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DIVISION OF CONSUMER AFFAIRS
State Board of Court Reporting

N.J.A.C. 13:43-2.2

Notice of Administrative Corrections

Temporary Employment of Non-Certified Court Reporters

Take notice that the Department has discovered errors in the text of N.J.A.C. 13:43-2.2. In the notice of adoption of amendments to N.J.A.C. 13:43 published in the April 7, 2008 New Jersey Register, the Department did not adopt the proposed repeal of, and new rule at, N.J.A.C. 13:43-2.2 (see 39 N.J.R. 3469(a) and 40 N.J.R. 1894(b)), instead opting to retain the existing rule text. However, in keeping with amendments proposed and adopted throughout the chapter, the existing text of N.J.A.C. 13:43-2.2 should have been revised upon adoption to include the change of "shorthand" to "court" reporter. This notice of administrative corrections is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:43-2.2 Temporary employment of non-certified [shorthand] **court** reporters

(a) Non-certified [shorthand] **court** reporters who possess an RPR Certification and who comply with the requirements of N.J.A.C. 13:43-2.1(a), with the exception of paragraphs (a)4 and (a)7, or applicants who have successfully completed two parts of the examination and have obtained conditional credit status attained in N.J.A.C. 13:43-4.3, may be utilized for temporary employment as referenced in N.J.S.A. 45:15B-9.

(b) An employer of a certified [shorthand] **court** reporter, or owner of a shorthand reporting agency, or certified [shorthand] **court** reporter may utilize non-certified [shorthand] **court** reporters referred to in (a) above in circumstances where a certified [shorthand] **court** reporter is unavailable. In such circumstances where a certified [shorthand] **court** reporter is unavailable, the employer, owner of a shorthand reporting agency, or certified [shorthand] **court** reporter shall contact five shorthand reporting agencies to seek an available certified [shorthand] **court** reporter. The employer, owner of a shorthand reporting agency, or certified [shorthand] **court** reporter shall record the five contacts in an affidavit supplied by the Board which shall include the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified [shorthand] **court** reporter is sought, including the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified [shorthand] **court** reporter is sought, including the date, time, and location of the job as well as the name(s) of the party (parties) soliciting the certified [shorthand] **court** reporter, and the name of the case for which the certified [shorthand] **court** reporter is sought.

1. The employer, owner of a shorthand reporting agency, or certified [shorthand] **court** reporter shall retain the affidavits referred to in (b) above for a period of three calendar years. The records shall be made available to the Board within two business days of the Board's written notice of request, and shall be subject to the Board's random audit. For purposes of this paragraph, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays.

(c) All transcripts completed by a non-certified [shorthand] **court** reporter shall be signed by a New Jersey certified [shorthand] **court** reporter in responsible charge of the work product of the non-certified [shorthand] **court** reporter and shall attest to the accuracy of the transcription of the original shorthand notes. An employer or owner of a shorthand reporting agency who is not a certified [shorthand] **court** reporter shall secure a New Jersey certified [shorthand] **court** reporter to be in responsible charge of the work product of the non-certified [shorthand] **court**

reporter and attest to the accuracy of the transcription of the original shorthand notes. A certified [shorthand] **court** reporter may secure another certified [shorthand] **court** reporter to be in responsible charge of the non-certified [shorthand] **court** reporter to attest to the accuracy of the transcription of the original shorthand notes. For purposes of this subsection, a New Jersey certified [shorthand] **court** reporter in responsible charge shall mean the regular and effective supervision by a competent certified [shorthand] **court** reporter of individuals performing services which directly and materially affect the quality and competence of shorthand reporting services rendered by the non-certified [shorthand] **court** reporter.

(d) A certified [shorthand] **court** reporter shall render regular and effective supervision of a non-certified [shorthand] **court** reporter as follows. The certified [shorthand] **court** reporter shall:

1. Personally inspect or review the work of a non-certified [shorthand] **court** reporter;
2. Provide an appropriate review of the transcript prepared by the non-certified [shorthand] **court** reporter; and
3. (No change.)

(e) An employer, owner of a shorthand reporting agency, or certified [shorthand] **court** reporter shall verbally inform all the parties or their legal representative who utilize the shorthand reporting services of any [shorthand] **court** reporter who will report the proceedings and is not certified of the reporter's non-certified status, and shall provide to the parties or their legal representative a consent form which sets forth that the parties or their legal representative were informed of and consented to the use of the non-certified [shorthand] **court** reporter. The parties or their legal representative who utilize the shorthand reporting services shall evidence their consent to the use of the non-certified [shorthand] **court** reporter by signing and dating the consent form.

(f) An employer, owner of a shorthand reporting agency, or certified [shorthand] **court** reporter shall retain the consent forms referred to in (e) above for a period of three calendar years to be available to the Board within two business days of the Board's written notice of request and shall be subject to the Board's random audit. For purposes of this subsection, a business day is defined as the hours between 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays