

**FILED**

**JUN 15 2020**

**DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS**

**IN THE SUPREME COURT OF THE STATE OF KANSAS**

**Administrative Order**

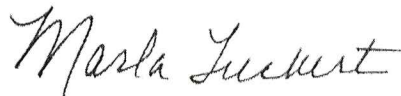
2020-RL-065

**RULES RELATING TO THE STATE BOARD OF EXAMINERS OF  
COURT REPORTERS**

The attached Supreme Court Rules 301-310, 312, 313, 350, 352-354, 356-58, 361-364, and 367 are hereby amended, effective July 1, 2020.

Dated this 15th day of June 2020.

FOR THE COURT



MARLA LUCKERT  
Chief Justice

## RULES RELATING TO THE STATE BOARD OF EXAMINERS OF COURT REPORTERS

### Rule 301

#### STATE BOARD OF EXAMINERS OF COURT REPORTERS

There is hereby created a board to be known as the State Board of Examiners of Court Reporters ~~that which~~, subject to direction and approval of the Supreme Court, ~~shall~~will have general supervision over ~~the~~ granting of certificates of eligibility for certified court reporters and over the conduct of all court reporters holding such certificates.

[History: Am. effective September 5, 1991; Am. effective January 3, 2006.]

### Rule 302

#### MEMBERSHIP—APPOINTMENT

The ~~Supreme Court will appoint Board members. of the board shall will be appointed by the Supreme Court for regular terms or to fill vacancies~~ The ~~B~~board ~~shall will~~ consist of no more than nine members ~~and will have at least the number to be determined by the Supreme Court.~~ The board ~~shall consist of not less than~~ two judges of the district court, two attorneys engaged in the active practice of law, and one official reporter of the district court. Each appointment ~~shall be~~ is for a ~~three-year term of three years.~~ The Supreme Court will appoint a new member to fill a vacancy on the ~~B~~board occurring during a term. A new member appointed to fill a vacancy serves the unexpired term of the previous member. No member may serve more than three consecutive three-year terms, except that a member initially appointed to serve an unexpired term may serve three consecutive three-year terms thereafter. If any reporter or judge ~~shall~~ ceases to hold office, that person's membership on the ~~B~~board ~~shall~~ terminates.

[History: Am. effective September 5, 1991; Am. effective July 28, 1995; Am. effective July 1, 2012.]

### Rule 303

#### ORGANIZATION—QUORUM

~~At the annual October meeting, the Board will elect one of its members as the chairperson. A chairperson shall will be elected from the membership of the board at the October meeting.~~ The ~~clerk of the appellate courts judicial administrator or a designee will shall~~ serve as secretary but ~~shall will~~ not be a member of the ~~B~~board. Five members ~~shall~~ constitute a quorum for the transaction of business.

[History: Am. effective September 5, 1991; Am. effective July 1, 2012.]

## Rule 304

### DUTIES AND POWERS; IMMUNITY

- (a) The Bboard ~~shall~~ will perform the following duties:
- (1) ~~conduct such~~ preliminary investigations ~~as may be necessary~~ to determine the qualifications of the applicants to be examined;
  - (2) ~~shall~~ conduct examinations of applicants for certificates; and
  - (3) ~~shall~~ investigate complaints and conduct hearings as outlined in ~~Board-Rule 367, No. 9.~~
- (b) Complaints, reports, and ~~or~~ testimony in the course of proceedings under these rules ~~shall~~ will be deemed to be made in the course of judicial proceedings. Members of the Board and Board staff ~~shall be~~ are absolutely immune from suit for all conduct in the course of their official duties. All other participants ~~shall be~~ are entitled to all rights, privileges, and immunities afforded to participants in actions filed in the courts of this state.

[**History:** Am. effective January 3, 2006.]

## Rule 305

### MEETINGS

In October of each year, t~~The B~~board ~~shall~~ will hold a regular meeting to conduct examinations of applicants for certificates at a time and place designated by the Bboard. ~~in October of each year, on a date or dates to be selected by t~~The Bboard, and may also hold special meetings as needed to address Board business or to conduct additional examinations at such times and places as it may deems necessary.

[**History:** Am. effective May 18, 1977; Am. effective July 12, 1994.]

## Rule 306

### RULES

Subject to ~~the~~ approval by the Supreme Court, the Bboard may make rules relating to the examination of applicants, as well as rules governing the conduct of any reporter who holds a certificate. When approved by the court, they ~~shall~~ will be published as a part of the Rules of the Supreme Court.

[**History:** Am. effective January 3, 2006.]

## Rule 307

### APPLICATION—EXAMINATION FEE

- (a) **Qualifications.** An applicant for examination must be at least 18 years old and must be a high school graduate or possess an equivalent education.
- (b) **Application and Fee.** An application for examination must be on a form approved by the Bboard and furnished by the Clerk of the Appellate Courts Office of Judicial Administration. The application must be ~~filed with~~ received by the Clerk of the Appellate Courts Office of

Judicial Administration at least 30 days before any regular or special examination and must be accompanied by the following:

- (1i) a nonrefundable payment of \$125, payable to the ~~Clerk of the Appellate Courts~~ Office of Judicial Administration; and
  - (2ii) at least three affidavits or certificates, on forms ~~to be~~ supplied by the Office of Judicial Administration Clerk of the Appellate Courts, from responsible persons unrelated to the applicant by marriage or blood attesting that the applicant is a person of good moral character.
- (c) **When Application Valid for Next Examination.** If the applicant does not take the examination for which application is made or if the applicant fails to pass the required examination, the original application remains valid for the next ensuing examination if the applicant:
- (1i) notifies the Office of Judicial Administration Clerk of the Appellate Courts in writing by the filing submission deadline that the applicant intends to take the examination;
  - (2ii) files with the Office of Judicial Administration Clerk of the Appellate Courts an updated application or a letter verifying that the application ~~on file~~ previously submitted remains current; and
  - (3iii) includes a nonrefundable payment of \$125, payable to the Office of Judicial Administration Clerk of the Appellate Courts.

[**History:** Am. effective March 15, 1986; Am. effective November 14, 1988; Am. effective September 5, 1991; Am. effective February 8, 1994; Am. effective December 3, 1996; Am. effective October 20, 1999; Am. effective November 30, 2000; Am. effective January 3, 2006; Am. effective January 25, 2016.]

## Rule 308

### EXAMINATION

- (a) Notes may be taken by stenographic or voice writing machine. Each applicant ~~shall~~ must state the system the applicant uses in taking notes and ~~shall~~ demonstrate that the applicant follows the principles of the such system with sufficient accuracy that other persons who use the same system can read the notes readily. Applicants ~~shall be required to~~ must write from dictation at speeds of 180 words per minute (medical testimony, two voices), 200 words per minute (solid matter, one voice), and 225 words per minute (ordinary testimony, two voices) and transcribe therefrom as may be determined by the Board. Each dictation segment ~~shall~~ must be transcribed at 95% accuracy or better with no more than 45 errors at 180 words per minute, 50 errors at 200 words per minute, and 57 errors at 225 words per minute. Each dictation segment ~~shall will~~ be of five minutes in duration. Applicants ~~shall~~ must furnish their own equipment and materials.
- (b) Applicants ~~shall~~ must be examined by written examination and obtain a score of at least 70% with respect to their knowledge of the duties of a court reporter, ~~and of general~~ court procedure, and general legal terminology ~~at 70% accuracy or better~~.
- (c) Speed and accuracy in taking, transcribing, and reading notes will be the chief basis of the test, but the Board will also consider punctuation, spelling, and style of transcribing and general education ~~shall also be given due consideration~~.

- (d) Any certificate holder who desires certification in a system of verbatim reporting different than ~~that the system in which the reporter has already been certified by the Bboard shall~~ must, prior to employing that system in the courts of this state, ~~file with submit Clerk of the Appellate Courts an application to the Office of Judicial Administration on a form prescribed by the Bboard, stating the system to which the applicant desires to change and asking permission to take an examination for certification in that system. The application shall~~ must be accompanied by a nonrefundable fee of \$125. No certificate ~~shall~~ will be valid for any system of verbatim reporting other than that for which it is issued.

[History: Am. effective September 5, 1991; Am. effective January 3, 2006.]

### Rule 309

#### ISSUANCE OF CERTIFICATES

- (a) Any person who desires to obtain a certificate ~~shall~~ must ~~make submit the an~~ application and take the examination as provided ~~for by Rules Nos. 307 and 308. Unless some reason appears why it should not be done, t~~ The Supreme Court ~~shall~~ will issue a certificate to each person who takes the examination and is favorably recommended by the Board of Examiners unless some reason appears why it should not be done.
- (b) If any person who has previously passed the examination ~~previously~~ but has not received certification ~~for reasons because~~ of residency desires to receive certification, such person ~~shall~~ must, without payment of additional fees, submit file a current application for certification for the Board to consider to be before his or her certificate is considered by the board.
- (c) ~~Individuals~~ An individual who holds a Registered Professional Reporter (RPR) certificate from the National Court Reporters Association or a Certified Verbatim Reporter (CVR) certificate from the National Verbatim Court Reporters Association and is ~~are~~ in good standing with such association may, on application to the Board of Examiners ~~(per as provided by Supreme Court Rule 307,~~ become a Kansas Certified Court Reporter upon successfully passing a written examination with respect to the individual's knowledge of the duties of a court reporter, of court procedure, and general legal terminology.
- (d) An individual who holds a valid ~~and unrevoked~~ certified court reporter or certified shorthand reporter certificate or license issued by a state other than Kansas ~~where an exam is given which is equivalent to or more stringent than the current Kansas exam~~ may, on application to the Board of Examiners ~~(per as provided by Supreme Court Rule 307,~~ become a Kansas Certified Court Reporter after satisfying ~~on~~ the following conditions:
- (1) providing proof of passage of another state's examination that is at least as difficult as equivalent to or more stringent than the Kansas examination;
  - (2) providing proof of passage of the other state's examination within three years prior to submitting an application in Kansas or providing proof acceptable to the Board Examiners of five years of practice experience as a court reporter; and
  - (3) successfully completing ~~on of this state's Kansas'~~ written examination with respect to the applicant's knowledge of the duties of a court reporter, of court procedure, and general legal terminology.

[History: Am. effective September 5, 1991; Am. effective January 3, 2006.]

## Rule 310

### TITLE AND RIGHT TO USE CERTIFICATE; ANNUAL REGISTRATION

- (a) **Title and Right to Use Certificate.**
- (1) **Title.** A person issued a certificate has the right to use the title “Certified Court Reporter” or “C.C.R.” A person with a certificate issued prior to July 1, 2006, may continue to use the title “Certified Shorthand Reporter” or “C.S.R.”
  - (2) **Contempt of Court.** A person who does not hold a certificate but uses “Certified Court Reporter,” “C.C.R.,” “Certified Shorthand Reporter,” or “C.S.R.” may be found to be in contempt of court and may be punished accordingly.
  - (3) **Function.** Only a court reporter registered as active under subsection (b) may serve as a certified court reporter.
- (b) **Annual Registration.** A court reporter in Kansas must register annually on a form provided by the Office of Judicial Administration ~~clerk of the appellate courts~~.
- (1) **Categories.** A court reporter may register as active, inactive, or retired.
  - (2) **Fee.** A court reporter must pay an annual registration fee established by Supreme Court order.
  - (3) **Exemptions.** The following exemptions apply to the annual registration fee.
    - (A) A newly certified court reporter will not be charged a registration fee until the first regular registration date following certification.
    - (B) A court reporter who has retired and is at least 66 years old before June 30 will not be charged a registration fee.
- (c) **Notice.** Before May 1 of each year, the Office of Judicial Administration ~~clerk of the appellate courts~~ will ~~mail to send~~ each court reporter, ~~at his or her last known address~~, a statement of the amount of the registration fee to be paid by June 30.
- (d) **Registration Deadline.** The registration fee and form must be received by the Office of Judicial Administration ~~clerk of the appellate courts~~ by June 30. Failure of any court reporter to receive a statement of the applicable registration fee from the Office of Judicial Administration ~~clerk~~ does not excuse payment of the fee.
- (e) **Change of Address.** Every court reporter must notify the Office of Judicial Administration ~~clerk of the appellate courts~~ within 30 days of any change of address.
- (f) **Failure to Register; Late Fee.** Registration fees received by the Office of Judicial Administration ~~clerk of the appellate courts~~ after June 30 of the year in which due must be accompanied by a late payment fee equal in amount to the registration fee. All certificates that have not been renewed by payment of the annual registration and late payment fees will expire on December 31 of each year.
- (g) **Transcript Production and Certification Status.** A court reporter who is retired or no longer certified may produce certified transcripts of proceedings that took place while the reporter’s certificate was valid.
- (h) **Reinstatement; Failure to Register.** A court reporter with an expired certification due to failure to register may submit an application for reinstatement and must comply with any conditions imposed by the Board for reinstatement. The Board may impose appropriate conditions, costs, renewal fees, or reexamination requirements before or upon granting reinstatement.

- (i) **Recertification.** An inactive or retired court reporter with an expired certification may apply for recertification.
  - (1) **Inactive.** A court reporter who is registered as inactive may become active by complying with the following.
    - (A) **Inactive less than 2 years.** A court reporter must submit a change of status form, pay a recertification fee, and pay the current annual registration fee.
    - (B) **Inactive 3-5 years.** A court reporter must submit an application for recertification and comply with any conditions imposed by the Board for reinstatement. The Board may impose appropriate conditions, costs, renewal fees, or reexamination requirements before or upon granting reinstatement.
    - (C) **Inactive 5 or more years.** A court reporter must submit an application for recertification and comply with any conditions imposed by the Supreme Court for recertification.
  - (2) **Retired.** A retired court reporter may become active by submitting an application for recertification and by complying with any conditions imposed by the Supreme Court for recertification.

[**History:** Am. effective January 3, 2006; Am. effective May 30, 2018.]

### Rule 311

#### SUSPENSION OR REVOCATION

~~After~~ Upon reasonable notice to ~~the court reporter the holder~~ and after a hearing and for good cause shown, the Supreme Court may suspend or revoke for good cause any certificate previously issued ~~to the reporter may be suspended or revoked by order of the Supreme Court.~~

### Rule 312

#### TEMPORARY CERTIFICATE

- (a) Any applicant to take the court reporter examination whose application ~~the Board to sit~~ has been approved by the State Board of Examiners of Court Reporters may file with ~~submit a request for a temporary certificate to the Office of Judicial Administration Clerk of the Appellate Courts a request for a temporary certificate. The request must be accompanied by a nonrefundable \$50 filing fee.~~
- (b) A temporary certificate may be issued to an official court reporter only if recruitment efforts in a particular county have been unsuccessful and the personnel officer requests the Supreme Court to issue a temporary certificate to a person who the personnel officer deems qualified and who has submitted an application ~~on file with~~ to the Office of Judicial Administration Clerk of the Appellate Courts. No filing fee shall be required.
- (c) The temporary certificate ~~shall~~ will be valid until the next regular or special examination held by the Board of Examiners, but if such examination is given within 40 ~~forty~~ days after issuance of a temporary certificate, the reporter candidate may continue to serve under the temporary certificate until the next regular or special examination. No more than one temporary certificate ~~shall~~ may be issued to the same person except upon the Board's written recommendation ~~of the State Board of Examiners of Court Reporters.~~

(d) Any reporter working under a temporary certificate ~~shall~~ must have in place a tape back-up for any proceedings taken.

(e) A transcript certified by a reporter working under a temporary certificate ~~shall~~ will have the same effect as one certified by a regularly licensed court reporter.

[**History:** Am. effective July 1, 1982; Am. effective December 3, 1996; Am. effective May 29, 2003; Am. (b) effective January 3, 2006.]

### **Rule 313**

#### **FUND—EXPENSES**

The examination fees referred to in Rule ~~No.~~307 and the renewal fees referred to in Rule 310 ~~shall~~ constitute a fund ~~to be~~ known as the “Court Reporters Fund” and ~~shall~~ will be held and accounted for by the Office of Judicial Administration Clerk of the Appellate Courts as provided by law. From this fund the ~~Clerk~~ judicial administrator ~~shall~~ will pay all Board expenses ~~of the Board of Examiners~~ incident to ~~the consideration~~ considering of applications, ~~conducting~~ of examinations, ~~issuance~~ ing of certificates, ~~consideration~~ ing of complaints, and ~~conducting~~ of hearings. The judicial administrator will also pay Board members their of the board the actual and necessary expenses incurred in the performance of Board duties. The Clerk Office of Judicial Administration shall will make such payments upon approval by the Chief Justice of the Supreme Court.

[**History:** Am. effective September 5, 1991; Am. effective January 3, 2006.]

### **Rule 314**

#### **REPORTING SYSTEMS**

[**History:** Repealed effective July 1, 1991.]

### **Rule 315**

#### **RESIDENCE**

[**History:** Repealed effective July 1, 1982.]

#### **OFFICIAL COURT REPORTERS**

### **Rule 350**

Appointment of official court reporters ~~shall~~ will be in accordance with the provisions of the Rules Relating to the Kansas Court Personnel System.

[**History:** Am. effective July 1, 1982; Am. effective January 3, 2006.]

### **Rule 351**

[**History:** Repealed effective July 1, 1982.]



### Rule 352

All ~~such~~ court reporters appointed under Rule 350 ~~shall be~~ are officers of the court and ~~shall~~ will be known as official court reporters of the judicial district. Each official court reporter ~~shall~~ must take the oath or affirmation prescribed by K.S.A. 54-106.

### Rule 353

No official court reporter ~~shall~~ may be related by blood or marriage to the judge of the division of court in which the reporter is employed or assigned.

### Rule 354

~~It shall be the duty of~~ The official court reporter ~~to~~ must attend upon the sessions of the court ~~to which where~~ the reporter is assigned when required by the judge ~~thereof or by~~ the chief judge. The official court reporter ~~shall~~ will take verbatim notes of the proceedings tried before the court as the judge ~~thereof shall~~ directs.—Such notes ~~shall~~ must be taken on a machine with read-back capability. The judge ~~shall~~ will enter ~~cause to have entered on the appearance/trial docket~~ the name of the court reporter taking verbatim notes of any ~~such~~ proceedings entered on the appearance/trial docket.

[History: Am. effective May 11, 1995; Am. effective January 3, 2006.]

### Rule 355

The official court reporter or anyone acting in that capacity must file all original verbatim notes and any electronic representation of those notes, including audio or .wav files, if applicable, in the office of the clerk of the court, along with all exhibits admitted into evidence and retained by the reporter. Notes backed up and stored electronically on a judicial district's network computer server—in a format readable by non-reporter software—may be substituted for the original. The notes and exhibits must remain a part of the files in the office of the clerk until further order of the court.

[History: Am. effective January 10, 1995; Am. effective January 3, 2006; Am. effective October 24, 2011.]

### Rule 356

~~Each official court reporter shall receive from a~~ Any person ordering a transcript must pay the ~~official court reporter from his or her official notes~~ a reasonable fee based on rates fixed by the ~~State Board of Examiners of Court Reporters~~ with the approval of the Supreme Court. Upon payment ~~or tender of the fees therefor~~, the official court reporter ~~shall~~ must furnish the requested transcript ~~requested~~. Preparation of transcripts for use in an appeal ~~shall be~~ are governed by Rule 3.03.

### Rule 357

Official court reporters ~~shall~~ will be subject to assignment to any court or division within a judicial district by the chief judge of such judicial district. They ~~shall~~ will also be subject to assignment on a temporary basis to serve any court or judge outside the district by departmental justices. Official court reporters, when assigned, ~~shall~~ will not receive additional compensation for such services but ~~shall~~ will be entitled to reimbursement by the state for travel and subsistence expenses incurred while in the performance of their official duties away from their official stations. ~~and within the State of Kansas.~~

[**History:** Am. effective July 1, 1982; Am. effective January 3, 2006.]

#### **Rule 358**

The district court may employ a certified court reporter ~~in general practice~~ on a temporary or relief basis who ~~shall~~ will be compensated for such services at a sum approved by the chief judge, ~~which shall not to exceed \$200 per full day, plus necessary travel and subsistence expenses, the same to be paid from the court's county operating fund.~~

[**History:** Am. effective July 1, 1982; Am. effective December 3, 1996; Am. effective January 3, 2006.]

#### **Rule 359**

[**History:** Repealed effective July 1, 1982.]

### **ELECTRONIC RECORDINGS—TRANSCRIPTS**

#### **Rule 360**

A district court may provide for the electronic sound recording of court proceedings by use of equipment ~~that which~~ meets specifications approved by the Supreme Court.

#### **Rule 361**

Each electronic recording ~~shall~~ must be distinctively marked. The clerk of the district court ~~shall~~ must maintain an index to the electronic recordings ~~that which~~ identifies the proceedings contained on ~~the such~~ electronic recordings. The clerk ~~shall~~ must also maintain general control and provide for the safekeeping of all electronic recordings.

[**History:** Am. effective January 3, 2006.]

#### **Rule 362**

Written transcripts of electronic recordings ~~shall~~ will be prepared by court personnel under the direction of the clerk of the district court. The person making the transcript ~~shall~~ must certify under seal of the court that the transcript is a correct transcript of the specified recorded proceedings ~~as recorded~~. Upon request of counsel ~~of-record in a case~~, the clerk of the district court ~~shall~~ will make arrangements for counsel to review the electronic recordings of ~~that the case involved~~. The clerk may correct a transcript of recorded proceedings upon stipulation by counsel or upon order of the court.

[History: Am. effective January 3, 2006.]

### Rule 363

A certified transcript produced from approved electronic recordings ~~shall~~ will have the same legal effect as one produced by an official court reporter.

### Rule 364

Supreme Court rules relating to the ordering, preparation, and delivery of official transcripts prepared by official court reporters ~~shall~~ will also apply to transcripts ~~to be~~ prepared from electronic recordings under direction of the clerk of the district court.

[History: Am. effective January 3, 2006.]

### Rule 365

A request for preparation of a transcript from an electronic recording must be filed with the clerk of the district court. A copy of the request must also be served on the managing court reporter or the court reporter designated by the clerk of the district court. The rate charged by the clerk for the transcript will be the same as the rate authorized for a transcript prepared by an official court reporter.

[History: Am. effective July 1, 1982; Am. effective January 3, 2006; Am. effective April 15, 2020.]

### Rule 366

[History: Repealed effective July 1, 1982.]

### Rule 367

## RULES ADOPTED BY THE STATE BOARD OF EXAMINERS OF COURT REPORTERS

No. 1. The word "Board," as used in these ~~r~~Rules, means the State Board of Examiners of Court Reporters.

No. 2. The terms "verbatim notes" and "verbatim reporting," as used in these rules include stenographic and voice methods of preserving the record.

No. 3. An applicant to become a certified court reporter ~~shall~~ will not be examined until the applicant has satisfied the ~~B~~board of the following ~~as follows~~

- A. ~~That~~ The applicant is a person of good moral character.
- B. ~~That~~ The applicant's educational and special training includes at least one of the following:
  1. Graduation from and completion of a court reporting course in a business college or other school licensed or accredited by the State of Kansas or the state where ~~such~~ the school is located. For good cause shown the Board may waive the formal educational requirement.

2. ~~That~~ The applicant is certified as a Registered Professional Reporter (RPR) by the National Court Reporters Association or certified as a Certified Verbatim Reporter (CVR) by the National Verbatim Court Reporters Association.
3. ~~That~~ The applicant has had at least two years of experience in making verbatim records of judicial or related proceedings in the system of verbatim reporting for which the applicant seeks certification.
4. ~~That~~ The applicant holds a valid and unrevoked certificate as a certified shorthand reporter or certified court reporter issued under the laws of any other state or territory of the United States.

No. 4. An application to obtain a certificate as a certified court reporter must be on the form prepared by the Board and must be ~~filed with~~ received by the Office of Judicial Administration Clerk of the Appellate Courts at least 30 days before any regular or special examination by the Board.

No. 5. Upon receiving an application, the Board ~~shall~~ will make any such preliminary inquiries as it deems proper and determine whether the applicant appears to have the requisite learning and other qualifications suitable to take an examination for certification as a certified court reporter and inform the ~~Clerk of the Appellate Courts~~ judicial administrator of the result of its ~~their~~ investigation.

No. 6. *Examination.*

- A. Applicants ~~shall~~ will be required to take verbatim notes from dictation of regular court proceedings or ~~such other~~ another matter the Board selects ~~matter as may be selected by the Board.~~ An applicant who passes one or more portions of the dictated examination may carry over those passing scores for three consecutive examinations.
- B. Any generally recognized system of reporting may be used in taking the examination.
- C. Applicants ~~shall~~ will be examined with respect to their knowledge of the duties of a court reporter, court procedure, and general legal terminology.
- D. Applicants ~~shall~~ will be required to transcribe or read aloud ~~such~~ portions of the dictation as the Board may indicate.
- E. Applicants ~~shall be required to~~ must furnish their own equipment and materials and ~~shall~~ will print their own transcripts for submission to the Board.
- F. Speed and accuracy in taking, transcribing, and reading of notes will be the chief basis of the tests, but the Board will also consider punctuation, spelling, and style of transcript and general education ~~shall be given due consideration.~~
- G. After ~~Upon~~ completion of ~~the~~ an examination, all verbatim notes, transcripts, and other papers in connection with the ~~an~~ examination ~~shall~~ must be returned to and remain in the custody of the Board.

No. 7. In October of each year, the Board will hold a regular meeting to conduct examinations of applicants for certificates will be held in the city of Topeka in October of each year on a date or dates selected by the Board or at such other at a times or and places designated by the Board. The Board may also hold special meetings as needed to address Board business or to conduct additional examinations. The Board will give Advance notice of the time and place of the examination ~~shall.~~

No. 8. Any person who has successfully passed the examinations provided for by these rules ~~shall~~ will be recommended by the Board ~~recommended~~ to the Supreme Court for the issuance of a certificate as a Certified Court Reporter.

No. 9. The Board may, ~~upon~~ upon its own motion or ~~upon~~ upon complaint of a third party, initiate an investigation and, if necessary, commence disciplinary proceedings against any certificate holder the Board determines has committed any of the prohibited conduct set forth in subsection F below.

- A. Complaints against a certificate holder brought by a third party must be in writing, signed by the complainant, filed with the Board, and contain substantiating evidence to support the complainant's allegations. The complaint ~~shall~~ must include the complainant's address and telephone number.
- B. Any complaint, which will be held in confidence by the staff in the Office of Judicial Administration ~~Appellate Clerk's Office~~ and the Board, ~~shall~~ must be reviewed by the Board. If the Board determines that the complaint has no merit, the Board ~~shall~~ will order it dismissed. If the Board determines the complaint has merit, the Board ~~shall~~ must, in writing, advise the certificate holder of the complaint. The certificate holder ~~shall~~ will have 20 ~~twenty~~ days from receipt of the Board's notice to answer the complaint in writing. Once an answer has been received, the Board ~~shall~~ will then review ~~again~~ the complaint again ~~being made~~. If the Board determines the complaint has no merit, the Board ~~shall~~ will order the complaint dismissed. The Board may, in its discretion, issue to the certificate holder an accompanying letter of caution or of informal advice with copies to the complaining party or other interested persons as deemed appropriate. If the Board determines that the complaint and answer provide probable cause to believe that a conduct rule of this Board has been violated by a certificate holder, the Board ~~shall~~ will order that the proceedings continue as provided in subsection D below.
- C. Investigation. Subject to the availability of funds, the Board may appoint a third party to investigate and prosecute a complaint before the Board.
- D. Formal disciplinary proceedings.
  1. ~~The n~~Notice of hearing ~~shall~~ must be in writing and ~~shall be~~ served either by personal service or certified mail, return receipt requested. ~~The n~~Notice ~~shall~~ must include the following:
    - a. ~~a~~A statement of the nature of the hearing;
    - b. ~~a~~A reference to the particular sections of the rules allegedly involved; and
    - c. ~~a~~A concise statement of the matters asserted or, if the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
  2. Within 20 ~~twenty~~ days after service of the notice of hearing, the certificate holder may file an answer.
  3. The time and place for hearing ~~shall~~ will be set after ~~upon~~ the filing of the certificate holder's answer or ~~upon~~ after the expiration of the time for its filing on not less than 20 ~~twenty~~ days' notice to all parties.
  4. If the Board deems it necessary or if the certificate holder requests, subpoenas may be issued, subject to the rules of civil procedure, to ensure the attendance of any party or other person. Each ~~B~~board member is empowered to administer oaths and affirmations, subpoena witnesses, require the production of records relevant to the hearing, and take evidence at any place within the state concerning any matter within the jurisdiction of the Board. A judge of the district court of any judicial district ~~in which~~ where the attendance or production is required ~~shall~~ must, upon proper application, enforce the attendance and testimony of any witness and the production of documents subpoenaed.

5. If a certificate holder fails to appear after proper notice, the Board may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the certificate holder.
  6. Opportunity ~~shall~~ will be afforded all parties to present evidence and cross-examine witnesses, present argument on all issues involved, and be represented by counsel at their expense. The proceedings at the hearing ~~shall~~ will be recorded verbatim.
  7. At the conclusion of the hearing, the Board may take any of the actions set forth in subsection E of this rule. If action is taken pursuant to E.1., E.2., or E.3., the court reporter ~~shall~~ must be notified in writing and the complainant may be notified in the Board's discretion. If a recommendation of discipline is made to the Kansas Supreme Court pursuant to E.4., a copy of the Board's recommendation, findings of fact, and conclusions of law ~~shall~~ must be served upon all parties and the Kansas Supreme Court. Any determination or report of the Board need only be concurred in by a majority of the sitting Board members sitting, and any member has the right to file a dissent from the majority determination or report.
  8. Nothing in these rules ~~shall~~ prevents the Board from informally stipulating and settling any matter relating to the certificate holder's discipline.
- E. Disciplinary sanctions. The Board may, based upon clear and convincing evidence ~~presented~~, take one or more of the following actions:
1. ~~d~~Dismiss the charges;
  2. ~~a~~Admonish the certificate holder;
  3. ~~i~~ssue a private order of cease and desist; or
  4. ~~r~~Recommend discipline to the Kansas Supreme Court. "Discipline" means public reprimand, imposition of a period of probation with special conditions that ~~which~~ may include additional professional education or re-education, suspension of the certificate, or revocation of the certificate. In addition to any discipline imposed pursuant to these rules, if the certificate holder is a state employee, the reporter may be disciplined under the Rules Relating to the Kansas Court Personnel System.
- F. Prohibited Conduct. The Board may investigate complaints lodged for the following reasons:
1. Fraud or misrepresentation in procuring a license.
  2. Professional incompetency.
  3. Knowingly making misleading, deceptive, untrue or fraudulent representations as a court reporter. Proof of actual injury need not be established.
  4. Habitual intoxication or addiction to ~~the use of~~ drugs.
  5. Commission of any felony or of a misdemeanor if the misdemeanor is substantially related to the functions and duties of a court reporter or if the misdemeanor erodes public confidence in the integrity of the court system. A certified copy of the record of conviction or plea of guilty is conclusive evidence of the commission of such crime.
  6. Fraud in representations relating to skill or ability as a court reporter.
  7. Use of untruthful or misleading statements in advertisements.
  8. A finding of contempt by any court of record that arose ~~arising~~ out of the reporter's conduct in performing or attempting to perform any act as a court reporter.
  9. Failure to maintain impartiality toward each participant in all aspects of reported proceedings or other court-related matters.
  10. Violation of a ~~d~~District ~~c~~Court ~~r~~Rule, Supreme Court ~~r~~Rule, or Board ~~r~~Rule.

11. Refusal to cooperate in an investigation conducted by the Board or obstructing such investigation.

No. 10. *Rates for Official District Court Transcripts.*

- A. The rate for official district court transcripts shall be \$2.75 for each 25-line page of the original transcript and \$0.50 for each 25-line page of a copy of the original transcript if copies are ordered. Effective January 1, 2008, the rate for official district court transcripts shall be \$3.00 for each 25-line page of the original transcript. Effective January 1, 2010, the rate for official district court transcripts shall be \$3.25 for each 25-line page of the original transcript. Effective January 1, 2012, the rate for official district court transcripts shall be \$3.50 for each 25-line page of the original transcript. No one is ~~shall be~~ required to purchase a copy when requesting production of an original transcript, and access to the record shall be permitted by the district court under the Kansas Open Records Act and Supreme Court Rule 3.06. The “official district court transcript” shall be a transcript produced by any Kansas Certified Court Reporter or person authorized by these rules to produce official transcripts.
- B. The rate for “expedited” production of official district court transcripts shall be no more than twice the rate provided in (A) above for each 25-line page of the original transcript and one-fourth of this “expedited” rate for each 25-line page of a copy of the original transcript. Expedited production of official district court transcripts ~~shall~~ means delivery of the transcript on or before the third business day after the request is made for expedited production.
- C. The rate for “daily copy” production of official district court transcripts shall be no more than four times the rate provided in (A) above for each 25-line page of the original transcript and one-fourth of this “daily copy” rate for each 25-line page of a copy of the original transcript. Requested “daily copy” production of official district court transcripts ~~shall~~ means delivery of the transcript at or before 9:00 a.m. the next day.
- D. A Kansas Certified Court Reporter may provide unedited text or a “Rough Draft” of proceedings if requested. The rate for an unedited text provided either in print or in electronic format shall be no more than \$1.50 for each 25-line page. The unedited text shall not be certified and may not be used to contradict the official district court transcript. Each page of such unedited text, whether delivered in print or electronically, shall bear the words “Rough Draft–Not Certified” at the top or bottom of each page.
- E. A Kansas Certified Court Reporter who holds the designation of Certified Realtime Reporter (CRR) from the National Court Reporters Association or Realtime Verbatim Reporter (RVR) from the National Verbatim Reporters Association may provide realtime reporting services. The rate to the receiving party of the realtime text shall be no more than \$2.50 for each 25-line page. A Kansas Certified Court Reporter who is not a Certified Realtime Reporter may provide realtime reporting services, but the rate shall be no more than \$1.50 per 25-line page. The words “Rough Draft from Realtime Not Certified” ~~shall~~ must appear at the top or bottom of each page. The unedited text from realtime reporting services may not be used to contradict the official district court transcript. Realtime services delivered to judges shall be at no charge.
- F. A 25-line page of transcript, other than the title, index or final pages of a transcript, ~~shall~~ consists of any 25 or more consecutive typewritten lines, double-spaced on copyable paper not less than 8 1/2 inches in width, with a margin of not more than 1 1/2 inches on the left and 5/8 of an inch on the right, exclusive of lines disclosing page and numbering. Type

shall be a conventional style typeface with no more than 12 and no fewer than 9 characters per inch. Questions and answers shall each begin a new line, and indentations for questions and answers shall not be more than four spaces from the left margin line, including the designations for “Q” and “A.” Indentations for speakers or paragraphs shall not be more than 15 spaces from the left margin line, and such paragraphed material shall not be more than four spaces from the left margin line. Indentations for parenthetical notations shall not be more than 20 spaces from the left margin.

**[History:** No. 3 Am. effective May 18, 1977; Nos. 3(B)(1) and 12 Am. effective April 18, 1980; No. 7 Am. effective December 10, 1982; No. 12 Am. effective July 1, 1988; Nos. 3 and 12 Am. effective July 1, 1996; No. 8 Am. effective December 9, 1996; No. 12 Am. effective February 26, 1999; No. 12 Am. effective July 1, 2002; No. 6 Am. A. effective January 28, 2005; Am. effective January 3, 2006; No. 10 (A.) Am. effective June 25, 2007; No. 10 Am. effective September 30, 2015; No. 4 Am. effective January 25, 2016.]