

MINUTES

THE LOUISIANA BOARD OF EXAMNERS OF CERTIFIED SHORTHAND REPORTERS BOARD MEETING

Friday, June 04, 2009

Pursuant to notice, the meeting was called to order at 2:30 p.m., Friday, June 4, 2009, at the LaSalle Building, in the LeBelle Room, 617 North Third Street, Baton Rouge, Louisiana with a quorum present.

PRESENT BOARD MEMBERS:

Judge Perrell Fuselier
Suzette Magee
Gail Freese
Laura Putnam
Phillip Kaufman

ABSENT:

Vincent Borrello, Jr.
Suzanne Stinson
May Dunn
Dion Young

Administrator:

Tonya R. Armentor

CALL TO ORDER: Judge Fuselier, Chairman called the meeting to order and asked Laura Putnam to lead the prayer and pledge.

Judge Fuselier, Chairman gave the guidelines of how he would be handling the meeting in accordance with parliamentary procedures. Judge Fuselier asked that only one person at a time speak.

Judge Fuselier reported that he had contacted the Supreme Court previously for additional guidance and has not received much guidance at this point. However, the Board has received an email just prior to this meeting from Justice Kimble stating the Supreme Court is not in support of digital signatures for transcripts at this time. However, this is no reason for us to adjourn the meeting right now. We are anxious to hear from the Attorneys and we are anxious to hear from you. Obviously, you can glean from this email what our position has to be as of today. I also have an email from the Bar Association which says, "We review all the legislation that comes to the legislature in the present session. We have not taken a position on this issue one way or the other." Judge Fuselier then opened the floor to first, the Board Members and then the audience.

Suzette Magee, Chairman of the Legislative Committee stated that she had been asked a question at the Capital but had not answered it at that time because she did not want her words to be misconstrued or perhaps, repeated incorrectly. The question asked was, "Under what authority did you write a letter to the legislature asking them to strip the amendment from the bill?" The CCR who asked the question also stated that I had not asked her opinion before sending such a letter. Suzette Magee responded to this question with the following statements. "This is not an association. You are not dues paying members. This is a State licensing board. You are licensed court reporters and so am I. The decisions that the Board makes are what is in the best interest of the entire court reporting community. We don't take polls, we don't ask for your views but we are happy to listen to you if you want to give us your views. However, we do not have to take this information into consideration. What we do as a Board is we act under the authority that is given to us by the Governor. We see to it that the laws and rules on the books are being followed. This is our whole purpose. However, what did give me the authority to write the letter was several meetings back, the Board did vote that I could act

unilaterally without having to call a meeting in legislative matters because they are so pressing and because I am the Chairman of the Legislative Committee.”

Mr. Scott Kaiser, Attorney presented that this is a good idea and that digital signatures are needed for the purpose of transcripts and if this legislation is not passed now then it will have to be addressed very soon. We had several audience members who spoke and asked questions.

Judge Fuselier stated that after hearing all the current information on this matter, that he now has a better understanding of the digital signature and that he individually is in support of digital signatures for transcripts. Judge Fuselier stated that what we are doing now is wasteful but we are not going to vote for the first thing that comes up.

Judge Fuselier explained that SB 143 is primarily a bill for Law Enforcement Officers and Judges to handle warrants, affidavits, etc. This bill was amended to include authorizing digital signatures for transcripts. In the House of Representatives the Committee on Administration of Criminal Justice stripped the amendment from the original bill. However, one of the Representatives vowed he would offer the amendment again when the bill reaches the House Floor. I have called this meeting to try and hammer out a compromise between the various factions. As I see it, this proposed amendment would be far reaching and would affect not only court reporters, but also, courts, attorneys, parties litigant, prosecutors, and others.

Phillip Kaufman would like to present potential language changes for the amendment to possibly be attached again on the House Committee Floor. Laura Putnam asked the Attorneys in the audience if they had reviewed this language? Mr. Kaiser answered, yes. Laura Putnam asked if there were any conflicts in Title 9 and in the Code of Civil Procedure. Laura Putnam asked if he had reviewed the statutes governing electronic signatures. Mr. Kaiser, answered he was nervous answering yes to that question. However, I have looked at all the proposed changes and if it is passed as currently proposed to the Legislature. The requirement of sealing it in an envelope under 1446 would be cured by this language. Mr. Kaiser made the suggestion that we go with this language presented. Mr. Kaiser stated that he is convinced that Justice Kimble in her email is thinking that there is a bill trying to tell the court system that they have got to go to electronic filing. I will personally write to Justice Kimble a letter on my own behalf explaining to her what this legislation is really all about.

Many audience members as well as Board Members spoke and asked questions.

Judge Fuselier called a recess at 3:50 p.m. for 10 minutes.

Judge Fuselier called the meeting back to order at 4:00 p.m.

Suzette Magee made a motion that the Board cannot endorse the amendment to approve digital signatures at this time. However, the Board approves of the concept and will continue working with all stakeholders to reach a comprehensive solution on this issue. Laura Putnam seconded the motion, and the motion passed unanimously.

Judge Fuselier addressed Mr. Kaiser and stated that you have volunteered to write a letter to Justice Kimble and try to shed some light on the issue from your standpoint and the standpoint of your clients. We would certainly encourage you to do that as an interested party. Please stay in close communication with us. We will leave the door open to meet and to keep making progress toward finding an ultimate solution. Mr. Kaiser stated that he would copy his letter to the board.

Mr. Scott Kaiser asked about the Ethics Advisory Notice under Section 1103 of Title 46 which requires that each CCR must review and approve the accuracy of the transcript before executing the certification; the CSR Board emphasizes that this means the CCR must review a final, printed copy of the transcript to which the certification page will be attached. Judge Fuselier responded that if your legislation passes then it will solve this problem on August 15th. Between now and then the Board does not have the authority to do anything other than to follow the laws and rules of the State of Louisiana as they currently are now.

There being no further business Suzette Magee made a motion to adjourn. Phillip Kaufman seconded the motion, and the motion passed unanimously. The meeting adjourned at 4:15 p.m.