

**BOARD OF COURT REPORTING
OF
THE JUDICIAL COUNCIL OF GEORGIA**

FILING A COMPLAINT

This complaint form is to be used for the purpose of filing a complaint against a Georgia certified court reporter, court reporting firm, holder of an emergency court reporting permit, or any other person or entity under the jurisdiction of the Board of Court Reporting of the Judicial Council of Georgia.

Please print or type the requested information and be as specific as possible. If you need more space for any section of this complaint, use additional sheets and indicate which section you are referring to.

Mail your completed notarized form and all supporting documentation to:

**Administrative Office of the
Courts ATTN: Staff Attorney
244 Washington St. SW, Ste. 300
Atlanta, GA 30334**

Upon receipt of this complaint, the Board of Court Reporting will review the complaint, and any supporting documentation, on its face. The Board will then, usually at its next scheduled meeting, determine whether to (1) require the respondent (e.g., the court reporter) to answer the complaint, or (2) dismiss the complaint without further action.

After receiving respondent's answer to the complaint, the Board of Court Reporting may decide to hold a hearing on the complaint. If a hearing is scheduled, your attendance, testimony, and active participation may be required.

Per O.C.G.A. § 15-14-33(c)-(d), among the disciplinary penalties available to the Board of Court Reporting are: the administering of a public or private reprimand; a probation, suspension, or revocation of a court reporting license; the setting of a date certain for the completion of outstanding transcripts or such other care, counseling, or treatment the Board may direct; the imposition of a requirement to pass the state certification test; or requirement of monetary adjustment in a fee dispute involving an official court reporter (i.e., a court reporter who reports judicial proceedings in a court). Please keep in mind that the Board of Court Reporting does not address any other remedies outside of O.C.G.A. § 15-14-33(c)-(d) which may be available to you at law.

Please see attached statutes for your reference in completing the complaint form.

O.C.G.A. § 15-14-33(a)

(a) The board shall have the authority to refuse to grant a certificate or temporary permit to an applicant therefor or to revoke the certificate or temporary permit of a person or to discipline a person, upon a finding by a majority of the entire board that the licensee or applicant has:

(1) Failed to demonstrate the qualifications or standards for a certificate or temporary permit contained in this article or under the rules or regulations of the board. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that all the requirements for the issuance of a certificate or temporary permit have been met, and, if the board is not satisfied as to the applicant's qualifications, it may deny a certificate or temporary permit without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if desired;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of court reporting or on any document connected therewith; practiced fraud or deceit or intentionally made any false statements in obtaining a certificate or temporary permit to practice court reporting; or made a false statement or deceptive registration with the board;

(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States. As used in this paragraph and paragraph (4) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(4) Been arrested, charged, and sentenced for the commission of any felony or any crime involving moral turpitude, where:

(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

(5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended, or annulled by any lawful licensing authority other than the board; or had

other disciplinary action taken against the licensee or the applicant by any such lawful licensing authority other than the board; or was denied a certificate by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a certificate or temporary permit by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice as a court reporter, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of court reporting but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of court reporting;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose certificate or temporary permit has been suspended or revoked by the board to practice as a court reporter or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, which statute, law, or rule or regulation relates to or in part regulates the practice of court reporting, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule, or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or certificate or temporary permit reinstatement;

(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state. Any such adjudication shall automatically suspend the certificate or temporary permit of any such person and shall prevent the reissuance or renewal of any certificate or temporary permit so suspended for as long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice as a court reporter with reasonable skill or has become unable to practice as a court reporter with reasonable skill by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material;

(11) Violated the provisions of subsection (c) [...] of Code Section 9-11- 28; or

(12) Violated the provisions of Code Section 15-14-37.

O.C.G.A. § 9-11-28(c)

(c) *Disqualification for interest.* No deposition shall be taken before a court reporter who is a relative, employee, attorney, or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action, excepting that a deposition may be taken before a court reporter who is a relative of a party or of an attorney or counsel of a party if all parties represented at the deposition enter their explicit consent to the same upon the record of the deposition.

O.C.G.A. § 15-14-37

(a) Contracts for court reporting services not related to a particular case or reporting incident between a certified court reporter or any person with whom a certified court reporter has a principal and agency relationship and any attorney at law, party to an action, party having a financial interest in an action, or agent for an attorney at law, party to an action, or party having a financial interest in an action are prohibited. Attorneys shall not be prohibited from negotiating or bidding reasonable fees for services on a case-by-case basis.

(b) In order to comply with subsection (a) of this Code section, each certified court reporter shall make inquiry regarding the nature of the contract for his or her services directed to the employer or the person or entity engaging said court reporter's services as an independent contractor.

(c) This Code section shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Georgia.

(d) A court reporting firm doing business in Georgia shall register with the board by completing an application in the form adopted by the board and paying fees as required by the board.

(e) Each court reporting firm doing business in Georgia shall renew its registration annually on or before April 1 following the date of initial registration, by payment of a fee set by the board.

(f) Court reporting firms doing business in Georgia are governed by this article. The board shall have authority to promulgate rules and regulations not inconsistent with this article for the conduct of court reporting firms.

(g) The board is authorized to assess a reasonable fine, not to exceed \$5,000.00, against any court reporting firm which violates any provision of this article or rules and regulations promulgated in accordance with this Code section.

**BOARD OF COURT REPORTING
OF
THE JUDICIAL COUNCIL OF GEORGIA**

COMPLAINT FORM

BCR Docket # _____
For internal use

Date Filed _____
For internal use

COMPLAINANT INFORMATION

Name

Mailing Address

City State Zip Code

Telephone Email

Check the box which most accurately describes you:

- Attorney Court / Court Personnel Court Reporter
 Judge Public Other: _____

COURT REPORTER OR FIRM INFORMATION

Name License # (if known)

Mailing Address

City State Zip Code

Telephone Email

Have you discussed this problem with the court reporter? If so, when did you talk with him/her last?

How would you like this complaint resolved? What do you want the Board of Court Reporting to do?

If this matter should require a hearing, please list the names and addresses of any witnesses you wish to be subpoenaed by the Board. Briefly state the nature of the testimony you would expect each to offer. Use additional sheets if necessary.

Witness 1: _____
Name Address

Witness 2: _____
Name Address

Witness 3: _____
Name Address

Witness 4: _____
Name Address

Witness 5: _____
Name Address

Please be aware that a copy of this complaint may be forwarded to the court reporter for response.

STATE OF _____, County of _____ Date _____

I do solemnly swear or affirm that the facts set forth in the above Complaint are true.

Complainant

Sworn to and subscribed before me on the _____ day of _____, _____
Month Year

Notary Public _____ (seal)

**Mail to: Administrative Office of the Courts, ATTN: Legal Compliance Officer,
244 Washington St. SW, Ste. 300, Atlanta, GA 30334**