

CHAPTER 43

STATE BOARD OF COURT REPORTING

Authority

N.J.S.A. 45:1-3.2, 45:1-7.1 to 7.2, 45:1-15 to 15.1
and 45:15B-1 et seq.

Source and Effective Date

R.2009 d.207, effective May 27, 2009.
See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

Chapter Expiration Date

Chapter 43, State Board of Court Reporting, expires on May 27, 2014.

Chapter Historical Note

Chapter 43, State Board of Shorthand Reporting, became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1988 d.457, effective September 1, 1988. See: 20 N.J.R. 1666(a), 20 N.J.R. 2465(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1993 d.471, effective August 26, 1993, and Subchapter 2, Administrative Hearings, was repealed by R.1993 d.471, effective September 20, 1993. See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Subchapter 2, Licensing of Shorthand Reporters, Subchapter 3, Certification of Shorthand Reporters in Realtime Reporting, Subchapter 4, Examinations, and Subchapter 5, General Provisions, were adopted as R.1998 d.145, and former Subchapter 4, Fees, was recodified as Subchapter 6 by R.1998 d.145, effective March 16, 1998. See 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, State Board of Shorthand Reporting, was readopted as R.1998 d.466, effective August 4, 1998. See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

Subchapter 7, Continuing Education, was adopted as R.2001 d.93, effective March 19, 2001. See: 32 N.J.R. 3259(a), 33 N.J.R. 1012(a).

Chapter 43, State Board of Shorthand Reporting, was readopted as R.2004 d.83, effective January 23, 2004. As part of R.2004 d.83, Subchapter 3A, Certificate Renewal; Inactive Status; Reinstatement, was adopted as New Rules, effective March 1, 2004. See: 35 N.J.R. 4040(b), 36 N.J.R. 1196(a).

Chapter 43, State Board of Shorthand Reporting, was renamed State Board of Court Reporting; Subchapter 1, State Board of Shorthand Reporting, Methods of Operation, was renamed State Board of Court Reporting, Methods of Operation; Subchapter 2, Certification of Shorthand Reporters, was renamed Certification of Court Reporters; and Subchapter 3, Certification of Shorthand Reporters in Realtime Reporting, was renamed Certification of Court Reporters in Realtime Reporting by R.2008 d.78, effective April 7, 2008. See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Chapter 43, State Board of Court Reporting, was readopted as R.2009 d.207, effective May 27, 2009. As a part of R.2009 d.207, N.J.A.C. 13:43-5.1A, was recodified as Subchapter 1A, Definitions; Subchapter 2, Certification of Court Reporters, was renamed Certification of Court Reporters; Registration of Temporary Registered Reporters; Subchapter 3A, Certificate Renewal; Inactive Status; Reinstatement, was renamed Certificate Renewal; Registration Renewal; Inactive Status; Reinstatement; and Appendix A, Written Notification and Disclosure Form, and Appendix B, Waiver Form, were adopted as new rules, effective July 6, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. STATE BOARD OF COURT REPORTING; METHODS OF OPERATION

13:43-1.1 State Board of Court Reporting; description

(a) The Board of Court Reporting created in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to N.J.S.A. 45:15B-1 et seq., consists of six members appointed by the Governor, three of whom are certified court reporters, two of whom are appointed by the Governor as public members, and the sixth being a member of the executive branch of government.

(b) The State Board of Court Reporting is charged with the responsibility to certify court reporters and to discipline persons violating provisions of N.J.S.A. 45:15B-1 et seq., pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

Amended by R.1993 d.471, effective September 20, 1993.

See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

In (a), inserted "Public" preceding "Safety"; and in (b), substituted "certify" for "license certified" and "discipline" for "punish".

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Section was "State Board of Shorthand Reporting; description". Substituted "Court" for "Shorthand" and "court" for "shorthand" throughout; in (a), substituted "Governor" for "governor"; and in (b), deleted "the Shorthand Reporting Act," following "provisions of".

13:43-1.2 Methods of operation

(a) The State Board of Court Reporting elects, from its number, a chairman and a secretary/treasurer to preside over its activities and to assume those duties normally associated with those offices.

(b) The State Board of Court Reporting meets annually for the purpose of conducting business, and at such other times as are necessary.

(c) All communications, submissions and requests to and all inquiries for information from the Board of Court Reporting should be directed to the Office of the State Board of Court Reporting, Post Office Box 45019, Newark, New Jersey 07101.

Administrative Change to (c).

See: 25 N.J.R. 1516(b).

Amended by R.1993 d.471, effective September 20, 1993.

See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Substituted "Court" for "Shorthand" throughout.

SUBCHAPTER 1A. DEFINITIONS

13:43-1A.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Certified court reporter" or "CCR" means any person who is certified pursuant to the provisions of N.J.S.A. 45:15B-1 et seq.

"Certified realtime court reporter" or "CRCR" means one who possesses a voluntary certification to perform realtime reporting.

"Court reporting" means making, by use of symbols or abbreviations, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups and causing that record to be provided or printed in a readable form or produced on a computer screen in a readable form.

"Realtime reporting" means a computer-aided method of translation performed by a certified realtime court reporter (who must also hold a current New Jersey certificate as a certified court reporter), in order to provide a simultaneous verbatim transcription on a computer screen of any testimony given under oath before any court, referee, board, commission, or other body created by statute of this State.

"Temporary registered reporter" means a non-certified court reporter who has registered with the Board pursuant to N.J.A.C. 13:43-2.2.

Recodified from N.J.A.C. 13:43-3.1 and amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

In the introductory paragraph, substituted "words and" for "word", "chapter" for "subchapter" and "indicates" for "indicate"; added definitions "Certified court reporter" and "Court reporting"; substituted definition "Certified realtime court reporter" or "CRCR" for definition "Certified shorthand realtime reporter" or "C.S.R.R."; and in definition "Realtime reporting", deleted "shorthand" preceding "realtime" and inserted "court" following "realtime" and substituted "court" for "shorthand" following "as a certified".

Recodified from N.J.A.C. 13:43-5.1A and amended by R.2009 d.207, effective July 6, 2009.

See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

Added definition "Temporary registered reporter".

SUBCHAPTER 2. CERTIFICATION OF COURT REPORTERS; REGISTRATION OF TEMPORARY REGISTERED REPORTERS

13:43-2.1 Eligibility for certification as a certified court reporter

(a) In order to qualify for certification as a certified court reporter, an applicant shall:

1. Be at least 18 years of age;

iii. Has a financial interest in the action or its outcome; or

iv. Is related to an agent or is an employee of a person or entity with a financial interest in the action or its outcome; or

3. Enter into or arrange any contract or financial relationship that compromises the impartiality of the certified court reporter or temporary registered reporter or that may result in the appearance that the impartiality of the certified court reporter or temporary registered reporter has been compromised.

(b) Temporary registered reporters are prohibited from using the following titles or abbreviations: C.C.R.; C.R.C.R.; Court Reporter of the State of New Jersey; Realtime Reporter of the State of New Jersey; Court Reporter or C.R.

(c) A violation of any provisions in (a) or (b) above shall constitute professional misconduct and shall be grounds for disciplinary action, including suspension or revocation of certification as a certified court reporter in the State of New Jersey or of a registration as a temporary registered reporter, by the Board pursuant to N.J.S.A. 45:1-21 et seq.

Recodified from N.J.A.C. 13:43-3.2 and amended by R.1998 d.145, effective March 16, 1998.

See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Substituted a reference to professional misconduct for a reference to unprofessional conduct.

Repeal and New Rule, R.2002 d.77, effective March 18, 2002.

See: 33 N.J.R. 2408(a), 34 N.J.R. 1270(a).

Section was "Professional misconduct".

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Substituted "court" for "shorthand" throughout; in the introductory paragraph of (a), substituted "Certified court reporters" for "A certified shorthand reporter"; in (a)2iv, inserted "or" at the end; deleted former (a)3; and recodified former (a)4 as (a)3.

Amended by R.2009 d.207, effective July 6, 2009.

See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

In the introductory paragraph of (a) and in (a)1, inserted "and temporary registered reporters"; in (a)1, inserted "or a temporary registered reporter"; in (a)3, inserted "or temporary registered reporter" twice; added new (b); recodified former (b) as (c); and in (c), inserted "or (b)" and "or of a registration as a temporary registered reporter".

13:43-5.5 Disclosure of title and certification or registration number; the use of misleading titles and abbreviations

(a) A certified court reporter, or a certified realtime court reporter shall indicate his or her title in the form of an abbreviation "C.C.R." (certified court reporter) or "C.R.C.R." (certified realtime court reporter), respectively, on all official documents he or she has prepared including, but not limited to, all transcripts, invoices, business cards, advertising and any other document containing reported and/or recorded information.

(b) A temporary registered reporter shall be identified as such on all business cards, letterhead advertising, and all other work-related documents.

(c) A person who is not a certified court reporter or certified realtime court reporter of New Jersey shall not use misleading titles or abbreviations such as C.C.R., C.R.C.R., Court Reporter of the State of New Jersey, Realtime Reporter of the State of New Jersey, Court Reporter or C.R.

R.1983 d.122, effective April 18, 1983.

See: 15 N.J.R. 80(a), 15 N.J.R. 626(b).

Recodified from N.J.A.C. 13:43-3.3 and amended by R.1998 d.145, effective March 16, 1998.

See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

Rewrote the section.

Amended by R.1998 d.466, effective September 8, 1998.

See: 30 N.J.R. 2158(a), 30 N.J.R. 3251(b).

In (a) and (b), inserted "shorthand" following "certified" throughout.

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Rewrote the section.

Amended by R.2009 d.207, effective July 6, 2009.

See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

Section was "Disclosure of title and certification number; the use of misleading titles and abbreviations". Added new (b); and recodified former (b) as (c).

13:43-5.6 Note and transcript retention policy

(a) All certified court reporters and all temporary registered reporters shall retain all notes in civil matters for no less than five years unless a full transcript has been prepared of the matter, in which case the electronic notes and the transcript shall be retained for at least five years, but the paper notes may be discarded after two years.

(b) In all criminal matters and any other matter heard in the Superior Court of New Jersey, in a Federal District Court, or any other court of competent jurisdiction, a certified court reporter or a temporary registered reporter shall retain all notes in accordance with the procedures established by such court.

(c) All temporary registered reporters shall retain all forms prepared pursuant to N.J.A.C. 13:43-2.2(d), (e) and (h) for no less than five years.

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

Substituted "court" for "shorthand" throughout; in (a), substituted "All" for "A" and "reporters" for "reporter".

Amended by R.2009 d.207, effective July 6, 2009.

See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

In (a), inserted "and all temporary registered reporters"; in (b), inserted "or a temporary registered reporter"; and added (c).

13:43-5.7 Validity of rules if any portion declared invalid

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

New Rule, R.1993 d.471, effective September 20, 1993.

See: 25 N.J.R. 3079(a), 25 N.J.R. 4499(a).

Recodified from N.J.A.C. 13:43-3.8 by R.1998 d.145, effective March 16, 1998.
See: 29 N.J.R. 4383(a), 30 N.J.R. 1048(a).

13:43-5.8 Standards of practice

(a) Certified court reporters and temporary registered reporters shall:

1. Produce an accurate verbatim transcript of the recorded proceeding;
2. Produce a complete transcript of the recorded proceedings, unless an excerpt of a transcript is authorized by court order, agreement of the parties or request of a party;
3. Attach a certification page to all transcripts attesting that the certified court reporter or temporary registered reporter is unrelated to the parties involved in the action; has no financial interest and is not related to an agent of or employed by anyone with a financial interest in the outcome of the action; is a certified court reporter or temporary registered reporter; the transcript is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey; and includes the notary number, expiration date and certified court reporter certificate number or temporary registration number;
4. Deliver a transcript to a client or court in a timely manner as determined by law, court rules or by agreement of the parties; and
5. Charge all parties and/or their attorneys in an action the same price for an original transcript and charge all parties and/or their attorneys the same price for a copy of a transcript or for like services performed in an action.

New Rule, R.2002 d.77, effective March 18, 2002.
See: 33 N.J.R. 2408(a), 34 N.J.R. 1270(a).
Amended by R.2008 d.78, effective April 7, 2008.
See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

In the introductory paragraph of (a), substituted "Certified court reporters" for "A certified shorthand reporter"; and in (a)3, substituted "court" for "shorthand" three times and substituted "includes" for "including".

Amended by R.2009 d.207, effective July 6, 2009.
See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

In the introductory paragraph of (a), inserted "and temporary registered reporters"; and in (a)3, inserted "or temporary registered reporter" twice, and "or temporary registration number".

13:43-5.9 Transcript format

(a) A certified court reporter or temporary registered reporter shall follow the following transcript format:

1. No fewer than 25 typed lines of transcript shall be on a standard 8½ inch by 11 inch paper not inclusive of the header or footer of a page;
2. Each line shall contain no fewer than nine letters and/or spaces per typed inch, and no less than 52 letters and/or spaces per line;

3. Each question and answer shall begin on a separate line;

4. Each question shall begin no more than seven spaces from the left hand margin with no more than seven spaces from the "Q" and "A" to the text;

5. The carry over "Q" and "A" text shall begin at the left hand margin;

6. The colloquy material shall begin no more than 15 spaces from the left hand margin with the carry over colloquy to begin at the left hand margin;

7. Quoted material shall begin no more than 15 spaces from the left hand margin, and carry over lines shall begin no more than 10 spaces from the left hand margin; and

8. Parentheticals and exhibit markings shall begin no more than 15 spaces from the left hand margin, with the carry over lines beginning no more than 10 spaces from the left hand margin.

(b) A temporary registered reporter shall fulfill the requirements of N.J.A.C. 13:43-2.2(f) for original and copied transcripts.

New Rule, R.2002 d.77, effective March 18, 2002.

See: 33 N.J.R. 2408(a), 34 N.J.R. 1270(a).

Amended by R.2008 d.78, effective April 7, 2008.

See: 39 N.J.R. 3469(a), 40 N.J.R. 1894(b).

In the introductory paragraph of (a), substituted "court" for "shorthand".

Amended by R.2009 d.207, effective July 6, 2009.

See: 41 N.J.R. 851(a), 41 N.J.R. 2674(a).

In the introductory paragraph of (a), inserted "or temporary registered reporter"; and added (b).

Case Notes

As applied to a deposition taken in connection with federal litigation, the Federal Rules of Civil Procedure preempt the New Jersey statute and administrative regulations governing shorthand reporting. However, the Federal Rules do not preempt a claim against a shorthand reporting company under the Consumer Fraud Act, N.J.S.A. 56:8-1 through 56:8-20, that is not dependent upon the statute and administrative regulations governing shorthand reporting. *Quigley v. Esquire Deposition Serv.*, 400 N.J. Super. 494, 948 A.2d 665, 2008 N.J. Super. LEXIS 110 (App.Div. 2008).

SUBCHAPTER 6. FEES

13:43-6.1 Fee schedule

(a) The following fees shall be charged by the Board:

1. Application fee:
 - i. Certified court reporter..... \$150.00
 - ii. Certified realtime court reporter..... 150.00
 - iii. Temporary registered reporter..... 150.00
2. Examination fee
 - i. Certified realtime court reporter..... 100.00
3. Initial certification fee (certified court reporter only):