

CODE OF PROFESSIONAL ETHICS

As a member of the Iowa Court Reporters Association, you shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services to all parties in a proceeding.
2. Abide by Iowa Rule of Civil Procedure 1.713(1), which states that: "The officer taking the deposition shall not be a party, a person financially interested in the action, an attorney or employee of any party, an employee of any such attorney or any person related within the fourth degree of consanguinity or affinity to a party, a party's attorney, or an employee of either of them."
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information oral or written, entrusted to you by any of the parties in the proceeding.
5. Be truthful and accurate when making public statements or when advertising your qualifications or the services provided.
6. Refrain from engaging, as an official reporter, in freelance reporting activities during any days or hours in which you are being compensated by the State of Iowa, which include Monday through Friday from 8:00 a.m. to 4:30 p.m., paid holidays, vacation time or sick-leave time.
7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reports on the fees to any user.
8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representative or agents of any of the foregoing, except for items that do not exceed \$100 in the aggregate per recipient each year.
9. Maintain the integrity of the reporting profession.
10. Abide by the ICRA Constitution and Bylaws.

Revised - 9-16-03

COMPLAINT PROCEDURES

The following procedures shall be followed in instituting and resolving complaints that any member of the Iowa Court Reporters Association has violated the ICRA Code of Professional Ethics (Code) and/or the ICRA Constitution and Bylaws (C&B):

A. Filing and investigation of complaints.

1. Any person may file a complaint against a member of the association. All complaints must be in writing, signed by the person making the complaint and addressed to the current chair of the ICRA Professional Ethics Committee. All complaints must contain the following:
 - a) name, address and telephone number of the member complained against;
 - b) a description of the conduct complained of and references to the specific provisions of the Code and/or C&B involved in the complaint;
 - c) the date of the submission of the complaint; and
 - d) any other information about the reporter which the complainant may have concerning the matter.
2. The chair of the ethics committee shall promptly acknowledge receipt of the complaint and shall provide a copy of the complaint to all members of the ethics committee. If the complaint does not contain all the required information, the chair shall advise the person making the complaint that further information must be provided before any further action can be taken, and shall specify what further information is required. No action shall be taken until all required information has been provided.
3. Such complaint, which will be held in confidence, shall be reviewed by the members of the ethics committee. If the ethics committee concurs in the seriousness of the allegations made by the complainant, the committee shall, in writing, advise the member of the complaint, forwarding a copy of the complaint to the member, along with a copy of these complaint procedures and a copy of the ICRA Code of Professional Ethics, and request that the member respond to the complaint in writing within 30 days.
4. In the event that any circumstances may come to the attention of the president of the ICRA that involve a potential violation of the Code and/or C&B, the president may appoint the most recent past-chair of the ethics committee, who is willing and able to serve, to investigate, and if appropriate, file a complaint. The ethics committee shall treat any such complaint in accordance with the same procedures as if filed by any other person.

5. When the 30-day period for response from the member has elapsed, the chair shall call a meeting of the ethics committee in person or by telephone conference call. If the committee determines there are disputed issues of fact that are material to its decision, a hearing before the committee shall be granted to allow either party an opportunity to present relevant information, including documents and witnesses, and an opportunity to cross-examine the witnesses called by the other party. The ethics committee shall be the judge of the relevance and materiality of any information offered, and conformity to legal rules of evidence shall not be necessary. Notice of said hearing shall be served upon both parties by personal service or certified mail, return receipt requested, not less than 10 days prior to the date set for hearing. The notice shall include the following:
 - a) a statement of the time, place, and nature of the hearing;
 - b) reference to the particular rule of the Code and/or C&B involved; and
 - c) a concise statement of the matters asserted or, if the committee is unable to state the matter in detail at the time the notice is served, the notice may be limited to a statement of the issues involved.
6. If a party fails to appear for hearing after proper service of notice, the chair of the ethics committee may proceed with the hearing, and the committee may make a decision in the absence of the party.
7. The committee shall thereafter prepare a written decision containing its findings of fact and conclusions. The committee may, based upon the evidence present, take one or more of the following actions:
 - a) issue a cautionary letter, warning or statement of advice to the member; or
 - b) issue a recommendation to the ICRA Executive Board that the member be expelled from the Iowa Court Reporters Association for up to one year.
8. The chair of the ethics committee shall promptly send a copy of the decision of the committee to the person making the complaint and the member complained against and advise them that the committee's decision will become final unless either party appeals to the executive board within 30 days, in writing, specifying the grounds upon which the party contends the committee's decision is erroneous and should be revised.
9. Upon receipt of an appeal within the 30-day period, the chair of the ethics committee shall forward said appeal to the other parties to the proceeding. Any other party to the proceeding may respond to the appeal within 10 days of receipt. When the 10-day period has elapsed, the chair shall forward to the executive board the appeal, any response, and all other papers relating to the

matter. The executive board, which shall hold in confidence all information regarding the appeal, may decide the appeal on the basis of these papers or may grant a request for oral argument made by any party. The executive board may affirm, reverse, modify, or return the decision to the ethics committee for further review with specific reason therefore.

10. If no appeal is taken within the 30-day period from a decision by the ethics committee, the chair shall forward to the executive board the committee's decision. The executive board shall decide whether to sustain the committee's recommendation. No expulsion shall become effective unless sustained by the executive board in accordance with the constitution and bylaws.
11. Each party shall bear his or her own costs and expenses with respect to any proceeding.
12. At the executive board's discretion, a final action may be published in *In Verbis* for the edification of the membership, provided that all identifying information about the member and the complainant be deleted.

ADVISORY OPINION PROCEDURES

Any member in good standing may submit to the Professional Ethics Committee a request for either a private or public advisory opinion.

A. Private Advisory Opinions.

1. A private advisory opinion may be requested in lieu of proceeding with a complaint, or by persons who seek guidance as to whether certain actions or conduct are permitted under the ICRA Code of Professional Ethics and/or Constitution and Bylaws.
2. The committee shall keep confidential the identity of the person or persons making the requests and the identity of those names in the request.
3. The committee's response to requests for private advisory opinions shall be within the limitations of the information received by the committee. Additional information may be requested by the committee, if needed.

B. Public Advisory Opinions.

1. The committee may from time to time recommend publication of public advisory opinions, which illuminate one or more of the provisions of the Code of Professional Ethics and/or Constitution and Bylaws. These opinions may be based on facts derived from requested private advisory opinions, deleting reference to names or places, or on an assumed state of facts.
2. Public advisory opinions shall be submitted to the ICRA Executive Board for its approval prior to being published in *In Verbis*.

C. The ICRA Executive Board may review any private or public advisory opinion on its own motion and adopt, modify, or reject it in whole or in part.



ICRA

IOWA COURT REPORTERS ASSOCIATION

RULES AND GUIDELINES

for

PROFESSIONAL

ETHICS

PREAMBLE

The ICRA Rules and Guidelines for Professional Ethics define the ethical relationship the public, the bench and the bar have a right to expect from a member of the Iowa Court Reporters Association. These rules and guidelines set out the conduct of the member when dealing with the user of reporting services and acquaint the user, as well as the member, with rules established for professional behavior.

The rules and guidelines are divided into five sections, as follows: Section I -- General, Section II -- Court Reporter, Section III -- Realtime Reporter Providing Assistive Technology in Legal Proceeding, Section IV -- Realtime Educational Reporter, and Section V -- Court Reporters Providing Uncertified Rough Draft Transcripts. Each of these sections is comprised of both rules and guidelines. The rules are either mandated by Iowa law or specifically adopted by ICRA, and every practicing court reporter in Iowa is expected to know and follow these rules. The guidelines include goals toward which every member should strive. In addition to the rules and guidelines, Section II also contains an addendum entitled For Your Information. This addendum contains rules which apply to the judicial system in general, but also affect court reporters. Members are urged to comply with the rules and guidelines set forth herein, which do not exhaust the moral and ethical considerations with which the member should conform, but provide the framework for the profession of court reporting in our state.

Procedures for filing a complaint or requesting an advisory opinion follow the five sections outlined above. These procedures shall be followed in instituting and resolving complaints of violations.

Not every situation a member may encounter can be foreseen, but fundamental ethical principles are always present. By complying with the ICRA Rules and Guidelines for Professional Ethics, members maintain their profession at the highest level.

We are the guardians of the record, and above all else, it is our duty to preserve the integrity of that record.

ICRA RULES AND GUIDELINES FOR PROFESSIONAL ETHICS

Section I -- General

As a member of the Iowa Court Reporters Association, you shall abide by the following rules:

1. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services to all parties in a proceeding.
2. Guard against not only the fact but the appearance of impropriety.
3. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to you by any of the parties in a proceeding.
4. Be truthful and accurate when making public statements or when advertising your qualifications or the services provided.
5. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements concerning fees.
6. Maintain the integrity of the reporting profession.
7. Abide by the ICRA Constitution and Bylaws.

ICRA RULES AND GUIDELINES FOR PROFESSIONAL ETHICS

SECTION II -- Court Reporter

Rules:

1. Abide by Iowa Rule of Civil Procedure 153(a), which states that no deposition shall be taken before any party or any person financially interested in the action, or an attorney or employee of any party, or any person related by consanguinity (blood relation) or affinity (related by marriage or having a close relationship) within the fourth degree to any party, his or her attorney, or an employee of either of them. Consanguinity or affinity within the fourth degree includes persons related to the member by blood or marriage through the ancestral lineage of second-cousins. Affinity also includes relationships which are classified as intimate partners, social friends, neighbors, or business associates of you, your spouse, or your life partner. This rule also applies to any proceedings reported by official reporters.
2. Official reporters shall not engage in outside depositions during the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. This includes holidays, vacation and sick-leave.
3. Do not give, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to a representative, employee or agent of any of the foregoing, except for items that do not exceed \$100 in the aggregate per recipient each year.
4. Prepare the official record in accordance with the format established by Iowa Rule of Appellate Procedure 10(b), as follows. These rules also apply to freelance reporters who are working for the state in an official capacity:
 - (A) Pursuant to Iowa Code Section 602.3202, the compensation of shorthand reporters for transcribing their official notes is hereby fixed at \$2.75 per page for the original and 25 cents per page for each copy.
 - (B) A page of transcript shall consist of no fewer than 25 lines typewritten on paper 8 $\frac{1}{2}$ -by-11 inches in size, prepared for binding on the left side, with margins of not less than 1- $\frac{1}{8}$ inches on the left and on the right. Typed matter shall be 6 by not less than 8- $\frac{1}{8}$ nor more than 9- $\frac{1}{4}$ inches. Type shall be standard pica, with 10 letters to the inch. Questions and answers shall each begin a new line.

Indentations for speakers or paragraphs shall not be more than 10 spaces from the left margin. Pages shall be numbered consecutively in the upper right-hand corner. Testimony of a new witness may be started on a new page where the prior witness' testimony ends below the center of the preceding page. Transcripts shall be indexed as to witnesses and exhibits. All transcripts shall contain a certificate by the reporter, showing the date the transcript was ordered, the name of the attorney or other person ordering the transcript, and the date it was delivered.

5. The following rules apply to the filing of official transcripts:
 - (A) Pursuant to Iowa Rule of Appellate Procedure 10(b), the reporter shall file the original of the completed transcript with the clerk of the district court within the time fixed or allowed for docketing the appeal. The cost of the transcript shall be taxed in the district court.
 - (B) Pursuant to Iowa Rule of Appellate Procedure 12(a) and (b), transcripts must be filed within 40 days of the notice of appeal, with the following exceptions:
 - (i) termination of parent-child relationship, within 30 days;
 - (ii) guilty plea or sentence only, within 20 days;
 - (iii) if the matter is an original certiorari proceeding (see Iowa Rule of Appellate Procedure 303), the time for docketing is reduced to within 20 days after the order granting the writ is filed (a writ of certiorari challenges a court's jurisdiction over a case);
 - (iv) if the matter is a certified question of law proceeding (see Iowa Rule of Appellate Procedure 453), the time for docketing is reduced to within 10 days after the certification order is filed;
or
 - (v) if the appeal involves a lawyer disciplinary matter, the time for docketing is reduced to within 10 days after the notice of appeal or the order granting permission to appeal is filed.
 - (C) Pursuant to Iowa Rule of Appellate Procedure 17, court reporters shall give priority to transcription of proceedings in the following cases over other civil transcripts:
 - (i) a contest as to custody of children;
 - (ii) adoption;
 - (iii) termination of the parent-child relationship;
 - (iv) juvenile proceedings affecting child placement; or
 - (v) lawyer disciplinary matters.

(D) According to Chief Justice Arthur A. McGiverin, the following priority should be given to preparation of transcripts if a court reporter has a backlog:

- (i) criminal appeals involving only guilty pleas or sentencings or both;
- (ii) all other criminal appeals;
- (iii) all civil cases involving child custody contests;
- (iv) all other civil cases.

6. Pursuant to Iowa Rule of Civil Procedure 164, unless the court enlarges the time, evidentiary depositions must be filed within 30 days after the date fixed for taking them, and if not so filed cannot be later received in evidence.
7. The reporter shall not make any changes in a transcript at the request of a judge, counsel, party of record, or witness. The record must stand as it was heard during the proceeding.
8. The reporter must administer the oath in the presence of the witness, unless the parties and/or counsel stipulate that the oath may be administered over the telephone, out of the presence of the witness. Two known exceptions to a stipulation are the States of Illinois and Florida, where it is illegal to administer an oath over the telephone. The reporter shall confirm with the parties and/or counsel that the law in the state in which the witness is present allows an oath to be administered over the telephone. This rule also applies to videoconference proceedings.
9. Abide by Federal Rule of Civil Procedure 30(e) when taking depositions in federal cases, which states that if a deponent or a party makes a request to read and sign prior to the completion of the deposition, the deponent shall have 30 days, after being notified by the reporter that the transcript is available, in which to review the transcript. The reporter shall indicate in the certificate whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. The burden lies on the deponent and parties to assert their right to read and sign the transcript. The reporter is not required to ask. The certificate in federal depositions must include the following language: "The witness (did / did not) request the opportunity to read and sign the deposition."
10. Pursuant to Iowa Code Section 272C.9(2) and (3), a reporter has a continuing duty to report to the Iowa CSR Board any acts or omissions of rules set by that board, when committed by another reporter. A reporter also has an obligation to report to the Iowa CSR Board every adverse judgment in a professional or occupational malpractice action to which the reporter is a party, and every settlement of a claim against the reporter

alleging malpractice. A reporter who willfully fails to comply with these two mandates commits a violation of Chapter 272C.9 of the Code of Iowa, for which reporter discipline may be imposed.

Guidelines:

1. Use the same format for deposition transcripts as is required for official transcripts.
2. Appeal transcripts which consist of more than one volume should have consecutive page numbers, rather than beginning each volume with Page 1. When the proceedings being transcribed were reported by more than one court reporter, the reporters should communicate with each other regarding the page numbering.
3. To protect the confidentiality of the minor child in juvenile cases, appeal transcripts should be captioned with the initials of the juvenile in interest, and not the full name. For example: "In the Interest of J.D." rather than "In the Interest of John Doe."
4. Accept only those assignments when the member's level of competence will result in the preparation of an accurate transcript. The member should remove himself or herself from an assignment when the member believes his or her abilities are inadequate, recommending or assigning another reporter only if such reporter has the competence required for such assignment.
5. Freelance reporters should notify, whenever possible, the parties engaging the member if a substitute reporter will be assigned to report the proceedings.
6. Meet promised delivery dates whenever possible; make timely delivery of transcripts when no date is specified; and provide immediate notification of delays.
7. The reporter should not prepare deposition summaries. This service is in conflict with the reporter's impartiality.
8. The reporter should not sell the transcript of a nonpublic meeting without permission from the hiring party.
9. The reporter should not sell copies of a transcript that has not been made a public record to a third party without permission from all of the litigants and deponents involved in said proceeding.

10. Freelance reporters should retain shorthand notes for five years in proceedings pertaining to freelance reporting.
11. Strive to become and remain proficient in the member's professional skills.
12. Keep abreast of current literature, technological advances and developments, and participate in continuing-education programs. The continuing education requirements to retain your certification license in Iowa may be obtained by writing or calling the Board of Examiners of Shorthand Reporters at 431 East Locust Street, #201, Des Moines, Iowa 50309, phone number (515)246-8076.
13. Assist in improving the reporting profession by participating in national and state association activities that advance the quality and standards of the reporting profession.
14. Cooperate with the bench and bar for the improvement of the administration of justice.
15. Cooperate with the ICRA Pro Bono Program in providing free court reporting services to the indigent as part of the shorthand reporting profession's commitment to the principle that reporting services should be available to all. Such participation should be in accordance with the basic tenets of the profession, including impartiality, competence and integrity.
16. Abide by the NCRA Code of Professional Ethics and Public Advisory Opinions.

For Your Information:

The following rules apply to the judicial system in general. Although the Iowa Code does not state that the court reporter is responsible for enforcing these rules, the reporter should nonetheless be familiar with them.

1. Official shorthand notes shall be preserved in accordance with Iowa Code Section 602.8103(g), (h) and (j), as follows:
 - (A) Civil cases, 10 years after final disposition of the case. Final disposition means one year after dismissal of the case, after judgment or decree without appeal, or after procedendo or dismissal of appeal is filed in cases where appeal is taken.
 - (B) Criminal cases, 10 years after dismissal of all charges or after the expiration of all sentences imposed or the date probation is granted, whichever later occurs.

- (C) Mental health hearings and substance abuse hearings, 90 days after the respondent has been discharged from involuntary custody.
 - (D) Preservation of official shorthand notes in proceedings involving dissolution of marriage, child support, paternity cases, or juvenile, mental health, probate, or adoption proceedings are not addressed by the Iowa Code, and at this time, they should be kept indefinitely.
2. Iowa Code Section 622A.8 states that "A tape recording of the portion of proceedings where non-English testimony is given shall be made and maintained." If the reporter's notes are filed with the clerk of court, the tape should be filed with those notes. If the reporter's notes are not filed with the clerk of court, the reporter should maintain custody of the tape for the requisite number of years established for that type of proceeding. (See No. 1 above.) The reporter shall administer an oath to the interpreter in freelance proceedings, requesting the interpreter to swear or affirm that he or she will interpret the proceedings to the best of his or her ability.
 3. ICRA suggests that a tape recording be made in proceedings where an attorney is acting as both counsel of record and also interpreter for a non-English-speaking party. The tape player should be placed near the party and counsel so that it can be turned off during privileged conversations between attorney and client and then turned back on to resume the interpretation of the proceedings. ICRA also suggests that proceedings being interpreted in sign language should be videotaped, with said videotape being maintained by the reporter or the clerk of court (filed with the reporter's notes) for the requisite number of years established for that type of proceeding. (See No. 1 above.)
 4. Iowa Rule of Appellate Procedure 10(b) states that "The cost of the transcript shall be taxed in the district court." The cost of the original transcript should be typed or printed on the original transcript which is filed with the clerk of district court. ICRA suggests placing the cost on the certificate page, along with the date ordered, name of party ordering the original, and date delivered.
 5. Iowa Code Section 598.26 states that "Until a decree of dissolution has been entered, the record and evidence shall be closed to all but the court, its officers, and the child support recovery unit of the department of human services, pursuant to Section 252B.9. No other person shall permit a copy of any of the testimony or pleading or the substance thereof to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the Rules of Civil Procedure."

6. Pursuant to Iowa Code Section 232.147, juvenile court records shall be confidential. They shall not be inspected, and their contents shall not be disclosed, except as follows:
 - (A) Official juvenile court records in cases alleging delinquency shall be public records unless they have been sealed by the court. If the court has sealed the record, inspection and disclosure of the contents of the transcript shall not be permitted, except pursuant to court order.
 - (B) All juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to Division VI of Iowa Code Section 232.147.
7. The Iowa Appellate Defender would like to receive ASCII discs of all transcripts ordered by that office which are over 50 pages in length. If your CAT system is capable of making a "page image" ASCII as one of the options, that is the preferred selection by the Appellate Defender.

SECTION III -- Realtime Reporter Providing Assistive Technology in Legal Proceeding

A realtime reporter in this setting is a court reporter using realtime skills and equipment to provide on-screen translation for use in a legal proceeding by a hearing-impaired defendant, plaintiff, juror, or perhaps for a particular witness. The realtime reporter in this setting is not there to make the official verbatim record, and a clear explanation and understanding of the realtime reporter's role is necessary among all parties to the proceeding.

The following rules and guidelines have been established for a member acting as a realtime reporter with assistive technology:

Rules:

1. Do not counsel, advise or interject personal opinions.
2. When accepting assignments, use discretion with regard to skill, setting, and the consumers involved, and the member shall accurately represent his or her qualifications for realtime reporting.
3. Save a hard copy or disk of actual translation as it was seen on screen before editing the file in any way. Job defines can be added as the day goes on, so long as they do not alter what was seen on the screen earlier. The actual record as seen by the hearing-impaired party or juror shall be electronically saved by the reporter for 10 years.
4. A hard copy or disk of the actual translation of jury deliberations as seen on screen shall be saved and filed with the clerk of court as a sealed document, to be opened only by court order.
5. A hearing-impaired juror shall ***not*** have a rough transcript to take into the jury room. They must rely on their memory of translation, just as other jurors must rely on their memories of the testimony they heard.

Guidelines:

1. Before beginning realtime reporting, establish a clear understanding of who has hired the reporter and what is to be reported, as well as an explanation to all parties that the record made is not the official verbatim record, but rather an assistive tool for the user.

2. Before beginning realtime reporting, establish a clear understanding with all parties as to who owns the residual computer note file and who, if anyone, has access to sell and/or distribute the same and to whom, if anyone. Each situation will be unique.
3. If realtime is used as assistive technology, and a verbatim record is not required, render as near a verbatim translation as possible, always conveying the content and spirit of the speaker, using substitute language which is computer-translatable when necessary to be understood by the person being served. Use parentheticals to describe sounds, laughter, anything that detracts attention from the proceedings, to explain to the nonhearing participant what is going on.
4. Know the software and hardware system used and be able to do simple troubleshooting.
5. The member shall strive to further his or her knowledge and skill through participation in workshops, professional meetings, interaction with professional colleagues, reading of current literature in the field, and obtaining the NCRA Certified Realtime Reporter certification.

SECTION IV -- Realtime Educational Reporter

The Realtime Educational Reporter will be assigned to one or more students for a particular class or classes for the term of each class. This reporter will accompany the student(s) to each class. Through the use of realtime translation, the reporter will write the instructor's spoken words. The text of this lecture will display on a computer monitor or other display device in English for the hearing-impaired student(s) to read. At the conclusion of each class, the reporter will provide the student(s) with a copy of the lecture text from the realtime translation either in the format of an unedited ASCII file on a disk or a printed copy of the edited text.

Rules:

1. The member shall accurately represent his or her credentials for realtime reporting.
2. Do not participate in class discussion or provide any advice to the student whom the reporter is assisting. The reporter is there only to facilitate communication between the student, the instructor and the student's classmates. The reporter will "realtime" lectures and classroom activities, including orally presented assignments.

Guidelines:

1. Work with the instructor for each assigned class to assure that all the technical terminology for that particular class will be provided in advance so that it can be entered into the reporter's computer dictionary. This will help the reporter maintain a high translation rate.
2. Arrange equipment so that the student being assisted is able to watch the reporter's computer screen and the speaker at the same time.
3. Follow the intent of the speaker at all times. The reporter shall render as near a verbatim translation as possible, always conveying the content and spirit of the speaker. If a new term is introduced that will not translate properly, the reporter may use substitute language that is computer-translatable when necessary to be understood by the student.

4. Reflect in the text on the reporter's screen everything going on in the environment, including sounds and speaker identifiers. Examples include:

INSTRUCTOR:
MALE STUDENT:
FEMALE STUDENT:
(LAUGHTER)
(APPLAUSE)
(BELL RINGING)

5. Inform the student(s) being assisted that the student is responsible for recording all nonspoken information, such as material presented on the chalkboard.
6. Accept assignments using discretion with regard to skill, setting, and the consumers involved.
7. Work with instructors and all students in each class to secure cooperation.
8. Have a backup reporter to take over the class in case of the reporter's absence due to vacation or illness.

SECTION V -- Court Reporters Providing Uncertified Rough Draft Transcripts

The Iowa Court Reporters Association has adopted the following rules and guidelines when providing uncertified rough draft transcripts in either paper or computer disk form:

Rules:

1. Do not perform any service under terms or conditions which will compromise in any way your impartiality or the exercise of good judgment and skill, or which will adversely affect the fair and impartial portrayal of the proceeding. Offer comparable services to ***all*** parties in a litigation proceeding.
2. An uncertified rough draft transcript shall not include a title page, appearance page, index page, certificate page, or footer or header with firm name or reporter name or CSR number.
3. An uncertified rough draft transcript shall include a header or footer on each page, stating "Uncertified Rough Draft." If the transcript is provided on a computer disk, the disk label shall be identified as an "Uncertified Rough Draft."

Guidelines:

1. Keep informed of technological and other advances and improvements in the skills and methods of the profession and strive constantly for self-improvement.
2. A disclaimer form should be transmitted as a cover sheet with each uncertified rough draft transcript, stating that the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. A copy of the disclaimer form should be retained by the court reporter. The following is an example of a disclaimer form. You may wish to tailor it to meet your specific needs.

DISCLAIMER

I, _____, hereby
acknowledge that the computer files I receive on my
personal computer via realtime reporting by
_____ are
uncertified, unedited rough drafts of the proceedings and
are not to be used in any way as final transcripts, but only
to enhance my notes.

I understand that I will be allowed to save the computer files under the following circumstances: 1) if I am ordering a transcript (original or copy); or 2) if opposing counsel does not order an original transcript and I wish to keep the computer files as "electronic note taking," in which case I will pay the reporter for this extra service at \$_____ per page. If I wish to have a certified transcript, I understand that I must later order said transcript and pay for same at the statutory rate, over and above the cost of the realtime services provided herein.

I also acknowledge that, by signing this disclaimer, I am releasing _____ from any liability for any lost data or damage to my computer as a result of my use of the computer software.

Signed: _____

Date: _____

3. Where possible, all untranslated steno strokes and conflicts should be resolved before an uncertified rough draft transcript is provided to any party. An unedited transcript should not be provided without resolving untranslated steno strokes and conflicts if the rate of untranslates is 1.0% or higher.
4. Only court reporters who possess the capability of providing a substantially readable uncertified rough draft transcript should attempt to provide this service.
5. Minimum writing skills: conflict-free writing, untranslates of 1.0% or less, standard punctuation included, and speaker identification defined.

COMPLAINT PROCEDURES

The following procedures shall be followed in instituting and resolving complaints that any member of the Iowa Court Reporters Association has violated the ICRA Rules and Guidelines for Professional Ethics (hereinafter referred to as Ethics Rules) and/or the ICRA Constitution and Bylaws (hereinafter referred to as ICRA Bylaws):

1. Filing and investigation of complaints.
 - (A) Any person may file a complaint against a member of the association. All complaints must be in writing, signed by the person making the complaint and addressed to the current chair of the ICRA Professional Ethics Committee. All complaints must contain the following:
 - (i) name, address and telephone number of the member complained against;
 - (ii) a description of the conduct complained of and references to the specific provisions of the Ethics Rules and/or ICRA Bylaws involved in the complaint;
 - (iii) the date of submission of the complaint; and
 - (iv) any other information about the reporter which the complainant may have concerning the matter.
 - (B) The chair of the ethics committee shall promptly acknowledge receipt of the complaint and shall provide a copy of the complaint to all members of the ethics committee. If the complaint does not contain all the required information, the chair shall advise the person making the complaint that further information must be provided before any further action can be taken, and shall specify what further information is required. No action shall be taken until all required information has been provided.
 - (C) Such complaint, which will be held in confidence, shall be reviewed by the members of the ethics committee. If the ethics committee concurs in the seriousness of the allegations made by the complainant, the committee shall, in writing, advise the member of the complaint, forwarding a copy of the complaint to the member, along with a copy of these complaint procedures and a copy of the ICRA Rules and Guidelines for Professional Ethics, and request that the member respond to the complaint in writing within 30 days.
 - (D) When the 30-day period for response from the member has elapsed, the chair shall call a meeting of the ethics committee in person or by telephone conference call. If the committee determines there are

disputed issues of fact that are material to its decision, a hearing before the committee shall be granted to allow either party an opportunity to present relevant information, including documents and witnesses, and an opportunity to cross-examine the witnesses called by the other party. The ethics committee shall be the judge of the relevance and materiality of any information offered, and conformity to legal rules of evidence shall not be necessary. Notice of said hearing shall be served upon both parties by personal service or certified mail, return receipt requested, not less than 10 days prior to the date set for hearing. The notice shall include the following:

- (i) a statement of the time, place and nature of the hearing;
 - (ii) a reference to the particular rule of the Ethics Rule(s) and/or ICRA Bylaw(s) involved; and
 - (iii) a concise statement of the matters asserted or, if the committee is unable to state the matter in detail at the time the notice is served, the notice may be limited to a statement of the issues involved.
- (E) If a party fails to appear for hearing after proper service of notice, the chair of the ethics committee may proceed with the hearing, and the committee may make a decision in the absence of the party.
- (F) The committee shall thereafter prepare a written decision containing its findings of facts and conclusions. The committee may, based upon the evidence presented, take one or more of the following actions:
- (i) issue a cautionary letter, warning, or statement of advice to the member; or
 - (ii) issue a recommendation to the ICRA Executive Board that the member be expelled from the Iowa Court Reporters Association for up to one year.
 - (iii) Refer the matter to the Iowa CSR Board if it involves a violation of the Iowa CSR Rules.
- (G) No expulsion shall become effective unless sustained by the executive board in accordance with the constitution and bylaws.
- (H) The chair of the ethics committee shall promptly send a copy of the decision of the committee to the person making the complaint and the member complained against and advise them that the committee's decision will become final unless either party appeals to the executive board within 30 days, in writing, specifying the grounds upon which the party contends the committee's decision is erroneous and should be

revised.

- (I) Upon receipt of an appeal within the 30-day period, the chair of the ethics committee shall forward said appeal to the other parties to the proceeding. Any other party to the proceeding may respond to the appeal within 10 days of receipt. When the 10-day period has elapsed, the chair shall forward to the executive board the appeal, any response, and all other papers relating to the matter. The executive board, which shall hold in confidence all information regarding the appeal, may decide the appeal on the basis of these papers or may grant a request for oral argument made by any party. The executive board may affirm, reverse, modify, or return the decision to the ethics committee for further review with specific reasons therefor.
 - (J) If no appeal is taken within the 30-day period from a decision by the ethics committee, the chair shall forward to the executive board the committee's decision. The executive board shall decide whether to sustain the committee's recommendation.
2. Each party shall bear his or her own costs and expenses with respect to any proceeding.
 3. At the executive board's discretion, a final action may be published in *In Verbis* for the edification of the membership, **provided that all identifying information about the member and the complainant be deleted.**

ADVISORY OPINION PROCEDURES

Any member in good standing may submit to the Professional Ethics Committee a request for either a private or public advisory opinion.

1. Private Advisory Opinions.
 - (A) A private advisory opinion may be requested in lieu of proceeding with a complaint, or by persons who seek guidance as to whether certain actions or conduct are permitted under the ICRA Rules and Guidelines for Professional Ethics and/or ICRA Constitution and Bylaws.
 - (B) The committee shall keep confidential the identity of the person or persons making the request and the identity of those names in the request.
 - (C) The committee's response to requests for private advisory opinions shall be within the limitations of the information received by the committee. Additional information may be requested by the committee, if needed.
2. Public Advisory Opinions.
 - (A) The committee may from time to time recommend publication of public advisory opinions which illuminate one or more of the provisions of the Rules and Guidelines for Professional Ethics and/or ICRA Constitution and Bylaws. These opinions may be based on facts derived from requested private advisory opinions, deleting reference to names or places, or on an assumed state of facts.
 - (B) Public advisory opinions shall be submitted to the ICRA Executive Board for its approval prior to being published in *In Verbis*.
3. The ICRA Executive Board may review any private or public advisory opinion on its own motion and adopt, modify, or reject it in whole or in part.



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Code of Professional Ethics

COPE - General Guidelines



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Section I- Court Reporter

The Court Reporter is the official reporter/officer creating the verbatim record of a proceeding. Common sense and professional courtesy should guide the Member in applying the following Guidelines.

In making the official record, a Member should:

1. Accept only those assignments when the Member's level of competence will result in the preparation of an accurate transcript. The Member should remove him or herself from an assignment when the Member believes the Member's abilities are inadequate, recommending or assigning another reporter only if that reporter has the qualifications required for such assignment.
2. Prepare the record in accordance with the transcript-preparation guidelines established by statute or court order, by local custom and usage, or when not so established, in accordance with the NCRA's recommended transcript format guidelines.
3. When sending a substitute reporter, ensure that the substitute is qualified to report the proceeding.
4. Preserve the shorthand notes in accordance with statute or court order, or otherwise for a period of no less than five (5) years through storage of the original paper notes or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.
5. Meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.
6. Strive to become and remain proficient in the Member's professional skills.
7. Keep abreast of current literature, technological advances and developments, and participate in continuing-education programs.
8. Assist in improving the reporting profession by participating in national, state, and local association activities that advance the quality and standards of the reporting profession.
9. Cooperate with the bench and bar for the improvement of the administration of justice.
10. As part of the reporting profession's commitment to the principle that reporting services should be available to all, members are encouraged to provide pro bono services, when requested through qualified legal assistance organizations providing free legal services to the indigent. Such participation should be in accordance with the basic tenets of the profession: impartiality, competence, and integrity.

Section II - Realtime Reporter in Legal Proceedings

A realtime reporter in this setting is a court reporter using realtime skills and equipment to provide verbatim on-screen translation for use in a legal proceeding. A clear explanation and understanding of the realtime reporter's role is necessary among all parties to the proceeding.

The realtime reporter in legal or other proceedings will normally be the official reporter/officer creating the verbatim record and assumes a separate role from that of the CART Provider* who performs realtime translation as an aid to communication for people who are deaf or hard-of-hearing. The realtime reporter must firmly establish the role for which he or she has been engaged.

Common sense and professional courtesy should guide the Member in applying the following Guidelines. In legal proceedings, a Member acting as a realtime reporter should:

1. Establish, if possible, before beginning a realtime reporting assignment, a clear understanding of who will require realtime services.
2. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and shall accurately represent their qualifications for realtime reporting.
3. When possible, acquire information and materials in advance to prepare a job dictionary.
4. Know the software and hardware system used and be able to do simple trouble-shooting.
5. Strive to further their knowledge and skill through participation in workshops, professional meetings, interaction with professional colleagues and reading of current literature in the field, and to achieve realtime certification on a state or national level.
6. A disclaimer and/or order form should be transmitted as a cover sheet or cover sheets with each uncertified rough draft transcript stating that the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. A copy of the disclaimer and/or order form should be retained by the court reporter.

Section III - Communication Access Realtime Translation (CART) Provider in a Legal Setting

A Communication Access Realtime Translation (CART) provider in a legal setting performs realtime translation as an aid to communication for people who are deaf or hard-of-hearing. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When CART is provided in a trial or deposition setting, special legal requirements may apply. When providing CART in the nonlegal setting, follow the guidelines set out in Section 4.

In providing CART service, a Member should:

1. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
2. Establish a clear understanding of:
 - A. who is hiring the CART Provider;
 - B. the role played by the CART Provider in assisting with communication as opposed to the role of the Official Reporter of Proceedings in providing a verbatim record;
 - C. the fact that no roughly edited electronic file is to be produced; and
 - D. the need to preserve the unedited text file with disclaimer in accordance with statute or court order, or for a period of no less than five years.
3. Refrain from working in the dual capacity of Official Reporter of Proceedings and CART Provider at the same time. When no other option exists, the role to be performed is that of the Official Reporter of Proceedings, and all present are entitled to read the display screen of the Official Reporter, which does not include the content and spirit of the speaker, as well as environmental sounds, that would normally be provided by the CART provider. Disclosure must be made to the court and all parties, including the person requiring interpretive services, of this limitation.
4. Acquire, when possible, information or materials in advance to prepare a job dictionary.
5. Know the software and hardware system used and be able to do simple troubleshooting.
6. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
7. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds (except under circumstances described in C above).
8. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
9. In a confidential setting (i.e., legal discussions, jury deliberations, attorney/client discussions), the display should not be visible to others. The CART provider should delete all files immediately after the assignment unless otherwise requested to do so, or ordered by the Court.
10. Cooperate with all parties to ensure that effective communication is taking place.
11. Preserve the privacy of a consumer's personal information.
12. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, the General Guidelines for Professional Practice, and any updates thereto.
13. Keep abreast of current trends, laws, literature, and technological advances relating to CART.

Section IV - Communication Access Realtime Translation (CART) Provider in a Nonlegal Setting

A Communication Access Realtime Translation (CART) provider in a nonlegal setting performs realtime translation as an aid to communication for people who are deaf or hard-of-hearing. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When providing CART in the legal setting, follow the guidelines set out in Section 3.

In providing CART service, a Member should:

1. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
2. Establish a clear understanding of:
 - A. who is hiring the CART provider;
 - B. whether an electronic file of the roughly edited text with disclaimer is to be preserved;
 - C. if yes, whether all participants have been informed that an electronic file of the roughly edited text with disclaimer will be preserved; and
 - D. who is entitled to receive a copy of the electronic file.
3. Acquire, when possible, information or materials in advance to prepare a job dictionary.
4. Know the software and hardware system used and be able to do simple troubleshooting.
5. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
6. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds.
7. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
8. Cooperate with all parties to ensure that effective communication is taking place.
9. In confidential nonlegal settings (i.e., medical discussions, support groups), the display should not be visible to others. The CART provider should delete all files immediately after the assignment unless otherwise requested not to do so.

10. Preserve the privacy of a consumer's personal information.
11. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, and any updates thereto.
12. Keep abreast of current trends, laws, literature, and technological advances relating to CART.

Section V: Guidelines On Providing Uncertified Rough Draft Transcripts

The National Court Reporters Association realizes that in some cases, court reporters are providing uncertified rough draft transcripts, in either paper or ASCII form, to parties involved in litigation either in the courtroom or deposition setting. The National Court Reporters Association suggests the following guidelines be used when providing such services. These guidelines are intended to aid a court reporter when providing uncertified rough draft transcripts. Generally speaking, uncertified rough draft transcripts are provided by court reporters who use realtime translation, but other court reporters are also providing uncertified rough draft transcripts as well. These are not mandates, but rather guidelines by which a court reporter may determine the propriety of his or her conduct in relation to the litigants, their counsel, the court, allied professions and the public.

The principal objective when a court reporter provides an uncertified rough draft transcript of proceedings is to aid in the administration of justice by rendering a valuable service to the litigants, their counsel, and the court.

1. It should be noted that when an uncertified transcript is provided, there will be two versions of the transcript for one proceeding – the unofficial, uncertified version and the official, certified version. The uncertified transcript may contain errors, some of which could change the accuracy or meaning of the testimony. An uncertified transcript may not be filed with the court.
2. An uncertified transcript may only be distributed to ordering parties to the case. It should not be made available to the public, including news organizations or other non-participants.
3. A court reporter providing an uncertified rough draft transcript should perform the task undertaken by him or her in a professional manner, observing all laws, rules, and orders of the court relating to the proceeding.
4. A court reporter providing an uncertified rough draft transcript should keep informed of technological and other advances and improvements in the skills and methods of his or her profession and strive constantly for self-improvement.
5. A court reporter providing an uncertified rough draft transcript should not perform any service under terms or conditions which will compromise, in any way, his or her impartiality or the exercise of good judgment and skill, or which will adversely affect the fair and impartial portrayal of the proceeding. Court reporters should offer comparable services to all parties in a litigation proceeding.
6. A court reporter shall take steps to ensure that no one would mistake the uncertified rough draft for a final, certified copy of the transcript. An uncertified rough draft transcript should not include a completed title page, appearance page, certificate page, any mention of the swearing in of a witness by name, footer with firm name or reporter name or CSR #.
7. An uncertified rough draft transcript should include a header or footer on each page stating "uncertified rough draft transcript only." A brief disclaimer may be included in the body of the text occasionally. If provided on diskette, the diskette label should be similarly labeled, and the label may be a different color than those used on diskettes containing the text of certified transcripts. Uncertified rough draft transcripts may be provided in condensed format only. Page numbers may be included.
8. A disclaimer and/or order form, such as the one attached, should be transmitted as a cover sheet or cover sheets with each uncertified rough draft transcript stating that the uncertified rough draft transcript cannot be quoted for any purpose and may not be filed with any court. A copy of the signed disclaimer and/or order form should be retained by the court reporter.
9. Where possible, all untranslated steno strokes and conflicts should be resolved before an uncertified rough draft transcript is provided to any party.

These are suggested guidelines. If your current writing skills do not meet these guidelines, don't let it stop you. Remember, you have a chance during breaks or on-the-fly to define untranslates and resolve conflicts. It is recommended that you not supply counsel with a rough draft ASCII disk or printed transcript until these minimum standards are met. However, you may be able to provide the disk or uncertified transcript to them later that day or the next day.

Sample Disclaimer Form

Section VI: Broadcast Captioner

The broadcast captioner produces accurate, simultaneous translation and display via the video signal of spoken words while utilizing realtime translation software. Common sense and professional courtesy should guide the Member in applying the following guidelines.

1. Accept assignments using discretion with regard to skill, technical capability, setting, and the consumers involved, and accurately represent the provider's qualifications for broadcast captioning.
2. Assign independent contractors using discretion with regard to skill, technical capability, setting, the consumers involved, and the qualifications of the provider.
3. Maintain the confidentiality of employers' and clients' proprietary information (client names, show names, rates, contract expiration dates, etc.).
4. Acquire, when possible, information or materials in advance to prepare a job dictionary.
5. Know the software and hardware system used and be able to do simple troubleshooting.
6. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
7. Include in the captioning display the identification, content, and spirit of the speaker, as well as environmental sounds, when applicable.
8. Maintain files in accordance with the employers' or clients' requirements or requests.
9. Accept a captioning schedule only if it can be honored.
10. Notify the hiring company of time overruns to ensure open programming is covered.
11. Provide a transcript of the broadcast only if permission is granted by the hiring party.
12. Familiarize oneself with the provisions of the Certified Broadcast Captioner Job Analysis, the Code of Professional Ethics, these Guidelines, the complete General Guidelines for Professional Practice, the Realtime Broadcast Captioning: Recommended Style and Format Guidelines for U.S. Programming, and any updates thereto.
13. Keep abreast of current trends, laws, literature, industry standards and technological advances relating to broadcast captioning.

Section VII: Backup Audio Media

Due to the complexities that may arise from the use of different forms of backup audio media, whether analog or digital, NCRA has developed guidelines to aid the court reporter in the use of this technology.

The latest innovation involves technology that has been developed for computer-aided translation (CAT) software, which allows for the simultaneous digital audio recording of judicial proceedings, often referred to as "audio synchronization," and more commonly known as "backup audio media."

When using any backup audio medium, the court reporter must comply with any applicable local, state and federal rules and/or laws to ensure the integrity of the record. The court reporter's duties and responsibilities do not change regarding preservation of the official record and in any respect with regard to: reading back from the stenographic notes (no playback of the recording in lieu of readback); interrupting the proceedings due to the speed of the testimony, unintelligible, and/or simultaneous speakers, etc.

Judicial court reporters frequently use the term "work product" when referring to their backup recordings. "Work product" may be defined as a backup recording made by a court reporter at their discretion, and not otherwise ordered for preservation by any federal, state or local law and/or rule, and is the personal property of the court reporter. There is no public entitlement to these recordings.

The following guidelines address the release of backup audio media.

A. Guidelines for Providing Backup Audio Media at the Request of an Attorney or Party to a Proceeding

1. If the backup audio media is made available to any party in a case, it is the responsibility of the reporter to ensure that no confidential or off-the-record discussions are contained in the released recording.
2. A reporting firm/agency may not require that a reporter produce the backup audio media (unless ordered to do so by a court).
3. If the reporter decides to release the backup audio media, the reporter shall release a copy and not the original (unless ordered otherwise by a court).
4. If the reporter makes available a copy of the backup audio media to one party, the same offer must be made to the other party(ies) to the proceeding.
5. Reporters should check all applicable local, state and federal laws, rules and regulations to ensure that creating a backup audio media is in compliance with those laws, rules and regulations.
6. If a reporter uses backup audio media, it should be preserved upon request by any party to the proceeding for the same period of time for which the reporter's notes are preserved. The reporter may request that the party seek a court order before making it available.

B. Guidelines for Offering Backup Audio Media to Parties as a Value-Added Service

1. If the reporter or member offers backup audio media as a value-added service, all parties should be advised prior to the start of the proceeding.
2. If the backup audio media is provided as a value-added service, it is the responsibility of the reporter to ensure that such sound recording technique does not distort the oral proceedings and that no confidential or off-the-record discussions are contained in the released recording.
3. If a reporter or member offers backup audio media as a value-added service, the reporter shall provide a copy to the requesting parties and preserve the original.
4. If the reporter or member makes available a copy of the backup audio media to one party, the same offer must be made to the other party(ies) to the proceeding.
5. Reporters and members should check all applicable local, state and federal laws, rules and regulations to ensure that creating a backup audio media is in compliance with those laws, rules and regulations.

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