

HOUSE No. 1677

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the licensure of court reporters..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws, as appearing in the most recent edition, is
2 hereby amended by inserting after section 97 the following sections:— Section 98. The
3 Legislature hereby finds and declares that it is the policy of the commonwealth to promote the
4 skill, art, and practice of court reporting; to assure that court reporters possess the necessary
5 skills and qualifications; and that a Board be established to prescribe the qualifications of court
6 reporters and issue a license to persons who demonstrate their ability and fitness therefore. This
7 Act is intended to establish and maintain a standard of competency for individuals engaged in the
8 practice of court reporting and for the protection of the public, in general, and for all litigants
9 whose rights to personal freedom and property are affected by the competency of court reporters.
10 The examination, licensing and supervision of the conduct and proficiency of court reporters is
11 integrally related to the effective, impartial and prompt operation of the judicial system of the
12 Commonwealth of Massachusetts. Section 99. The following words and phrases, when
13 used in sections 98 to 109, inclusive, of this chapter shall have the meaning given to them in this
14 section unless the context clearly otherwise requires:—“Licensed Court Reporter”, a licensed

15 shorthand reporter or a licensed stenomask reporter;“Licensed Shorthand Reporter”, a person
16 who is qualified and licensed under this Act to practice court reporting as a shorthand
17 reporter;“Licensed Stenomask Reporter”, a person who is qualified and licensed under this Act
18 to practice court reporting as a stenomask reporter;“Practice of Court Reporting”, the making of
19 a verbatim record of any Massachusetts trial, legislative public hearing, state agency public
20 hearing, deposition, examination before trial, or hearing or proceeding before any grand jury,
21 referee, board, commission, master or arbitrator, or any testimony given under oath.

22 Section 100. No person, except as otherwise provided by law, shall practice or attempt to
23 practice court reporting in the commonwealth or hold himself/herself out as a court reporter
24 unless he/she is a licensed court reporter. Section 101. There shall be a Board of
25 Registration of Court Reporters, hereinafter called the Board, consisting of seven members
26 appointed by the Governor. Members of the Board shall be citizens of the United States and
27 residents of the commonwealth. One member of the Board shall be an attorney in good standing
28 with the Massachusetts Bar with trial experience in the commonwealth for the five years
29 immediately preceding appointment to the Board. One member of the Board shall be a
30 representative of the public and shall not be an attorney, judge or court reporter. Two members
31 of the Board shall be shorthand reporters holding at least a Registered Professional Reporter
32 Certification issued by the National Court Reporters Association or its successor who have
33 engaged in the practice of court reporting in the commonwealth for the five years immediately
34 preceding appointment to the Board. Two members of the Board shall be stenomask reporters
35 holding at least a Certified Verbatim Reporter Certificate issued by the National Stenomask
36 Verbatim Reporters Association or its successor who have engaged in the practice of stenomask
37 reporting in the commonwealth for the five years immediately preceding appointment to the

38 Board. One member of the board shall be a sitting justice of any court in the commonwealth in
39 which court reporters are regularly engaged to preserve the record. The Governor shall make the
40 appointments of the shorthand reporters and stenomask reporters from a list submitted
41 respectively by the Massachusetts Court Reporters Association and the Northeast Stenomask
42 Verbatim Reporters Association or its successor. The Board shall elect annually by majority vote
43 a chairperson, a secretary and such other officers as are deemed appropriate. Five members of
44 the Board shall constitute a quorum to conduct business. The Board shall meet twice each year or
45 more frequently upon the call of the chairperson of the Board. Appointments to the Board shall be
46 for a period of two years except for initial appointments which shall be staggered as follows:
47 public member, two years; attorney member, two years; one shorthand reporter and one
48 stenomask reporter, one year; one shorthand reporter and one stenomask reporter, two years;
49 representative of the Judiciary, one year. The Governor will fill initial appointments to the Board
50 within ninety (90) days of the date of enactment of this Act. Members may be appointed to two
51 successive two-year terms. Any member of the Board may be removed by the Governor for
52 neglect of duty, misconduct, malfeasance or misfeasance in office after being given a written
53 statement of the charges against him/her and sufficient opportunity to be heard thereon. The
54 Governor shall fill any vacancy for the duration of an unexpired term by appointing a person
55 having the appropriate qualifications. Board members shall receive no compensation for their
56 services, but shall be entitled to reasonable travel and other expenses. The expenses of the Board
57 shall not exceed the fees collected under sections 98 to 109, inclusive, of this chapter. The Board
58 is charged with the duty and vested with the power and authority to determine the content of and
59 administer examinations to be given to applicants for licensure as licensed shorthand reporters or
60 stenomask reporters and to issue numbered licenses to those found qualified as licensed

61 shorthand reporters or licensed stenomask reporters who are in compliance with sections 98 to
62 109, inclusive, of this chapter. The Board shall not mandate, establish, set, or control the rates
63 that are charged by shorthand or stenomask reporters. Section 102. The Board shall
64 examine and/or establish examination and testing procedures to enable the Board to ascertain the
65 competency of persons wishing to be licensed as shorthand reporters or stenomask reporters,
66 each such skills examination to be given at least twice each calendar year. Applications for such
67 licenses, signed and sworn by the applicants, shall be made on forms furnished by the Board. An
68 applicant who furnishes the Board with satisfactory proof of good moral character and
69 graduation from an accredited high school or its equivalent, shall, upon payment of a fee
70 determined by the secretary of administration and finance, be examined by the Board. All
71 applicants who are found qualified to engage in the practice of court reporting as a machine
72 shorthand reporter under the provisions of this Act shall be issued a license as a licensed
73 shorthand reporter and an identifying number. All applicants who are found qualified to engage
74 in the practice of court reporting as a stenomask reporter under the provisions of this Act shall be
75 issued a license as a licensed stenomask reporter and an identifying number. Persons seeking to
76 engage in the practice of court reporting as both a shorthand reporter and a stenomask reporter
77 must apply for, pass specific examinations for, and pay full and separate application fees for each
78 such license. All transcripts produced by a licensed court reporter shall bear the license number of
79 the court reporter within the document. No court reporter may authorize the use of his/her license
80 number on any transcript not produced through his/her personal effort and such violation may be
81 grounds for license suspension or revocation under Article 11. Section 103. Each person
82 licensed hereunder shall apply to the Board every two years on dates determined by the Board
83 for renewal of his/her license and pay a fee determined by the secretary of administration and

84 finance to the Board and thereupon the Board shall issue a numbered license showing that the
85 holder is entitled to practice for the period covered by said payment. The Board shall require
86 specific continuing education as a condition for license renewal. The Board may provide for the
87 late renewal of a license which has lapsed and may require the payment of a late fee and/or
88 examination prior to issuing said renewed license. Licensed court reporters must notify the Board
89 in writing of any change of address within thirty days. Section 104. An applicant who has
90 been engaged in the practice of court reporting in the Commonwealth for a minimum of two
91 years prior to the effective date of this Act and who provides to the Board an affidavit setting
92 forth his/her past education and work experience as a court reporter and the affidavits of three
93 attorneys, unrelated to him/her, who are licensed to practice law in the commonwealth and who
94 have utilized the services of the applicant, which attest to the applicant's proficiency in court
95 reporting, shall, without examination and upon payment of a fee determined by the secretary of
96 administration and finance, be issued a license to practice as a shorthand reporter or stenomask
97 reporter. Persons seeking to engage in the practice of court reporting as both a shorthand reporter
98 and a stenomask reporter under this section must apply for, provide separate affidavits for, and
99 pay full and separate application fees for each such license. Any applicant who provides written
100 verification that he/she has passed the Massachusetts Superior Court examination shall be
101 exempt from providing the affidavits of three attorneys. This section shall automatically
102 terminate one year from the effective date of this Act. Section 105. The Board shall,
103 without examination, license as a shorthand reporter any applicant who furnishes the Board with
104 satisfactory proof that he/she holds either a valid Registered Professional Reporter (RPR)
105 certificate or Registered Merit Reporter (RMR) certificate or similar certificate issued by the
106 National Court Reporters Association or its successor or a valid Massachusetts Certified

107 Shorthand Reporter (CSR) certificate issued by the Massachusetts Court Reporters Association.
108 The Board shall, without examination, license as a stenomask reporter any applicant who
109 furnishes the Board with satisfactory proof that he/she holds a valid Certified Verbatim Reporter
110 (CVR) certificate or Certificate of Merit (CM) certificate or similar certificate issued by the
111 National Stenomask Verbatim Reporters Association or its successor. Section 106. An
112 applicant who has engaged in the practice of court reporting in the Commonwealth of
113 Massachusetts for less than two years on the date of enactment of this Act and provides to the
114 Board satisfactory proof of graduation from an accredited high school or its equivalent and the
115 affidavits of three attorneys, unrelated to him/her, who are licensed to practice law in the
116 commonwealth and who have utilized the services of the applicant, which attest to the
117 applicant's proficiency in court reporting, shall, upon application to the Board on forms
118 approved by the Board and payment of a fee determined by the secretary of administration and
119 finance, be issued a temporary license to practice as a shorthand reporter or voice reporter. Such
120 temporary licenses shall expire on the sixtieth (60) day following the date upon which the next
121 board-approved examination for licensure is given. No additional temporary license shall be
122 issued to any applicant who fails to pass the scheduled examination for licensure. Section
123 107. The Board may, after a hearing pursuant to chapter 30A, revoke or suspend the license of,
124 place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory
125 to a majority of the Board that said person:(a) obtained or attempted to obtain a license by
126 fraud;(b) has been dishonest or has violated any provision of the laws of the commonwealth
127 relating to the practice of court reporting or any rule or regulation adopted by the Board;(c) has
128 violated section 91D of chapter 221 of the General Laws;(d) has been convicted of a felony or of
129 a crime involving moral turpitude;(e) acted in a manner which is professionally unethical

130 according to the ethical standards of the professions of shorthand or stenomask reporting;(f)
131 displayed gross incompetence while engaged in the practice of court reporting;(g) been adjudged
132 mentally ill or incompetent by a court of competent jurisdiction;(h) used drugs or intoxicating
133 liquors to an extent which adversely affected his/her practice; provided, however, that any person
134 whose license is revoked under this provision may apply for relicensure one year from the date
135 of revocation upon such terms and conditions as the Board may deem appropriate. Section
136 108. The Board shall maintain records of its proceedings and a registry of all persons licensed by
137 it, which shall be public records and open to inspection. The Board shall make such rules and
138 regulations as may be necessary for the proper conduct of its duties. The Board shall investigate
139 all complaints of the violation of any provisions of this Act and, where appropriate, report the
140 same to the proper prosecuting officers. Section 109. Fifty percent (50%) of all funds
141 collected under sections 98 to 109, inclusive, of this chapter shall be deposited in the division of
142 professional licensure trust fund as established pursuant to section 35V of chapter 10, and the
143 remaining fifty percent (50%) shall be deposited in the General Fund. All expenses incurred by
144 the Board in implementing section 98 to 109, inclusive, of this chapter shall be paid out of such
145 special fund, provided that the expenses of the Board shall not be in excess of the receipts from
146 registration and other sources that have been received by the treasurer of the commonwealth
147 from the Board. Section 110. Superior Court official court reporters that are employees of
148 the Massachusetts Trial Court and subject to competency standards of the Trial Court are exempt
149 from sections 98 to 109, inclusive, of this chapter. Any other state-employed court reporters
150 subject to the rules and regulations of the Commonwealth as state-employees are also exempt
151 from sections 98 to 109, inclusive, of this chapter.

152 SECTION 2. Section 30 of chapter 233 of the General Laws is hereby amended by
153 striking out the second sentence and inserting in place thereof the following:— The deponent
154 shall then be examined by the justice or notary, and may be examined by the parties, and the
155 testimony shall be taken by a licensed court reporter.

156 SECTION 3. Section 80 of chapter 233 of the General Laws is hereby amended by
157 inserting after the word “proceeding” in line 2 the following:— “or deposition;”; and is hereby
158 further amended by striking the words “stenographer duly appointed for the purpose and sworn,
159 when verified by the certificate of such stenographer” in lines 2, 3,4 and 5 and inserting in place
160 thereof the following:— “court reporter duly appointed for the purpose, and licensed and sworn,
161 when verified by the certificate of such court reporter.”