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## Inside This Issue:

Important Information	1
Your Continuing Education Requirement	3
Address Change	
Announcement - ICJE	3
Serving on the Board	4
Calendar of Events	4
2010 Suspension and Revocation List	4

## Important Information

In response to an inquiry by Georgia certified court reporters, the Board of Court Reporting, by majority vote of the Board, publicly issues the following opinion pursuant to Article 13.B. of its Rules and Regulations:

### Public Advisory Opinion BCR 2009-1

#### Methods For Certifying Transcripts Taken Down and Transcribed By A Reporter With A Suspended or Revoked Certificate

A court reporter with a suspended or revoked certificate may not certify a transcript. The Georgia Code explicitly states that "[n]o person shall engage in the practice of court reporting in this state unless the person is the holder of a certificate as a certified court reporter or is the holder of a temporary permit issued under this article." O.C.G.A. § 15-14-28 (2009). Moreover, the Georgia Code specifically describes the function of a court reporter to certify a transcript by stating that "[i]t shall be the duty of each court reporter to transcribe the evidence and other proceedings of which he has taken notes as provided by law....The reporter...shall affix thereto a certificate signed by him reciting that the transcript is true, complete, and correct." O.C.G.A. § 15-14-5 (2009). Thus, the Georgia Code requires a court reporter to certify a transcript and such an act can only be performed if one holds a certificate as a certified reporter or a temporary permit.

Nevertheless, "the failure of [a] reporter to certify as to the correctness of the transcript when it [is] filed with the clerk of the trial court" is an "amendable" defect. *Harper v. Green*, 113 Ga. App. 557 (1966). Therefore, in the event that a court reporter who certifies a transcript is later found to have been operating under a suspended or revoked license at the time of certifying

such transcript, such transcript may still be certified through any one of the following under Georgia law:

1. The trial judge may certify the transcript as the full, complete and correct transcript of the proceedings in the trial.

See O.C.G.A. § 15-14-5 (2009); *Williams v. Atlanta Gas Light Company*, 143 Ga. App. 400 (1977) (Affirmation of a conviction in a case in which a transcript challenged for its accuracy was "certified by the trial judge as the full, complete and correct transcript of the proceedings in the trial."); *Estep v. State*, 129 Ga. App. 909 (1973) ("We all know that the trial judge has the final say so as to the correctness of a transcript of evidence."); *Stamey v. State*, 194 Ga. App. 305 (1990) ("Trial court's power and duty to...ensure the accuracy of the record generally."); See also *Pelletier v. Schultz*, 157 Ga. App. 64 (1981) and *Ross v. State*, 245 Ga. 173 (1980).

2. Trial court may utilize another, certified court reporter to carry out the certification process.

See Ga. Att'y Gen. U73-107. (Opined that in the case of a court reporter that died before certifying a transcript that "another reporter may take the transcript and certify it....Such a transcript would be subject to the judge's power of correction....If a transcript is so made, certified and approved, there would be no need for a new trial.")

3. The agreement of the parties as to their recollection of what transpired at trial, or if the parties cannot agree, based upon the recollection of the trial judge.

continued pg 2

# Important Information

See O.C.G.A. § 5-6-41(g) (2009) (“[W]here for any other reason the transcript of the proceedings is not obtainable and a transcript of evidence and proceedings is prepared from recollection, the agreement of the parties thereto or their counsel, entered thereon, shall entitle such transcript to be filed as a part of the record in the same manner and with the same binding effect as a transcript filed by the court reporter....In case of the inability of the parties to agree as to the correctness of such transcript, the decision of the trial judge thereon shall be final and not subject to review; and, if the trial judge is unable to recall what transpired, the judge shall enter an order stating that fact.”)

SO PUBLISHED, this 10th day of June 2009.  
Judge Linda S. Cowen, Chair  
Board of Court Reporting

<sup>1</sup>It should also be noted that “[a]ny person who...continues to practice as a court reporter in this state or uses any title or abbreviation indicating he or she is a certified court reporter, after his or her certificate has been revoked...shall be guilty of a misdemeanor. Each offense is a separate misdemeanor.” O.C.G.A. § 15-14-36.

<sup>2</sup>Although the statute references a transcript prepared from recollection, there is seemingly no prohibition against the parties adopting the transcript prepared by the suspended or revoked court reporter as being true based on their recollections. As long as the parties agree to its accuracy, or the judge verifies its accuracy, from their recollections the transcript would be in conformity with the statutory requirements of O.C.G.A. § 5-6-41(g) and therefore have the same binding effect as a transcript prepared by a certified court reporter.

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## Article 9. Suspension and Revocation for Dues and Continuing Education

### A. Suspension

A certificate is *automatically* suspended for:

1. Failure to pay the renewal fee by April 1st each year, or
2. Failure to meet the annual CE requirements.

Suspension is effective immediately upon noncompliance.

A suspended certificate may be reinstated by curing the cause of the suspension before December 31st of the year in which the suspension occurs.

### B. Revocation

If the suspension is not cured by December 31st of the year in which the suspension occurs, the certificate is *automatically* revoked.

If the certificate is revoked, the reporter may become certified again only by meeting current certification requirements, and no sooner than the first day of April following the date of revocation. The revoked reporter must also pay a penalty fee as established by the Board.

This Article shall govern recertification of a reporter whose certificate was revoked under the prior Article 9 of these Rules after January 1, 2009.

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**Public Reprimand For  
Formal Complaint 2009-10  
Sandy J. Beauford, C.C.R, d/b/a Benson &  
Associates Court Reporters, (Atlanta, Georgia)**

The Board of Court Reporting of the Judicial Council of Georgia, pursuant to O.C.G.A. § 15-14-33(c)(2), after a hearing and consideration of all the evidence in accordance with the Rules and Regulations of the Board, hereby publically reprimands Sandy J. Beauford, C.C.R., of Atlanta, Georgia, for events that resulted in Formal Complaint 2009-10 filed with the Board by an attorney.

Ms. Beauford performed as a court reporter and took down a hearing in the Atlanta Regional Office of the United States Equal Employment Opportunity Commission (EEOC) in October 2007. Thereafter, in October 2008 the judge requested a transcript of the hearing from Ms. Beauford. The judge inquired about the status of the transcript in January 2009, but by March 2009, Ms. Beauford still had not completed the transcript. Sometime thereafter in March 2009, Ms. Beauford’s court reporting property was stolen during a family trip, including work on the transcript, the take-down, and exhibits from the EEOC case. In April 2009, the parties and the judge agreed to proceed with a decision on the case without a transcript.

The Board found that Ms. Beauford’s failure to complete the requested transcript between

*Serving  
Georgia’s  
Courts...*

# Your Continuing Education Requirement – Opportunity and Responsibility

The Board of Court Reporting of Georgia requires each certified reporter to complete 10 hours of approved continuing education every year and to submit evidence of that training to The Institute of Continuing Judicial Education (ICJE) by December 31.

Consider the opportunity to devote ten hours each year to your own professional development, often in the company of fellow reporters who share your goals and challenges. To that end, the Court Reporters Training Council reviews and accredits hundreds of courses. You will find the pre-approved classes listed at the ICJE court reporters website.

ICJE Court Reporters Website:  
[www.uga.edu/icje](http://www.uga.edu/icje)  
 (click “Court Reporters”)

Many courses are scheduled already for 2010, and more will be added constantly throughout the year. You can visit the website regularly for updates and select the courses best suited to your current needs. Take this opportunity to make the most of your annual training.

Remember it is your responsibility to substantiate that your CE record is

up-to-date. Within 30 days of class completion, each reporter is responsible for sending evidence of the training to ICJE. CE credit request forms, with instructions for submission, are available at the ICJE court reporters website.

Each reporter is responsible for monitoring his or her continuing education status. You will not receive an individual CE confirmation or reminder about the CE deadline, but you can confirm your progress at the ICJE website. The link called “CE Credit Hours Status” shows each reporter’s official record of CE hours. These hours are updated at the beginning of each month and twice in December. This allows each reporter to track his or her progress throughout the year. It also affords the opportunity to contact ICJE directly if you notice a discrepancy.

In accordance with paperwork reduction policies, ICJE posts critical CE tracking information on the ICJE court reporters website, sends periodic reminders and class announcements via the Board of Court Reporting email listserv (a good reason to keep your email address up-to-date with BCR), and communicates with reporters as

needed to clarify individual CE records. The contact information for individual queries is on the website.

Enjoy your continuing education opportunities, and don’t forget the responsibilities!

## Address Change Announcement – ICJE

The Institute of Continuing Judicial Education moved to a new location in January 2010. When submitting CE requests for credit, use the address or fax listed on the NEW 2010 forms. Forms are available at the ICJE CR Website: [www.uga.edu/icje](http://www.uga.edu/icje) (click “Court Reporters”).

New Address for CE credit requests:

The Institute of Continuing Judicial Education  
 Attn: Court Reporting  
 1150 South Milledge Avenue  
 Athens GA 30602-5025

Same Fax #: 775-942-2758  
 New Voicemail #: 706-369-5818

## Important Information cont.

October 2008 and March 2009 to be unreasonable. Under the facts presented, such an inordinate and unnecessary delay in completing a transcript with an anticipated length of 300-pages is a departure from or failure to conform to minimal reasonable standards of acceptable and prevailing practices of court reporting in Georgia. The

Board also found that the better practice is to establish and to maintain a secure backup of computer take-down files through an online backup service.

## Serving on the Board

By Vickey Riggins

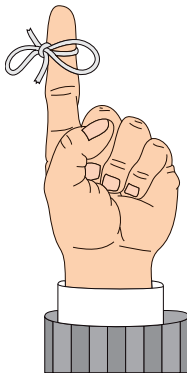
I applied to become a Board member at my friend and colleague Sharon Moore's urging. She told me how it would help my professional growth and I would make contacts and friends and that I would love it. She was right.

I have enjoyed my time on the Board and grown professionally. I have learned so much and expanded my horizons. The world of a court reporter can be insulated (in some ways) and yet can be so broad – it just depends on the court reporter. I urge you to broaden your world and become involved in our professional organizations.

I had no idea of what all the Board did when I first became a court reporter. You cannot begin to imagine what all is involved in the work the staff does and how much is involved in being a Board member. I have to say the position of board member is not an "easy" one because it involves some heavy responsibilities. We know that our decisions affect court reporters' lives. And the decisions the Board makes are not made lightly. They are made after much discussion and thought.

My years on the board have brought me insight, knowledge, a greater understanding of my profession and professional responsibilities and relationships with my peers that I will always treasure.

### CALENDAR OF EVENTS



August 13, 2010

The Learning Essentials About Professionalism (LEAP) seminar requirement for newly certified court reporters will be held at the State Bar in Atlanta, GA. CE credit hours will be available. Online registration for LEAP will open on June 1st.

December 31, 2010

Deadline to submit 2010 CE hours  
Deadline to reinstate certificate status

## 2010 Suspension, Revocation, and Inactive Registry

The Board of Court Reporting of the Judicial Council of Georgia publicly lists court reporters and registered court reporting firms who fail to renew by April 1st of each year or meet the mandatory continuing education requirements. Though every effort is made to provide an accurate inactive registry and list of suspended and revoked court reporters, it is not guaranteed to be correct, complete, or up-to-date. This listing is for convenience purposes only and is not intended to be an official record of the current status of court reporting licenses. It is recommended that you contact the Board of Court Reporting for verification of informa-

tion and not rely solely on the information of the listing.

A list of suspended and revoked court reporters can be found on the Board of Court Reporting website, [www.georgiacourts.org/agencies/bcr](http://www.georgiacourts.org/agencies/bcr). Please note suspension is effective immediately upon noncompliance, not upon receipt of notice. A suspended certificate may be reinstated by curing the cause of the suspension prior to December 31st of the year in which the suspension occurs. If the suspension is not cured by December 31st of the year in which the suspension occurs, the certificate is automatically revoked.