

HOUSE BILL No. 5604

February 19, 1998, Introduced by Reps. Wallace, Ciaramitaro, Owen, Freeman, Olshove, Dobronski, LaForge and Emerson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding sections 8650, 8651, 8652,
and 8653.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8650. (1) AS USED IN THIS SECTION AND SECTIONS 8651,
2 8652, AND 8653:

3 (A) "BLANKET CONTRACT" MEANS A CONTRACT UNDER WHICH A COURT
4 REPORTER, COURT RECORDER, STENOMASK REPORTER, OR COURT REPORTING
5 FIRM AGREES TO PERFORM ALL COURT REPORTING OR COURT RECORDING
6 SERVICES FOR A CLIENT FOR 2 OR MORE CASES AT A RATE OF COMPENSA-
7 TION FIXED IN THE CONTRACT.

8 (B) "COURT REPORTING FIRM" MEANS A BUSINESS ENTITY THAT
9 PROVIDES THE SERVICES OF COURT REPORTERS, COURT RECORDERS, OR
10 STENOMASK REPORTERS.

1 (C) "OWNER" MEANS A PERSON WHO HAS ANY OWNERSHIP INTEREST IN
2 A COURT REPORTING FIRM.

3 (2) A COURT REPORTER, COURT RECORDER, STENOMASK REPORTER, OR
4 OWNER OF A COURT REPORTING FIRM SHALL NOT PROVIDE OR ARRANGE TO
5 PROVIDE COURT REPORTING OR RECORDING SERVICES IF HE OR SHE IS A
6 RELATIVE, EMPLOYEE, ATTORNEY, OR COUNSEL OF ANY OF THE PARTIES,
7 OR IS A RELATIVE OR EMPLOYEE OF AN ATTORNEY OR COUNSEL OF ANY OF
8 THE PARTIES, WITHOUT DISCLOSING THAT FAMILIAL RELATIONSHIP.

9 (3) A COURT REPORTER, COURT RECORDER, STENOMASK REPORTER, OR
10 OWNER OF A COURT REPORTING FIRM SHALL NOT PROVIDE OR ARRANGE TO
11 PROVIDE COURT REPORTING OR RECORDING SERVICES IF HE OR SHE IS
12 FINANCIALLY INTERESTED IN THE ACTION.

13 SEC. 8651. (1) A COURT REPORTER, COURT RECORDER, STENOMASK
14 REPORTER, OR OWNER OF A COURT REPORTING FIRM SHALL NOT DO EITHER
15 OF THE FOLLOWING:

16 (A) ENTER INTO OR ARRANGE FOR ANY FINANCIAL RELATIONSHIP
17 THAT COMPROMISES THE IMPARTIALITY OF COURT REPORTERS, COURT
18 RECORDERS, OR STENOMASK REPORTERS OR THAT MAY RESULT IN THE
19 APPEARANCE THAT THE IMPARTIALITY OF A COURT REPORTER, COURT
20 RECORDER, OR STENOMASK REPORTER HAS BEEN COMPROMISED.

21 (B) ENTER INTO A BLANKET CONTRACT WITH PARTIES, LITIGANTS,
22 ATTORNEYS, OR THEIR REPRESENTATIVES UNLESS PARTIES TO THE ACTION
23 ARE INFORMED OF AND CONSENT IN WRITING TO THE FEES TO BE CHARGED
24 FOR ORIGINAL TRANSCRIPTS, COPIES OF TRANSCRIPTS, AND ANY OTHER
25 COURT SERVICES TO BE PROVIDED.

1 (2) A COURT REPORTER, COURT RECORDER, STENOMASK REPORTER, OR
2 OWNER OF A COURT REPORTING FIRM SHALL NOT DO ANY OF THE
3 FOLLOWING:

4 (A) GIVE, DIRECTLY OR INDIRECTLY, ANY INCENTIVE, REWARD, OR
5 ANYTHING ELSE OF VALUE TO ATTORNEYS, CLIENTS, OR THEIR REPRESENTATIVES OR AGENTS, EXCEPT FOR NOMINAL ITEMS THAT DO NOT EXCEED
6 \$25.00 PER TRANSACTION OR \$100.00 IN THE AGGREGATE PER RECIPIENT
7 EACH YEAR.

9 (B) CHARGE MORE THAN 2/3 OF THE PRICE OF AN ORIGINAL TRANSCRIPT FOR A COPY OF THAT TRANSCRIPT.

11 SEC. 8652. (1) A COURT REPORTER, COURT RECORDER, OR STENOMASK REPORTER SHALL DO ALL OF THE FOLLOWING IN THE PERFORMANCE OF
12 HIS OR HER DUTIES:

14 (A) DELIVER A TRANSCRIPT OR STATEMENT OF FACTS TO A CLIENT
15 OR COURT IN A TIMELY MANNER AS DETERMINED BY LAW, BY COURT ORDER,
16 OR BY AGREEMENT OF THE PARTIES.

17 (B) PRODUCE AN ACCURATE TRANSCRIPT OR STATEMENT OF FACTS.

18 (C) PRODUCE COMPLETE TRANSCRIPTS OR STATEMENTS OF FACTS,
19 UNLESS AN EXCERPT OF A TRANSCRIPT IS AUTHORIZED BY COURT ORDER,
20 AGREEMENT OF THE PARTIES, OR REQUEST OF A PARTY.

21 (D) BEFORE ACCEPTING AN ASSIGNMENT AS AN INDEPENDENT CONTRACTOR OR EMPLOYEE TO PROVIDE COURT REPORTING OR RECORDING SERVICES, REQUEST INFORMATION FROM THE PERSON, EMPLOYER, OR ENTITY
22 ENGAGING HIS OR HER SERVICES AS TO THE EXISTENCE AND NATURE OF
23 THE CONTRACT BETWEEN THE PERSON, EMPLOYER, OR ENTITY AND THE
24 CLIENT TO CONFIRM THAT THE CONTRACT IS NOT A BLANKET CONTRACT IN
25 VIOLATION OF SECTION 8651(1)(B). A PERSON, EMPLOYER, OR ENTITY
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1 WHO IS PARTY TO A BLANKET CONTRACT AND WHO KNOWINGLY PROVIDES
2 FALSE INFORMATION IN REPLY TO AN INQUIRY REQUIRED UNDER THIS SUB-
3 DIVISION SHALL BE CONSIDERED TO HAVE COMMITTED AN ACT THAT IS
4 GROUNDS FOR DISCIPLINE OR CENSURE UNDER SECTION 8653. THIS SUB-
5 DIVISION DOES NOT APPLY TO CONTRACTS FOR COURT REPORTING OR
6 RECORDING SERVICES FOR THE COURTS, AGENCIES, OR INSTRUMENTALITIES
7 OF THIS STATE OR THE UNITED STATES.

8 (E) ADVERTISE OR REPRESENT TRUTHFULLY THAT HE OR SHE IS A
9 CERTIFIED COURT REPORTER, COURT RECORDER, OR STENOMASK REPORTER
10 AND THAT ONLY A CERTIFIED INDIVIDUAL WILL BE MAKING THE RECORD.

11 (F) CHARGE ALL PARTIES OR THEIR ATTORNEYS TO AN ACTION THE
12 SAME PRICE FOR AN ORIGINAL TRANSCRIPT OR STATEMENT OF FACTS AND
13 CHARGE ALL PARTIES OR THEIR ATTORNEYS THE SAME PRICE FOR A COPY
14 OF A TRANSCRIPT OR STATEMENT OF FACTS OR FOR LIKE SERVICES PER-
15 FORMED IN AN ACTION.

16 (G) STAY "ON THE RECORD" DURING A DEPOSITION UNLESS AGREED
17 TO BY ALL PARTIES OR THEIR ATTORNEYS OR UNLESS OTHERWISE ORDERED
18 BY THE COURT.

19 (2) ALL COURT REPORTING FIRMS, INCLUDING OUT-OF-STATE COURT
20 REPORTING FIRMS, SHALL REGISTER WITH THE STATE COURT ADMINISTRA-
21 TIVE OFFICE BY COMPLETING AN APPLICATION IN A FORM ADOPTED BY THE
22 STATE COURT ADMINISTRATIVE OFFICE. RULES APPLICABLE TO COURT
23 REPORTERS AND COURT RECORDERS ARE ALSO APPLICABLE TO COURT
24 REPORTING FIRMS. A REASONABLE FINE AGAINST A COURT REPORTING
25 FIRM MAY BE ASSESSED FOR FAILURE TO COMPLY WITH THIS SUBSECTION.

26 (3) A COURT REPORTER, COURT RECORDER, OR STENOMASK REPORTER
27 SHALL MAINTAIN 30 CONTINUING EDUCATION CREDITS OVER A 3-YEAR

1 PERIOD TO MAINTAIN HIS OR HER MICHIGAN STATE CERTIFICATION. THE
2 CRITERIA ADOPTED SHALL FOLLOW THE GUIDELINES OF THE NATIONAL
3 COURT REPORTERS ASSOCIATION.

4 SEC. 8653. (1) THE STATE COURT ADMINISTRATIVE OFFICE IS
5 RESPONSIBLE FOR ENFORCING SECTIONS 8650, 8651, AND 8652 THROUGH
6 THE COURT RECORDING AND REPORTING BOARD OF REVIEW OR BY OTHER
7 ADMINISTRATIVE MEANS.

8 (2) ANY VIOLATION OF THIS ACT SHALL BE CAUSE FOR REFUSAL OF
9 THE STATE COURT ADMINISTRATIVE OFFICE'S BOARD OF REVIEW TO ISSUE
10 RENEWAL CERTIFICATES TO CERTIFIED COURT REPORTERS, COURT RECORD-
11 ERS, OR STENOMASK REPORTERS. ANY WILLFUL VIOLATION OF THIS ACT
12 SHALL BE GROUNDS FOR DISCIPLINE OR CENSURE, OR SUSPENSION OR
13 REVOCATION OF CERTIFICATION AS A MICHIGAN CERTIFIED COURT REPORT-
14 ER, COURT RECORDER, STENOMASK REPORTER, OR COURT REPORTING FIRM.

15 Enacting section 1. By enacting this legislation, the leg-
16 islature does not intend to unduly interfere with fair competi-
17 tion between and among certified court reporters, court record-
18 ers, stenomask recorders, or court reporting firms, where that
19 competition does not involve financial arrangements that tend to,
20 or appear to, compromise that impartiality. This amendatory act
21 is to be construed and applied in a manner consistent with this
22 purpose.