

## MINUTES

### LOUISIANA BOARD OF EXAMINERS OF CERTIFIED SHORTHAND REPORTERS BOARD MEETING MINUTES

FRIDAY, AUGUST 6, 2010

Pursuant to notice, the meeting was called to order at 11:00 a.m. on Friday, August 6, 2010, at the Twenty-Fourth Judicial District Court, 200 Derbigny Street, Division D - 5th Floor, Suite 5600, Gretna, Louisiana.

#### PRESENT BOARD MEMBERS:

Judge Robert Murphy - Chairman  
Gail Freese  
Vincent Borrello  
Milton Donegan  
May Dunn  
Laura Putnam  
Suzette Magee  
Dion Young

#### ABSENT

Philip Kaufman

Tonya R. Armentor - Administrator

**CALL TO ORDER:** Judge Murphy called the meeting to order. Judge Murphy requested and Ms. Armentor proceeded with roll call. With Mr. Kaufman absent and Mr. Young indicated by phone that he would arrive shortly, Judge Murphy declared a quorum and the meeting proceeded.

Judge Murphy then asked for a motion to approve the minutes of the last meeting, April 16, 2010. That motion was made by Mr. Donegan and seconded. There was no discussion, the motion passed and the minutes were adopted as written.

**REPORT OF THE FINANCE COMMITTEE:** Chair Milton Donegan provided each Board member with a copy of the report since the last meeting along with Monthly Operating Statements and Banking Transactions from April 16, 2010 through August 6, 2010. With all assets and liabilities on an accrual basis, the following was reported: There was income of \$6,809.00; total disbursements of \$40,380.00; the checking account balance as of August 6, 2010 was \$9,265.88; interest account #\*\*\*\*36510 - \$55,522.81 (Interest Rate .75%). The grand total assets were \$64,788.69. The Committee recommended moving \$15,000 of the \$64,788.69 to the operating account. A motion was made by Mr. Donegan to move \$15,000 from the interest account to the checking account. That motion received a second and the motion passed.

Mr. Donegan reported that income is expected from future certification of C.D.R.s.

REPORT OF THE EDUCATION COMMITTEE: The report was given by the committee chair, Mr. Borrello. The Education Committee met twice.

At the first meeting, June 14, 2010, the matter of an emergency test being given to Martha Hagelin and Karen Morrison was addressed per request by the judges of the 11th JDC and 13th JDC. The emergency test was administered on June 17, 2010. Both applicants did pass the emergency test.

The next item on the agenda was Louisiana CCP Article 1445 regarding the reading and signing of deposition transcripts. Specifically addressed was confirmation of delivery of the transcript to the deponent for reading and signing. Since statutory change would be required, the Education Committee referred this issue to the Ad Hoc Committee. Judge Murphy requested Mr. Borrello put that request in writing to Ms. Putnam, Chair of the Ad Hoc Committee.

The next item on the agenda was requested C.E. approvals. The Committee voted to deny the request by Ms. Sarah Townsely as they did not meet rules for approval, and that denial was offered to the Board. Mr. Borrello then offered for full Board approval the following courses offered by seminar providers: Verbatim Reporters of LA Annual C.E. Seminar (10/23/10); Case CATalyst Version 11 Workshops (held throughout 2010); LA City Court Clerks Association (6/6-6/9/2010); 39th Annual Spring Seminar & Convention for Court Reporters (4/28/2010-4/30/2010); Reporter Rescue, LLC (9/9-9/12/2010); NVRA Annual Convention. Moving to the requests for approvals which were taken up at the Committee's August 4, 2010 meeting, Mr. Borrello reported that the Committee voted to approve Equip for Success (10/16/2010); LCRA Seminar (9/18/2010); and NCRA Annual Convention in Chicago. Voted by the Committee for approval was New Horizons (7/8-7/11/2010) with the exception of the sessions A Personality Profile Styles and An Unlikely Angel - The Story of Atlanta's Hostage Hero; and voted for approval Jeff Justice Seminars (10/2/2010) with the exception of the sessions A Humor Stress and Advanced Deception Detection, and that offer was also made to the full Board. Mr. Borrello presented the foregoing to the Board in the form of a motion, there was a second and the motion carried. Additionally, the Committee voted to approve the "Writ and Appeals" course of the LA Judicial College Nuts and Bolts Seminar. There was a motion by Mr. Borrello to accept the course for C.E. credits, there was a second and the motion carried.

The next item on the agenda of the June 14th meeting was the exam malfunction that occurred during the literary portion at the April 24, 2010 examination. The literary portion was given again, and applicants were allowed to transcribe and submit whichever of the two literary portions they chose, or felt that they had tested best on. A letter written by Ms. Caskey in this regard was addressed and would be brought up at the next full Board meeting. Pat Crosby was on the meeting agenda, having requested to address the Board regarding the audio malfunction. The Board was informed that she would not be attending. Based upon research by Ms. Armentor, she reported to Mr. Borrello that the April 24, 2010 test had more passing applicants than at any prior exam. Steps to ensure corrective action were discussed by the Committee: Specifically, Ms. Armentor would appear on August 20, the Friday before the next examination, and speak with the audio technician.

The next item discussed at the Committee's August 4th meeting was C.E. credit approvals of courses for reporters with disabilities. Mr. Borrello reported it is the Committee's suggestion that credits be approved on a case-by-case basis upon receipt of documentation of disability. There was discussion that the Board not ask the nature of an individual's particular disability, but a person's disability card or other proof of a disability should be furnished. Mr. Borrello made a motion for case-by-case approval of credits for reporters with disabilities, there was a second and the motion carried.

A motion was passed in committee to approve the Emergency Rules for issuance of the CDR Certificates. A motion was also passed by the Committee for the Board to determine what constitutes due proof for grandfathering. Mr. Borrello reported that the Committee found the draft of the application to be acceptable. Mr. Borrello then moved that the Board approve the Application for Certified Digital Reporters, as concerns grandfathering, when accompanied by the appropriate Affidavit from the judge or the court administrator certifying that that CDR is employed by their particular court.

Mr. Borrello made a motion to add to the Emergency Rules that if a certificate lapses, the applicant must begin anew with testing procedures. There was a second and the motion passed.

Ms. Magee suggested that the Emergency Rules include the requirement that all CDR stamps must be returned to the CSR Board office if a Certificate lapses. Ms. Armentor stated that that is presently the rule for CCRs, as well.

Ms. Putnam made a motion as to the following changes on the Application for Certified Digital Reporter Certificate: That the title of "Application for C.D.R. Certificate" be changed to "Application for Certified Digital Reporter Certificate." Ms. Putnam further recommended changing the wording from "...affidavit must be signed by your judge..." to "...affidavit must be signed by a judicial administrator of a judge of a court of record attesting to employment of the applicant"; that wording in that portion of the Application beginning, "Do you hold a La. CCR certificate?" be changed from "If 'Yes' you must renew both certificates annually" to "If 'Yes' you may renew both certificates annually and separately." The motion was seconded and carried.

Hearing no suggested changes to the Judge or Court Affidavit, Mr. Borrello made a motion that the form be accepted as drafted. The motion received a second and passed.

An additional motion was made by Mr. Borrello that the sample Certificate for CDRs be accepted as drafted. That motion carried after receiving a second, and a copy of the sample Certificate for CDRs is to be attached to the Minutes of this meeting.

Mr. Borrello made a motion that the title "Treasurer" be removed from both the CCR and CDR Certificates since there is no longer the Treasurer position on the Board. There was a second and the motion carried.

Mr. Borrello made a motion to have printed "Certified Digital Reporter" on I.D. Cards for Certified Digital Reporters, and for that card to include an expiration date of 12/31 on all I.D. Cards. The motion was seconded and carried with no opposition.

Mr. Donegan made a motion that the certificate of CDR's who are grandfathered will transfer to another court only if a new application and an Affidavit by the judge or administrator of that court is filed. There was a second and the motion carried.

The Board proposed including an addition to the Emergency Rules that states that after December 31, 2010, CDRs must pass the AAERT in order for their Certificate to be transferred from one court to another court.

Mr. Borrello reported that effective as of the 2011 CE credit cycle, reporters will be required to obtain ethics credits. The Committee voted and the motion passed to bring before the full Board that seminar providers may contact Board members to request that they speak on ethics at their seminars; that the Committee will prepare a course outline and also attempt to develop an ongoing list of speakers approved to discuss ethics credits; and that only Louisiana ethics shall be approved for Louisiana certificate holders' C.E. credits. Mr. Borrello so moved, the motion received a second and the motion carried without opposition.

**REPORT OF THE ETHICS COMMITTEE:** The Committee Chair, Mr. Young, gave his committee's report. The Ethics Committee met on July 23, 2010.

**NEW BUSINESS:** Mr. Young reported that it has been difficult to get court reporters to meet and serve under the instituted two-tier system on disciplinary issues. For this reason, the Committee recommended that the Board return to the previous system with minor changes: When a complaint is filed with the Board office the Board Administrator will send that complaint to the Committee as well as to all remaining Board members. A certified letter giving notice of the complaint would be sent to the reporter against whom the complaint is filed, and the reporter would be required to respond within the required period of time. Following receipt of the reporter's response, the CCR against whom the complaint is made will be asked to be present at the next Ethics Committee meeting. The Ethics Committee will make a recommendation for the full Board's consideration, and the full Board would vote on the matter. Upon being presented with the Ethics Committee's recommendation, the reporter may request a hearing before the full Board and such hearing will be scheduled. If the reporter accepts the Committee's recommendation, there would be no need for a hearing. If the full Board does not agree with the Committee's recommendation in the matter, the reporter would be asked to appear at a hearing before the full Board. Mr. Young presented his Committee's above recommendations in the form of a motion, that motion received a second and the motion carried without opposition. Judge Murphy requested the Administrator find out if there were any changes to the rules impacted by the Board's October 9, 2009 meeting and, if any, that she bring those to Mr. Young's attention. Assuming at present that there aren't any, the Board will override the decision of the Board at the October 9, 2009 meeting and institute this new procedure. The Administrator was instructed to advise Mr. Young if the new procedure in any way conflicts with the rules.

**REPORT OF THE AD HOC COMMITTEE:** The Committee Chair, Ms. Putnam, reported that the Ad Hoc Committee to Promote Efficiency in Court and General Reporting met on June 30, 2010. Present were all Committee members as well as Ms. Theresa Perry, law student from Loyola and law clerk to Judge Murphy, who volunteered to assist the

Committee in regard to the issue of digital signatures. Ms. Perry presented her findings on researched issues regarding digital signature use for deposition transcripts. Calling court reporting firms throughout the country, Ms. Perry reported her finding that no reporting firms were using digital signatures for deposition transcripts, and that digital signatures on deposition transcripts are not addressed through other states' legislation. Ms. Perry's research revealed that no state other than Texas was considering digital signatures. Ms. Perry further indicated that she would phone other state licensing boards to obtain information from them. She agreed to report back to the Committee.

Ms. Putnam reported that the roundtable letter was discussed by the Committee, was finalized and passed out to all Board members. Ms. Putnam made a motion that the letter go be mailed next week. The motion received a second and carried.

The next item discussed by the Ad Hoc Committee was the appropriate vehicle for addressing specific questions made to the Board or Board office that seek legal advice or advisory opinions. There were no motions. This concluded the Ad Hoc Committee report.

Ms. Freese made a motion to accept the reports of both the Ethics Committee and the Ad Hoc Committee. There was a second and the motion carried.

#### NEW BUSINESS:

A. Reinstatement of Nan White Price - Mr. Borrello made a motion to dismiss, as Ms. Price was not present. It was seconded and carried.

B. Reinstatement of Monique Kronlage - Ms. Kronlage was present. Mr. Borrello moved that the license be reinstated upon Ms. Kronlage obtaining 12 C.E. credits for the previous cycle and an additional 12 C.E. credits for the current cycle ending 12/2010, along with payment of the applicable fees. After discussion, the motion passed with a vote of 5 yeas and 2 nays.

C. Inactive status requested by Mitsie Young for final approval. Mr. Borrello made a motion to accept, there was a second and the motion carried.

D. Pat Crosby - Dismissed, as Ms. Crosby did not attend the meeting.

E. Furnishing of documents to Board members and Board members receiving correspondence - requested by Gail Freese. Ms. Freese requested clarification as to whether Board members are entitled to receive any correspondence or documentation they request from the Board. Judge Murphy advised that yes, they are entitled to receive any documents which are not privileged. Mr. Donegan requested that the office retain a "legal" file containing all correspondence between any member of the Board and the Board's attorney. Mr. Donegan requested that each Board member furnish the Administrator with a copy of any and all correspondence had with the Board's attorney, and Ms. Armentor suggested that the Board's attorney attach a copy of any and all correspondence he receives and/or sends be attached to the Board attorney's invoice to the Board. This will facilitate the Board in referring back to prior matters.

F. Timely holding of committee meetings - Requested by Suzette Magee. It was discussed that the new disciplinary procedures may cure the problem.

G. Office lease option to be executed and signed. Judge Murphy spoke with Ms. Armentor regarding other available space near the current office, but where Board meetings may be held. Ms. Armentor stated she has need for more space and filing space. There is an available office in the same complex, offering additional space. It was discussed that the present space can accommodate committee meetings but would be tight quarters for full Board meetings. This matter was deferred to the next Board meeting for which Judge Murphy has instructed Ms. Armentor to gather more information regarding space, cost and the number of CDR licenses expected. Ms. Armentor and all Board members are encouraged to check into available State facility space.

H. Board held education seminar for newly licensed certificate holders (This item has been referred to the Education Committee). Ms. Magee suggested that a course on proper court reporting procedures might be required for reporters receiving new licenses. Mr. Borrello offered that State agencies are not allowed to hold and charge for seminars or courses. After discussion, the Board decided to take this matter under advisement.

A recess was taken from the regular meeting, at which time the Board went into executive session to discuss personnel.

Judge Murphy stated that the next Board meeting would be held at the CSR Board Office in Walker, Louisiana, with the date to be announced.

Mr. Donegan made a motion to adjourn, there was a second and the meeting was adjourned.

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Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date