examinations statistics are supplied following each examination: The number scheduled, passed, failed, and failed to appear;

(g) The procedures for security and confidentiality of the examination and applicants must meet the requirements of the department of licensing; and

(h) The department will be supplied with the examination tape and all the individual examination papers with grading marks and comments on them for review. The department reserves the final authority for examination results. The department may retain the examination papers for thirty days after final determination regarding scores to allow appeals and review of papers. Sixty days after the examination results are released all examination papers will be destroyed, except those under appeal, which will be held until final disposition.

(3) The Washington state statutory examinations which were held April 1990, October 1990, and April 1991, are recognized as the qualifying examinations for state certification as a shorthand or court reporter.

(4) State applicants who have previously passed the Washington state department of licensing recognized examination within three years of application may be issued certification without additional examination if certified documentation of the passed examination is provided.

(5) Applicants who have failed the examination may apply by submission of a reexamination application and the required fee.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-22-123, § 308-14-085, filed 11/3/04, effective 12/4/04; WSR 04-17-072, § 308-14-085, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.050 and

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43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-085, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: RCW 18.145.050. WSR 90-20-008, § 308-14-085, filed 9/20/90, effective 10/21/90.]

WAC 308-14-090 Application. Applications for certification must be complete in every detail and submitted with the required fee. The applications for examination must be received at least eight weeks prior to the examination. Complete applications will contain the following information:

- (1) Name and address.
- (2) Birth date.
- (3) Social Security number.
- (4) Professional licensure/certification, including any action taken against the license or certificate.
- (5) Personal affidavit.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-090, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.-050 and 43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-090, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. WSR 90-10-009, § 308-14-090, filed 4/20/90, effective 5/21/90.]

WAC 308-14-100 License renewal—Continuing education—Penalties. (1) Certification must be renewed on or before the expiration date shown on the certificate. The expiration date is the certificate holder's birth date. Effective July 1, 2011, each certified court reporter shall verify they have completed a minimum of five continuing education units annually at renewal in a manner defined by the director. Excess continuing education units from the previous reporting year shall not be carried over. Failure to renew the certificate by the expiration date will result in a penalty fee in an amount determined by the director. Certification may be reinstated for up to three years by payment of all renewal fees and a penalty fee for the period for which the certification had lapsed and documentation of five continuing education units completed in the past year.

(2) Continuing education units shall have direct relevance to the professional development of the certified court reporter. The program must be led by an instructor, be interactive, and involve assessment or evaluation. Approved programs include, but are not limited to, the following:

- (a) Language skills:
 - (i) English or a foreign language;
 - (ii) American Sign Language;
 - (iii) Grammar;
 - (iv) Punctuation;
 - (v) Proofreading;
 - (vi) Spelling;
 - (vii) Vocabulary;
 - (viii) Linguistics, including regional dialects or colloquialisms;
 - (ix) Etymology;
 - (x) Word usage.
- (b) Academics:
 - (i) Medical terminology and abbreviations related to any medical or medically related discipline (e.g., anatomy, psychiatry, psychology, dentistry, chiropractic, podiatry);
 - (ii) Pharmacology;
 - (iii) Surgical procedures and instruments, with emphasis on terminology and concepts encountered in litigation;

- (iv) Pathology and forensic pathology, including DNA and other terminology encountered in litigation;
- (v) Legal terminology and etymology;
- (vi) Legal research techniques;
- (vii) Presentations on various legal specialty areas (e.g., torts, family law, environmental law, admiralty, corporate law, patent law);
- (viii) History of legal systems;
- (ix) Technical subjects, with emphasis on terminology and concepts encountered during litigation (e.g., construction, accident reconstruction, insurance, statistics, product testing and liability, various engineering fields).
- (c) Case law, federal and state statutes, and regulations:
 - (i) Federal and state rules of civil and criminal procedure and rules of evidence;
 - (ii) Codes of federal and/or state regulations;
 - (iii) Presentations on legal proceedings (depositions, trials, federal and state appellate procedure, administrative proceedings, bankruptcy proceedings, workers' compensation proceedings);
 - (iv) Any changes to (a), (b), and (c) of this subsection as they affect the certified court reporter.
- (d) Technology and business practices:
 - (i) Computer skills;
 - (ii) Voice recognition technology;
 - (iii) Videotaping, video conferencing;
 - (iv) Reporting skills and practices (e.g., readbacks, marking exhibits, administering oaths);
 - (v) Transcript production, formats, indexing, document management;
 - (vi) Technological developments related to court reporting, real-time reporting, CART, or captioning;
 - (vii) Office practices, office management, marketing, accounting, personnel practices, public relations;
 - (viii) Financial management, retirement planning, estate planning;
 - (ix) Partnerships, corporations, taxation, insurance.
- (e) Professionalism and ethics:
 - (i) Standards of court reporting practice applicable to individual states or governmental entities;
 - (ii) Professional comportment and demeanor as it relates to judges, attorneys, fellow reporters, witnesses, litigants and court and law office personnel.
- (f) CPR/first-aid classes.
- (g) In-house courses offered by court reporting firms.
- (h) Vendor sponsored training, with the exception of sales presentations.
 - (i) Community based programs.
 - (j) Meetings that include educational or professional development presentations that otherwise meet Washington state criteria for award of continuing education units;
 - (k) Documented pro bono services on an hour-for-hour basis including, but not limited to:
 - (i) Presence at a court hearing or deposition;
 - (ii) Transcription;
 - (iii) Editing;
 - (iv) Proofreading.
 - (l) Documented teaching, research or writing for a planned, directly supervised continuing education experience that fulfills continuing education criteria where no payment is

received. Continuing education units will be awarded only once for each separate item.

(3) Any course or activity previously approved by any nationally or state recognized association for court reporting professions shall be approved for continuing education units.

(4) Courses offered with a documented grade of C or better at an accredited college or university will be awarded continuing education units at the following rates:

(a) Semester course: 6 continuing education units.

(b) Trimester course: 5 continuing education units.

(c) Quarter course: 4 continuing education units.

(5) Activities that are not acceptable for continuing education units include, but are not limited to, the following:

(a) Attendance at professional or association business meetings or similar meetings convened for the purpose of election of officers, policymaking, or orientation;

(b) Leadership activities in national, state, or community associations and board or committee service;

(c) Attendance at entertainment, recreational, or cultural presentations;

(d) Recreation, aerobics, massage, or physical therapy courses or practice or teaching of same;

(e) Classes in the performing arts, studio arts, or crafts or teaching of same;

(f) Tours of museums or historical sites;

(g) Social events at meetings, conventions, and exhibits;

(h) Visiting vendor exhibits or attending vendor sales demonstrations;

(i) Jury duty;

(j) Any event for which the attendee receives payment for attendance;

(k) Any event which is part of the attendee's regular employment or is attended for the purpose of gaining employment;

(l) On-the-job training or other work experience, life experience, previous work experience.

(6) Individuals shall maintain documentation of continuing education units for at least three years and provide them to the department on request.

(7) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a "shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter" until the certificate has been reinstated.

(8) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state-approved examination. Upon passage of the exam a certificate will be issued.

[Statutory Authority: Chapter 18.145 RCW, RCW 43.24.023, and 2010 c 49. WSR 11-01-119, § 308-14-100, filed 12/20/10, effective 7/1/11. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. WSR 90-10-009, § 308-14-100, filed 4/20/90, effective 5/21/90.]

WAC 308-14-115 Wall certificates. Upon meeting standards of competency as defined in RCW 18.145.080, an applicant will be issued a wall certificate with the applicant's name, issue date and certificate number. Licensees will be issued one wall certificate, which will provide proof of certification.

(12/20/10)

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-115, filed 8/13/04, effective 9/13/04.]

WAC 308-14-120 Examination appeal procedures.

(1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenges to examination grading unless the total of the potentially revised score would result in issuance of certification.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged portions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one hour to review the examination.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

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[Statutory Authority: RCW 18.145.050 and 43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-120, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91.]

WAC 308-14-130 Standards of professional practice.

All certified court reporters (CCR) shall comply with the following professional standards except where differing standards are established by court or governmental agency. Failure to comply with the following standards is deemed unprofessional conduct. Certified court reporters shall:

- (1) Offer arrangements on a case concerning court reporting services or fees to all parties on equal terms.
- (2) Include on all transcripts, business cards, and advertisements their CCR reference number.
- (3) Prepare transcripts in accordance with the transcript preparation guidelines established by WAC 308-14-135 or court.
- (4) Preserve and file shorthand notes in a manner retrievable. Transcribed notes shall be retained for no less than three years and untranscribed notes shall be retained for not less than ten years, or as required by statute, whichever is longer.
- (5) Provide transcripts on agreed delivery date, and give notification of any delays.
- (6) Prepare accurate transcripts.
- (7) Disclose conflicts, potential conflicts, or appearance of conflicts to all involved parties.
- (8) Be truthful and accurate in advertising qualifications and/or services provided.
- (9) Preserve the confidentiality of all information obtained during a proceeding and take all steps necessary to ensure its security.
- (10) Notify all involved parties when transcripts are ordered.
- (11) All parties shall be notified when a transcript is ordered by a person not involved in the case. If any party objects, the transcript cannot be provided without a court order.
- (12) Supply certified copies of transcripts to any involved party, upon appropriate request.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-130, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.-050 and 43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-130, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91. Statutory Authority: RCW 18.145.050. WSR 90-20-008, § 308-14-130, filed 9/20/90, effective 10/21/90.]

WAC 308-14-135 Transcript preparation format.

The following transcript format shall be followed by all certified court reporters (CCR's), except where format is recommended or established by court or agency.

- (1) Twenty-five typed lines per 8 1/2 x 11 inch standard page of paper.
- (2) No fewer than nine and no more than ten characters per inch of text.
- (3) No fewer than fifty-four and no more than sixty characters per standard line of text.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-135, filed 8/13/04, effective 9/13/04. Statutory Authority: RCW 18.145.-050 and 43.24.020. WSR 91-20-002 and 91-20-044, § 308-14-135, filed 9/19/91 and 9/24/91, effective 10/20/91 and 10/25/91.]

WAC 308-14-190 Exemptions—Court appointed. A court reporter that is appointed to superior court under RCW 2.32.180 is exempt from the licensure requirements of chapter 18.145 RCW. The department has jurisdiction over court reporting activities when the court reporter is appointed to superior court under RCW 2.32.180 and is also certified under chapter 18.145 RCW.

[Statutory Authority: RCW 18.145.050, 43.24.023. WSR 04-17-072, § 308-14-190, filed 8/13/04, effective 9/13/04.]

WAC 308-14-200 Court reporter fees. The following fees shall be charged by the business and professions division, department of licensing:

Title of Fee	Fee
Certification	
Application	\$150.00
Renewal	125.00
Late renewal penalty	125.00
Verification	25.00
Duplicate	15.00

[Statutory Authority: RCW 43.24.086 and 18.145.050. WSR 09-22-051, § 308-14-200, filed 10/29/09, effective 12/1/09; WSR 07-16-036, § 308-14-200, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 18.145.050, 43.24.086, 43.24.023. WSR 04-17-073, § 308-14-200, filed 8/13/04, effective 10/1/04. Statutory Authority: RCW 18.145.050, 43.24.086 and 43.135.055. WSR 98-16-060, § 308-14-200, filed 8/3/98, effective 9/3/98. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. WSR 90-10-009, § 308-14-200, filed 4/20/90, effective 5/21/90.]