

**The Judicial Council of Georgia
Board of Court Reporting
Rules and Regulations**

ARTICLE 1. GENERAL PROVISIONS

A. Location of Offices

The principal office of the Board of Court Reporting of the Judicial Council of Georgia is: 244 Washington Street, S.W., Suite 300, Atlanta, Georgia 30334-5900.

B. Tenses, Gender, and Number

As used in this Chapter, the present tense includes the past and future tenses, and the future tense includes the present; the masculine gender includes the feminine, and the feminine includes the masculine; the singular includes the plural, and the plural includes the singular.

C. Definitions

1. Any future reference to “the Board” in these rules shall mean the Board of Court Reporting of the Judicial Council of Georgia.

2. Any future reference to “the exam” in these rules shall mean the Georgia Certified Court Reporters Exam, including all written and dictation portions, approved by the Board of Court Reporting of the Judicial Council of Georgia.

D. Power of the Board, Generally

Unless otherwise specifically addressed in these Rules and Regulations, by the Judicial Council of Georgia, or in the Georgia Court Reporting Act, the Board shall have discretion to perform any act necessary to define and regulate the practice of court reporting in Georgia, and to establish the Board’s procedures.

E. Power of the Board, Generally

These Rules shall take effect on January 1, 2008, except as provided in Article 3. Also, any grievance filed prior to January 1, 2008 shall proceed under the Rules and Regulations in place at the time the grievance was filed.

ARTICLE 2. PERSONS QUALIFIED TO TAKE EXAM

All persons who did not make application to qualify or did not qualify under Section 11 of Georgia Laws 1974, p. 349 (O.C.G.A. Sec. 15-14-29 (b)), by April 1, 1975, must pass an exam provided for in Article 3 of these Rules to become a Certified Court Reporter, unless qualified to apply for certification under Article 6 (Emergency Judicial Permits) of these Rules.

ARTICLE 3. CERTIFICATION

A. Requirement to Pass Exam

An applicant shall qualify to apply to be a Certified Court Reporter in Georgia by passing an exam, as hereinafter provided, and meeting the requirements of O.C.G.A. Sec. 15-14-29. Application for testing shall be made on a form approved by the Board. The Board reserves the right to refuse to allow testing for good cause.

B. Disqualification for Act of Dishonesty

Any applicant who commits any act of dishonesty with respect to any portion of the exam shall immediately be disqualified, and will not be eligible to take the exam again for a period of two years from the date of the exam on which the applicant was disqualified.

C. Testing

1. The Board shall provide for an exam to be administered to an applicant, pursuant to a written protocol established by the Board from time to time. The exam shall be designed to test the competency of the applicant as a court reporter, as well as the applicant's knowledge of the laws, rules and regulations governing the conduct of court reporting in Georgia.

2. Any person who passes an exam prior to January 1, 2008 in another state that has been previously approved by the Georgia Board of Court Reporting, and thereafter becomes licensed in that state, may apply to become a certified court reporter in Georgia. However, no application for reciprocal license through a state-administered exam shall be accepted after June 30, 2008. A person who has passed an exam administered by a national court reporting association may be eligible to be certified in Georgia.

D. Procedure for Certification After Testing

1. Application for certification shall be made on a form approved by the Board, after an applicant is notified that the applicant has passed the exam. If the Applicant is applying for certification after passing an exam in another state, or passing an exam administered by a national association, the applicant shall provide a copy of the certification document from that state or national association with the application.

2. As to applicants who take the Georgia exam, applications for certification must be received by the Board within 45 days of the mailing date of notification from the Board that the applicant is eligible. Any applicant who fails to meet the 45-day deadline shall be required to take and pass the exam again in order to apply for certification.

3. A certification fee set by the Board must be included with the application for certification.

E. Certificate

After receipt of the prescribed fee and approval of the application for certification and fee the Board will issue a certificate to the applicant. A reporter possessing such a certificate will be a properly certified court reporter in the State of Georgia.

F. Right to Review

The Board reserves the right to refuse to certify any applicant for good cause.

ARTICLE 4. CERTIFICATION PER METHOD

A court reporter shall be certified to use only the method of takedown that was used for testing. A court reporter may be certified in more than one method of takedown by successfully passing the exam using each method of takedown.

ARTICLE 5. RENEWAL OF CERTIFICATES

A. Form and Fees

Certificates may be renewed annually by filing the renewal form and paying the renewal fee set by the Board on or before April 1st. No renewal form or fees will be accepted unless the reporter complies with the rules regarding continuing education hours.

B. Inactive Status

A court reporter who wishes to cease the business of court reporting in Georgia may elect to become “inactive” by notice to the Board on a form provided by the Board, effective on the date of filing of the form with the Board. An inactive reporter shall not be required to pay dues or obtain continuing education hours. A reporter who elects inactive status, and wishes to become an active certified court reporter again in this state, must become certified again through testing. A reporter who elects inactive status shall provide the Board with an address and location for the reporter’s records relating to work the reporter performed prior to becoming inactive. If a court reporter elects “inactive” status, the reporter shall not be authorized to take down any matters, but shall be authorized to certify transcripts of matters taken down prior to becoming inactive.

ARTICLE 6. EMERGENCY JUDICIAL PERMITS

A. Issuance of an Emergency Judicial Permit

1. Any judge of a court of record shall have the authority to request an emergency judicial permit, allowing a person who is not a certified court reporter in the State of Georgia to act as a temporary official court reporter in that judge’s court for a period not to exceed one year, in accordance with O.C.G.A. Sec. 15-14-34.
2. The applicant shall also send an Application for Emergency Judicial Permit, and pay a fee set by the Board. Upon receipt and approval of the request, the Application, and the fee, the Board may issue a permit for that reporter to be the official court reporter for that court only, for a period not to exceed one year.
3. The emergency judicial work permit shall not be renewable, and shall not allow freelance reporting by the judicial permit holder. No person shall be granted more than one emergency judicial permit.
4. The emergency judicial work permit is no longer valid once the holder of the permit takes and passes the exam to become a certified court reporter in Georgia.

ARTICLE 7. COURT REPORTING FIRMS

A. Definition and Professional Services

1. Definitions

- a. “Court reporter” as used in this Article is as defined in O.C.G.A. § 15-14-22(3).
- b. “Certified court reporter” as used in this Article is as defined in O.C.G.A. § 15-14-22(2).

c. “Court reporting” as used in this Article is as defined in O.C.G.A. § 15-14-22(4).

d. “Court reporting services” as used in this Article shall mean any service engaged in by a court reporter in the practice of court reporting.

e. Definition of court reporting firm

(1) “Court reporting firm” is a sole proprietorship, partnership, corporate entity, or other association that arranges, schedules, provides, and/or facilitates court reporting services, including, but not limited to, the production, billing, or delivery of transcripts.

(2) Certified court reporters who form a sole proprietorship, corporate entity, or other association to conduct their individual court reporting services and who do not employ, or otherwise utilize the services of, other certified court reporters shall not be a court reporting firm as defined by this Article.

(3) Courts, agencies, or instrumentalities of local governments, the State of Georgia, or of the United States shall not be a court reporting firm as defined by this Article.

2. Ownership and Professional Services

a. A court reporting firm shall conduct court reporting services only through its officers, employees, and agents who are duly certified to practice court reporting under The Georgia Court Reporting Act.

b. Only certified court reporters and registered court reporting firms may arrange, schedule, provide, and/or facilitate court reporting services, including, but not limited to, the production, billing, and delivery of transcripts. Arranging, scheduling, providing, and/or facilitating court reporting services for cases filed in the courts of the State of Georgia, including, but not limited to, the production, billing, or delivery of transcripts, shall be doing business in Georgia for purposes of The Georgia Court Reporting Act.

B. Registration and Renewals

1. Registration

a. Court reporting firms shall register with, and receive notification in writing of approval from, the Board prior to doing business in Georgia by completing an application in the form adopted by the Board and paying fees as required by the Board.

b. The registration application of a court reporting firm shall be submitted to the Board by an owner or officer of the court reporting firm who shall be responsible for all representations and information made to the Board on the application.

2. Renewals

a. Every court reporting firm shall annually renew its registration with the Board on or before April 1 of each year by completing a renewal application in the form adopted by the Board and paying fees as required by the Board. The renewal application shall be submitted to the Board by an owner or officer of the court reporting firm who shall be responsible for all representations and information made to the Board on the renewal application.

b. Every firm registration which has not been renewed by April 1 shall expire on that date of that year and shall be placed on the Inactive Registry List. Expired registrations may only be renewed by a court reporting firm upon payment of a late fee for each year of delinquency, in addition to the renewal fees for each year of delinquency and any other requirements that may be imposed as a result of the grievance process.

C. Prohibition against certain contracts for court reporting services

Contracts for court reporting services not related to a particular case or reporting incident between a court reporting firm or any person with whom a court reporting firm 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.

In order to comply with this Article, each court reporting firm shall make inquiry regarding the nature of the contract for its services directed to the employer or the person or entity engaging said court reporting firm as an independent contractor, and shall provide the applicable disclosure(s) as required under Article 10.B.

This Article 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. Ethics and Grievance Procedures

- 1.** Court reporting firms shall not violate any provision of The Georgia Court Reporting Act or any other laws or rules governing the practice of court reporting in Georgia.
- 2. a.** Court reporting firms, and owners and officers of a court reporting firm, shall be responsible to ensure that the business of the court reporting firm is

conducted in all ways consistent with The Georgia Court Reporting Act and any other laws or rules governing the practice of court reporting in Georgia.

b. Court reporting firms, and owners and officers of a court reporting firm, shall adopt reasonable measures to assure that any court reporter providing court reporting services on behalf of the court reporting firm is currently certified in Georgia.

c. An owner or officer of a court reporting firm may be subject to discipline under O.C.G.A. § 15-14-33 and Article 12 of these Rules and Regulations for the court reporting firm's violation of The Georgia Court Reporting Act or any other laws or rules governing the practice of court reporting in Georgia.

3. a. The Grievance Procedures of Article 12 of these Rules and Regulations shall apply to court reporting firms.

b. The authority and standards expressed in O.C.G.A. § 15-14-33 shall apply to court reporting firms.

c. The Board may take any one or more of the following actions in disciplining or enjoining the actions of a court reporting firm:

(1) Administer a public or private reprimand against a court reporting firm, but a private reprimand shall not be disclosed but to the court reporting firm;

(2) Administer a public or private reprimand against the owner(s) or officer(s) of a court reporting firm, but a private reprimand shall not be disclosed but to the court reporting firm;

(3) Imposing a monetary fine pursuant to O.C.G.A. § 15-14-37(g);

(4) Condition the penalty upon, or withhold formal disposition pending, the court reporting firm's submission to such care, counseling, or treatment as the Board may direct; or

(5) Any other remedy provided for by law, including the seeking of injunctive relief as provided for by O.C.G.A. § 15-14-35, whether on its own motion or as a result of the Grievance Procedures.

4. The Code of Professional Ethics and all other ethical requirements incumbent upon certified court reporters shall apply equally to court reporting firms.

ARTICLE 8. CONTINUING EDUCATION REQUIREMENTS

A. Georgia Certified Court Reporters Training Council.

The Georgia Certified Court Reporters Training Council is established. The Council shall consist of seven voting members. The members shall be two freelance voicewriter reporters, two freelance shorthand reporters, one official voicewriter reporter, one official shorthand reporter, and one official reporter certified in any method. The members shall be appointed as follows:

1. Four members shall be appointed by the Georgia Certified Court Reporters Association as follows: one freelance voicewriter, one official voicewriter, one official freelance shorthand reporter, and one official shorthand reporter.
2. Three members shall be appointed by the Board of Court Reporting as follows: one official reporter certified in any method, one freelance shorthand reporter, and one freelance voicewriter;
3. The members shall serve a term of three years. Members may not exceed two consecutive three-year terms.
4. The Board may remove a CRTC member for cause. If a member resigns or is removed before the end of their term, the appointing body shall make an appointment for the remainder of the unexpired term.
5. There must be at least three members of the Council present at a meeting to constitute a quorum for the transaction of business. The Council shall maintain minutes of its meetings.
6. The Council shall provide a written report of the previous calendar year's activities to the Board by March 1 of each year.
7. The Council shall elect a Chair, Vice-Chair and Secretary at their first meeting every year, who shall serve for one year. The Chair may be re-elected for one additional year, but may not serve for more than two consecutive years. The Administrative Office of the Court shall provide staff assistance to the Council.

B. Duties of the Georgia Certified Court Reporters Training Council

The Georgia Certified Court Reporters Training Council shall be vested with the following functions, powers and responsibilities:

1. To promulgate rules and regulations to carry out this charge;
2. To proscribe, by rules and regulations, the minimum requirements for curricula and standards comprising the continuing education courses and for creditworthy activity.
3. To identify areas of training needed, and to suggest program refinements to training providers;
4. To review and investigate requests for extensions of time to complete continuing education hours based on disability, hardship, or other extenuating circumstances;
5. To evaluate course exceptions when presented for credit;
6. To cooperate with and secure the cooperation of every department, agency or board of the state government or its political subdivision in furtherance of the purpose of this Article;
7. To do any and all things necessary to enable it to adequately perform its duties and to exercise the power granted to it;

C. Training Requirements

1. Newly certified court reporters

Each newly certified court reporter shall be required to take the first *Learning Essentials About Professionalism Seminar* (LEAP Seminar) authorized by the Board after their certification.

2. Emergency Judicial Permit

A holder of an emergency judicial permit shall not be required to take continuing education hours during time period during which the emergency judicial permit is valid.

3. Yearly Requirement

Each certified court reporter shall be required to attend a minimum of 10 hours of approved training per calendar year. However, any reporter issued an initial certificate is not required to acquire credit hours for that calendar year, except that every newly certified Georgia court reporter shall complete the LEAP Seminar as required hereinabove.

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 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.

ARTICLE 10. ETHICS

A. General Ethical Requirements

All certified court reporters in the State of Georgia shall be subject to disciplinary action by the Board pursuant to O.C.G.A. Sec. 15-14-33, and for violations of the Board of Court Reporting Rules and Regulation, and for violations of the Code of Professional Court Reporting.

B. Disclosure Form for Depositions

Each court reporter taking a deposition shall provide a copy of a disclosure form to the parties and/or their attorneys, prior to taking a deposition, stating the following:

1. That the court reporter is not disqualified for a relationship of interest under the provisions of O.C.G.A. Sec. 9-11-28 (c), OR a statement that discloses a permissible relationship of interest under O.C.G.A. Sec. 9-11-28 (c). If the court reporter does disclose a relationship of interest, the court reporter must obtain explicit consent of all parties to the court reporter taking the deposition despite same on the record of the deposition.
2. That the court reporter is a Georgia Certified Court Reporter.
3. That the court reporter is a sole practitioner, a representative, or an independent contractor of the XXXX court reporting firm.
4. That the court reporter was contacted by the office of (name the attorney/court reporting firm or party who called the court reporter) to provide court reporting services for this deposition.
5. That the court reporter will not be taking this deposition under any contract prohibited by Georgia law.
6. That any and all financial arrangements beyond the usual and customary rates have been disclosed and offered to all parties.
7. The disclosure form should be dated and signed by the court reporter.

Additionally, the applicable disclosure form(s) must be provided by the court reporter or court reporting firm who originally accepted the job from the attorney/party, as well as a separate one for each court reporter and court reporting firm who receives any financial benefit for the reporting event.

If there is a case contract involved on a reporting event, all parties should be notified as soon as possible, but at least 24 hours in advance of the deposition. Any and all financial arrangements beyond the reporter's usual and customary rates must be disclosed and offered to all parties. A case contract disclosure form should be used at the time of the deposition.

Sample disclosure forms in Advisory Opinion of the Board of Court Reporting # 40 may be used. A copy of the disclosure form(s) should be included in the transcript of the deposition, should a transcript be requested.

It shall be the responsibility of a court reporting firm to ensure that court reporters taking a deposition as a representative, employee, or independent contractor of the court reporting firm comply with all requirements of this Article.

The sample forms in the Advisory Opinion of the Board of Court Reporting Number 27 are no longer approved by the Board.

C. Contracting and Networking

1. Prohibited Contracting

It is prohibited for certified court reporters or court reporting firms to enter into an oral or written contractual agreement for more than one case, action, or proceeding with any attorney, party to an action, party having a financial interest in an action, including an insurance company, or an agent for any such parties. Such cases, actions, or proceedings would include a deposition, court proceeding, administrative hearing, arbitration hearing, examination under oath, or sworn statement.

To maintain professional and ethical conduct within the practice of court reporting, the following are a non-exhaustive list of further prohibited activities:

- Giving any economic or other advantage to any party, or any party's attorney, representative, agent, insurer, or employee, without offering it to all parties. This includes failing to offer comparable services, including price or credit terms, to all parties or the certified court reporter or court reporting firm otherwise providing financial terms or other services that are not offered at the same time and on the same terms to all other parties in the legal proceeding – except that different time-of-payment terms may be offered based on payment experience and credit worthiness.
- Basing the compensation for the court reporting services on the outcome of the proceeding or otherwise giving the certified court reporter or court reporting firm an interest, financial or otherwise, in the action.
- Entering into an agreement for court reporting services that restricts the noticing attorney from using the certified court reporter or court reporting firm of the attorney's choosing.
- Including a court reporter or business, entity, or firm providing or arranging for court reporter services on any list of preferred providers of court reporting services that is maintained by any person, business, entity, or firm that has entered into an oral or written contractual agreement for more than one case, action, or proceeding with any attorney, party to an

action, insurance company, third-party administrator, or any other person or entity that has a financial interest in the case, action, or proceedings.

- Allowing the format, content, or body of the transcript as submitted by the certified court reporter to be manipulated in a manner that increases the cost of the transcript.
- Providing additional advocacy or litigation support services including, but not limited to, trial preparation assistance, deposition summaries, and non-published transcript databases

2. Networking

There is some confusion between the terms "contracting" and "networking" when taken in the context of court reporting. Networking and contracting by their nature imply an agreement between two parties, but there is a clear and substantial difference between the two.

"Contracting" in the court reporting vernacular is simply an agreement between a court reporter or reporting firm and a party to an action, an insurance company, a law firm, or a third-party administrator to provide financial or other advantages to one party to a proceeding.

"Networking" in the court reporting profession is generally thought of as an agreement that a freelance court reporter or court reporting firm will provide services to another court reporting firm's client. The court reporting firm providing the service essentially becomes the referring court reporting firm's subcontractor. Terms are generally negotiated beforehand, including pricing; a referral fee or networking discount being offered, if any; transcript format; production and delivery; and the required completion of certain paperwork. Succinctly, networking is an arrangement between two service providers. Obviously, there can be abuses in the networking arrangement, but these networking arrangements occur between court reporting firms, and the firms themselves are not a party to the litigation. When "Networking" strict adherence to the Board of Court Reporting's Disclosure and Certification requirements are essential.

ARTICLE 11. BASIS FOR SANCTION

1. The Board shall have the authority to refuse to grant a certificate or emergency judicial permit to an applicant, to revoke the certificate or emergency judicial permit of a court reporter, or to discipline a court reporter, for good cause, including, but not limited to, a finding by a majority of the entire Board that the court reporter or applicant has failed to meet the standards set forth in O.C.G.A. Sec. 15-14-33, and/or O.C.G.A. Sec. 15-14-37.
2. If a certificate or emergency judicial permit is denied, the applicant shall have 10 days from the mailing of the notice of such denial to request reconsideration. A

request for reconsideration shall be in writing and shall be accompanied by supporting evidence and argument. An applicant seeking reconsideration may request a hearing before the Board at its next regularly scheduled meeting; otherwise, the request shall be considered by vote of the Board without a hearing.

3. It shall be the obligation of a court reporter or applicant to notify the Board of any act that may be a violation of O.C.G.A. Sec. 15-14-33 or O.C.G.A. Sec. 15-14-37 at the time the act occurs. Failure to notify the Board shall also constitute grounds for discipline or refusal to grant a certificate.

ARTICLE 12. GRIEVANCE PROCEDURES

A. Definitions.

As used within this Article, the following terms shall have the following definitions:

1. *Complaint.* A notarized administrative complaint filed by a party, or by the Board, against a person or entity under the regulatory authority of the Board, alleging that the person is subject to discipline.
2. *Complainant.* A party filing a Complaint or grievance.
3. *Respondent.* A party against whom a Complaint or grievance is filed.
4. *Answer.* A notarized written response to a Complaint that is filed by a respondent at the direction of the Board.

B. Time

1. *Computation of Time.*

Any period of time referenced within this Article refers to calendar days. The time period begins to run on the first day following the event requiring the computation of time. When the last day of the period so computed falls on a day on which the office of the Board is closed, the period shall run until the end of the following business day. All time-sensitive materials must be received by the Board by 4:30 p.m. local time on the date upon which it is due.

2. *Extensions of Time.*

The Board may extend any time limit provided for in this Article in its sole discretion. All requests for such extension, including requests for postponements or continuances, shall be made by written motion submitted to the Board before the expiration of the time limit or the date of a hearing, so as to allow the Board sufficient time to consider the Motion. The Board shall notify all parties of its action on said motion.

C. Communication Requirements

1. *Address for Receipt of Communications to the Board.*

All communications regarding topics governed by this Article must be in writing and submitted by mail or by hand delivery, with the exception of requests for Complaint forms. All communications shall be sent to the Board at the Board's principal address identified in Article 1 of these Rules.

2. Communications Generally

Any communication involving a Complaint and the grievance process shall be submitted to the Board through the Board staff, and shall not be addressed to individual members of the Board or sent directly to members of the Board. The staff shall disseminate all written communications requiring Board action to the members of the Board.

No *ex parte* communications between Board members and parties, or attorneys for the parties, may occur. If any *ex parte* communication does occur, the Board or its staff shall notify all parties of the communication, informing them of its substance, and the circumstances of its receipt.

3. Receipt of Communications

All communications under this Article filed with the Board are deemed filed on the date upon which they are received at the Board's principal address.

4. Confidentiality

The status of a Complaint will be communicated only to interested parties and their attorney, Board members, and Board staff. The Board's decision shall be communicated, however, in accordance with the terms of the decision (a public reprimand, suspension, or revocation of a license may be communicated to the public, for example, but a private reprimand shall not be).

D. Grievance Initiation.

1. Who may file

Any person seeking to file a grievance against a court reporter, court reporting firm, holder of an emergency judicial permit, or any other person or entity under the jurisdiction of the Board, may file a Complaint with the Board. The Board may also, on its own Motion, file a Complaint.

2. Forms

All Complaints shall be submitted on a form approved by the Board for this purpose. Any and all documentation or information in support of the Complaint must be included with the Complaint. The information on the Complaint form and any information accompanying it must be legible. The Complaint form must be fully completed and must be notarized. Complaint forms may be requested from the Board's staff in person or by phone, or online at www.georgiacourts.org.

3. Dismissal of Complaint for Noncompliance with Rule

Upon receipt of a Complaint, the Board staff shall review the Complaint to ensure that the Complaint complies with the Rules contained in this Article. In the event the Complaint does not comply, the Complaint is dismissed without prejudice, and the Board staff shall notify the Complainant of the dismissal.

E. Dismissal of Complaint by Vote of Board

When a Complaint is properly filed with the Board, the Board shall review the Complaint and any supporting documentation. If the Complaint states a possible ground for discipline, the Respondent may be required to file an Answer. The Board may dismiss the Complaint for failure to state a possible ground for discipline. A Complaint dismissed after review by the Board may not be submitted again by Complainant. The dismissal of a Complaint under this Article does not deprive the Complainant of any right against a Respondent otherwise available at law or in equity.

If a Complaint is Board-initiated, an Answer shall automatically be required.

F. Service of Complaint on Respondent

A certified court reporter and court reporting firms under the jurisdiction of the Board shall inform the Board, in writing, of their current name, mailing address, street address, and telephone number. The Board may rely upon the address on file with the Board in all efforts to contact, communicate with, or perfect service upon persons and entities within its jurisdiction. The choice of a person or entity to provide only a post office box address to the Board shall constitute an election to waive personal service if personal service is required. An acknowledgement of service or a written Answer by a Respondent shall constitute conclusive proof of service.

If a majority of the Board has elected to require an Answer, or the Complaint is a Board-initiated Complaint, the Board staff shall then send the Complaint to the Respondent at the address indicated above by certified mail, together with a request that an Answer be filed. The request for an Answer shall notify the Respondent of the rules and/or statutes that the Respondent is alleged to have violated, and that Respondent has 30 days from the date of the mailing of the notice to file a notarized Answer.

In the event the notice of a Complaint is returned by the post office as “undeliverable” at the address provided by Respondent as their address of record with the Board, or is returned “unclaimed” or “refused”, and the Respondent cannot be located with due diligence, the Director of the Administrative Office of the Courts shall be deemed to be the agent for service for Respondent for the purposes of this grievance process, and service upon the Director shall be deemed to be service upon the Respondent. *See*, O.C.G.A. Sec. 15-14-33 (i).

G. Answer to Complaint

Respondent shall have 30 days from the date of notice from the Board to file a notarized Answer to the Complaint which shall address each allegation in the Complaint. Respondent shall include all supporting documents with the Answer that Respondent wishes the Board to consider.

H. Specification of Documents

The Board, in its sole discretion, may require any party to be more specific in any document filed with the Board.

I. Voluntary Dismissal

A Complainant desiring to voluntarily dismiss a Complaint may dismiss the Complaint without permission prior to the filing of an Answer. After an Answer is filed, the party shall be required to file a Motion to Dismiss, and in that event, dismissal shall be in the sole discretion of the Board. The Board may dismiss a Board-initiated Complaint without Motion.

J. Procedure Upon Receipt of Answer

Upon receipt of an Answer to a Complaint, the Board staff shall review the Answer to ensure that the Answer complies with the Rules contained in this Article. In the event the Answer does not comply with the Rules, the Board staff shall notify the Respondent within 15 days of receipt of the Answer that the Answer shall not be considered by the Board, unless the defects are corrected within 15 days of notice to Respondent of the

defects. If Respondent fails to correct the defects within 15 days of notice, the Answer shall NOT be sent to the Board by the staff, and shall not be considered by the Board in its deliberations on the Complaint.

If the Answer, or Amendment to the Answer, complies with the Rules contained in this Article, the Board staff shall send copies to the members of the Board for consideration. Upon a review of the Answer and all supporting documentation supplied therewith, the Board may dismiss the Complaint, if, giving the Complainant the benefit of all doubts, the undisputed evidence shows that a violation has not occurred. The Board may vote to require further documentation from the parties, or to require a hearing on the Complaint, or to dismiss the Complaint without further action. A Complaint dismissed by the Board after review of the Answer may not be submitted again by Complainant. The dismissal of a Complaint under this Article does not deprive the Complainant of any right against a Respondent otherwise available at law or in equity.

K. Procedure When Answer Required, But Not Filed

When a Respondent fails to file an Answer within 30 days of notice to the Respondent that an Answer is required, the Board may vote to dismiss the Complaint, to require additional information from the Complainant, or to hold a hearing.

L. Substitution or Intervention of Parties

On Motion of a party, or on the Board's own Motion, at any time during the course of any proceeding under this Article the Board may, in its sole discretion, permit the substitution or intervention of parties as justice or convenience may require. Any non-party who wishes to intervene must file a written Motion with the Board specifying the grounds for intervention.

M. Disabilities

The Board reserves the right, in its sole discretion, on its own motion or on that of a party, to modify these procedures to the extent necessary to make accommodations for parties or witnesses involved with a grievance who have disabilities.

N. Right to an Attorney

All parties may be represented by counsel at any stage of the grievance process. Counsel shall promptly enter an appearance if counsel has not previously entered an appearance by signing a Complaint, Answer or other pleading.

If the Board files a board-initiated Complaint or a Motion for Contempt the Board shall request the Attorney General to act as prosecuting attorney in the matter.

O. Notice of Hearing

If the majority of the Board votes to hold a hearing on the Complaint, the Complainant and Respondent shall be notified. The parties shall be given at least 30 days written notice by regular mail of the date, time, and location of the hearing. It shall be the responsibility of the Board staff to arrange the hearing time and place, and to notify the parties and members of the Board of same. The Board staff shall arrange for a court reporter to take down the hearing. The place for the hearing shall be fixed at any site in the State of Georgia, in the Board's discretion.

P. Hearing by the Board

1. Participation of Complainant.

The Complainant shall appear at the hearing in person or by counsel. In its sole discretion, and upon notice in advance to the opposite party, the Board may allow or require the Complainant to appear in person, participate by way of deposition, by video or telephone conference, or any combination thereof. If the Complainant refuses or fails without just cause to appear, the Complaint shall be dismissed.

If the Complaint is a Board-initiated Complaint, the Attorney General's office shall appear and present evidence in support of the Complaint.

2. Participation of Respondent

The Respondent shall be entitled to appear in person at the hearing, and shall be given an opportunity to present his or her response to the Board after presentation of the Complainant's case. In its sole discretion, and upon notice in advance to the opposite party, the Board may allow the Respondent to participate by way of deposition, by video or telephone conference, or any combination thereof.

3. Witnesses and Evidence

Each party shall be entitled to bring witnesses to the hearing. Should a party desire that the Board subpoena a witness, the party shall provide the name and address of the witness to the Board no later than 15 days prior to the hearing. The Board may also *sua sponte* subpoena witnesses for the hearing.

The rules of evidence shall apply, and the order of presentation shall be as at a civil trial. Evidentiary rulings shall be by the Hearing Officer appointed by the Board to preside over the hearing.

4. Costs

The Board shall bear the cost of the take down and transcription of the hearing by a certified court reporter. Each party must pay for their own copy of a transcript, should they want one. The Board shall bear any cost for the arrangement of the space for the hearing. Otherwise, the parties shall each bear their own cost for attending and participating in the hearing.

5. Executive Session

The Board may enter into Executive Session during a hearing to discuss findings or issues, or to vote on issues presented during a hearing. Without limiting the foregoing, the Board shall have the authority to exclude any or all persons during its deliberations on disciplinary proceedings.

6. Evidentiary Standard

At the hearing, the burden of proof is on the Complainant to prove the alleged violation(s) by clear and convincing evidence. The members of the Board shall be permitted to ask questions of the parties and witnesses present at the hearing.

7. Final Order

A Final Order after a hearing by the Board will be issued by the Board within 45 days after the hearing. The Board may extend the time to issue the Final Order for good cause. The Final Order shall be in writing and shall be sent by certified mail, return receipt requested, to each party, or their attorney, by the Board staff.

Q. Appeal

1. Procedure for Appeal

The Final Order may be appealed by a party within 20 days of the Board's decision thereon, by the filing of a Notice of Appeal with the Board staff, directed to the Judicial Council of Georgia. The Board staff shall notify the Board and all interested parties of the filing of the Notice of Appeal, and shall transmit the Appeal to the Judicial Council, within 10 days of receipt of same. The Notice of Appeal shall state the nature of the appellant's interest, the facts in support of the appellant's claim of error, and the grounds upon which the appellant contends the decision should be reversed or modified.

2. Stay

The mere filing of a Notice of Appeal shall not stay enforcement of the Board's decision or Final Order. However, either the Board or the Judicial Council may grant a stay against enforcement of the Final Order pending decision of the Judicial Council of the appeal.

3. Transmittal of the Record

Within 30 days of the filing of a Notice of Appeal the Board staff shall transmit a copy of the entire record regarding the matter on appeal to the Judicial Council. The Judicial Council may extend the time for the transmittal of the record for good cause shown.

4. Procedure Upon Reversal

If the Judicial Council reverses a decision of the Board, the Board shall hold another hearing on the Complaint only if directed to do so by the Judicial Council. If the Judicial Council reverses with direction to modify a Final Order, the Board shall modify the Final Order as directed without further hearing. The Board shall schedule another hearing on the Complaint, or shall issue a revised Final Order, within 30 days of receipt of the Order from the Judicial Council on the appeal.

R. Immunity

The regulatory proceedings of the Board are judicial in nature. Therefore, the Board, members of the Board, the Administrative Office of the Courts, the staff of the Administrative Office of the Courts, the Judicial Council, members of the Judicial Council, or any subcommittee thereof, shall be entitled to judicial immunity when engaged in regulatory activities.

ARTICLE 13. ADVISORY OPINIONS

Any person may submit in writing to the Board a request for an Advisory Opinion. The Board may issue either Private or Public Advisory Opinions.

A. Private Advisory Opinions

A Private Advisory Opinion may be requested in lieu of filing a Complaint, for a person who seeks guidance as to whether certain actions or conduct are permitted under the Code of Professional Ethics or the Rules and Regulations of the Board. The person requesting the Private Advisory Opinion shall include all information relevant to their request. The Board may request additional information.

The Board shall keep confidential the identity of the person making the request for a Private Advisory Opinion, and the identity of the person about whom the Opinion is requested.

B. Public Advisory Opinions

The Board may, from time to time, recommend publication of a Public Advisory Opinion which illuminates one or more of the provisions of the Code of Professional Ethics, or the statutes, rules and regulations governing court reporting. These opinions may be based on facts derived from requested Private Advisory Opinions, deleting reference to the names and places of the parties, or upon an assumed statement of facts.

1. Review

The Judicial Council may review any Private or Public Advisory Opinion on its own motion and may adopt, modify or reject it in whole or in part.