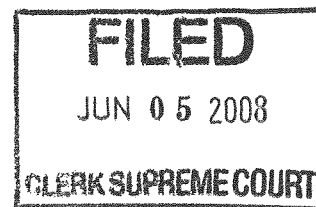


**IN THE SUPREME COURT OF IOWA**

O R D E R



**IN THE MATTER OF THE REPEAL OF IOWA  
COURT RULES CHAPTER 24, THE ADOPTION  
OF CHAPTER 46, AND THE AMENDMENT OF  
CHAPTERS 31, 35, 39, 41, 43 AND 47**

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By action of this court chapter 24 of the Iowa Court Rules is repealed and it is replaced with new chapter 46. Chapters 31, 35, 39, 41, 43, and 47 are amended. All of these rule changes take effect July 1, 2008.

Dated this 5<sup>th</sup> day of June, 2008.

THE SUPREME COURT OF IOWA

By Marsha Ternus  
Marsha Ternus, Chief Justice

1 **CHAPTER 46**

2 **RULES OF THE BOARD OF EXAMINERS**  
3 **OF SHORTHAND REPORTERS**  
4

5  
6 **Rule 46.1 Authorization and scope.** The rules in this chapter are  
7 adopted in conjunction with Iowa Code sections 602.3101 through  
8 602.3302. They apply to all proceedings, functions, and responsibilities  
9 of shorthand reporters and the board of examiners.

10  
11 **Rule 46.2 Definitions.**

12 “Certified shorthand reporter” is an individual who has demonstrated by  
13 examination administered by the board of examiners that such  
14 individual has achieved proficiency in shorthand equivalent in the  
15 discretion of the board to the standard of the National Court Reporters  
16 Association for the earned designation of Registered Professional  
17 Reporter, namely, the demonstrated ability to write dictated tests at 180  
18 words per minute (question and answer — technical dictation), 200  
19 words per minute (multivoice dictation for transcription or readback),  
20 and 225 words per minute (question and answer dictation), or such  
21 equivalents thereof as the board may select, each at 95 percent accuracy  
22 or better, and demonstrated written knowledge of the reporter’s duties,  
23 legal procedure, and correct English usage at 70 percent accuracy or  
24 better. The Iowa designation of certified shorthand reporter is not  
25 granted by reciprocity. However, individuals who hold the designation of  
26 Registered Professional Reporter from the National Court Reporters  
27 Association by passing said association’s examination on or after May 1,  
28 1973, and are in good standing with such association, may, upon  
29 application to the board of examiners, become certified shorthand  
30 reporters upon successfully passing a written examination concerning a  
31 reporter’s duties, legal procedure, and correct English usage at 70  
32 percent accuracy or better.

33 “Shorthand” is a method of writing rapidly with stenographic machine  
34 by substituting characters, abbreviations, or symbols for letters, words,  
35 or phrases.

36 “Shorthand reporting” as used in this chapter is the professional skill  
37 whose practice by official shorthand reporters and freelance shorthand  
38 reporters serves the judicial branch of state government in courts of  
39 record, references by such courts or the law, depositions taken by  
40 shorthand reporters, or proceedings of like character, with the end in  
41 view of ensuring the accuracy and integrity of the record upon which  
42 courts rely for evidence, trial, and appellate review.

1 **Rule 46.3 Organization, meetings, and information.**

2 **46.3(1)** The officers of the board shall be a chairperson, selected by  
3 the supreme court of Iowa, and a secretary elected at the September  
4 meeting, each to serve for a term of one year, or until a successor is  
5 elected. Each shall perform the duties incumbent upon the office.

6 **46.3(2)** The board shall hold regular meetings for examination of  
7 applicants and the transaction of other business on the second Saturday  
8 of March and September of each year in Des Moines, Iowa, commencing  
9 at 9 a.m., or at such other times or places as the board may hereafter  
10 designate. Special meetings may be held upon the call of any two  
11 members of the board. A majority of three or more members of the board  
12 shall constitute a quorum. Business shall not be conducted unless a  
13 quorum is present. All actions of the board shall require a simple  
14 majority vote of those present.

15 **46.3(3)** The board shall, at least 60 days prior to the start of each  
16 fiscal year, submit to the court for consideration and approval a budget,  
17 covering the board's operations for the upcoming fiscal year. Approval of  
18 the budget by the court shall authorize payment as provided in the  
19 budget. A separate bank account designated as the certified shorthand  
20 reporter operating account shall be maintained for payment of authorized  
21 expenditures as provided in the approved budget. Fees or other funds  
22 received or collected as directed in this chapter or in accordance with an  
23 approved interagency agreement shall be deposited in the certified  
24 reporter operating account for payment of the board's authorized  
25 expenditures.

26 **46.3(4)** The director of the office of professional regulation shall serve  
27 as the administrator for the board. Information may be obtained from  
28 the director at the Office of Professional Regulation, Iowa Judicial Branch  
29 Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or  
30 in person during office hours.

31  
32 **Rule 46.4 Applications.** Candidates for examination shall make  
33 written application on the form approved by the board and provided by  
34 the board's office. An application must be on file with the administrator  
35 at the board's office at least 30 days before the date of the examination,  
36 unless the board for good cause shown grants an applicant additional  
37 time to file or otherwise waives the 30-day filing deadline. Good cause  
38 for this purpose shall include illness, military service, unavoidable  
39 casualty or misfortune or other grounds beyond the control of the  
40 applicant. A new application is required for each examination. An  
41 applicant to become a certified shorthand reporter shall not be examined  
42 until said applicant has satisfied the board that the applicant's  
43 educational and special training includes at least one of the following:

1 46.4(1) The applicant has attained proficiency of 200 words per  
2 minute or more in a shorthand reporting course.

3 46.4(2) The applicant has had at least two years of experience as a  
4 shorthand reporter in making verbatim records of judicial or related  
5 proceedings.

6 46.4(3) The applicant has graduated from a shorthand reporting  
7 school approved by the National Court Reporters Association.

8  
9 **Rule 46.5 Examination.**

10 46.5(1) Applicants shall be required to write shorthand from dictation  
11 of regular court proceedings, or such other matter as may be selected by  
12 the board of examiners, for such periods as shall be required at varying  
13 speeds within the standard.

14 46.5(2) Applicants shall be examined with respect to their knowledge  
15 of the statutory duties of a court reporter, general court procedure, and  
16 correct English usage.

17 46.5(3) Applicants shall be required to transcribe such part of the  
18 dictation as the board of examiners may indicate.

19 46.5(4) Applicants shall be required to read aloud such part of the  
20 dictated matter as the board of examiners may indicate.

21 46.5(5) Applicants shall be required to furnish their own equipment  
22 and supplies for taking shorthand. Applicants shall make their own  
23 transcript on a provided computer or typewriter unless the applicant is  
24 otherwise notified.

25 46.5(6) Upon completion of the examination, all shorthand notes,  
26 transcripts, and other papers used in connection with an examination  
27 shall be returned to the board.

28 46.5(7) Testing rules and guidelines of the National Court Reporters  
29 Association and the Board of the Academy of Professional Reporters for  
30 Registered Professional Reporters shall be used as a guide to procedure.

31  
32 **Rule 46.6 Certification.** Each person who has achieved the  
33 designation of certified shorthand reporter shall be issued a certificate by  
34 the board of examiners. The certificate may be signed by the chairperson  
35 and secretary or by all of the board members.

36  
37 **Rule 46.7 Fees.**

38 46.7(1) The fee for each examination is \$100.

39 46.7(2) The fee for annual renewal is \$60.

40 46.7(3) The fee for late filing of an annual report is \$100.

41 46.7(4) The fee for reinstatement from a suspension is \$100.

1 46.7(5) The fee for reinstatement for one granted a certificate of  
2 exemption is \$50.

3 46.7(6) The fee for an extension for obtaining continuing education  
4 credit is \$50.  
5

6 **Rule 46.8 Continuing education requirement.**

7 46.8(1) Units of continuing education credits as approved by the  
8 board of examiners of shorthand reporters shall be completed by each  
9 reporter in active practice in Iowa. Failure to comply with the continuing  
10 education requirements shall be grounds for disciplinary action under  
11 rule 46.11. In order to comply, a reporter shall meet the requirements of  
12 rule 46.8(1)(a) or 46.8(1)(b):

13 a. Obtain at least three continuing education units (CEUs) within a  
14 three-year period by attending or participating in seminars, workshops,  
15 or courses, integrally relating to the field of shorthand reporting, and  
16 which contribute directly to the professional competency of the  
17 shorthand reporter. One hour of continuing education credit shall equal  
18 .1 continuing education unit.

19 Continuing education activities shall be conducted by individuals who  
20 have special education, training, and experience, and the individuals  
21 should be considered experts concerning the subject matter of the  
22 program. Attendance at any approved national, regional or state seminar  
23 will be acceptable.

24 Continuing education units earned in any one reporting period may be  
25 carried over for credit in one or more succeeding reporting periods,  
26 constituting the three-year period previously provided, but cannot be  
27 carried over to any successive three-year period.

28 Commencing October 1, 2002, the annual reporting cycle shall run  
29 from October 1 through September 30. Continuing education  
30 requirements and the three-year reporting cycle for newly certified  
31 shorthand reporters will commence October 1 of the year following the  
32 year of their certification.

33 b. In lieu of the requirements set forth in rule 46.8(1)(a), the board will  
34 accept satisfactory evidence of compliance with the current continuing  
35 education requirements of the National Court Reporters Association for  
36 retention on its Registry of Professional Reporters.

37 46.8(2) The board may, in individual cases involving disability,  
38 hardship, or extenuating circumstances, grant waivers of the minimum  
39 education requirements or extensions of time within which to fulfill the  
40 same or make the required reports. No waiver or extension of time shall  
41 be granted unless written application is made and signed by the reporter.  
42 The board may, as a condition of any waiver granted, require the  
43 applicant to make up a certain portion or all of the minimum educational

1 requirements waived by such methods as may be prescribed by the  
2 board.

3 **46.8(3)** Reporters who are not actively engaged in practice may obtain  
4 from the board a certificate of exemption from continuing education  
5 requirements. Application for such exemption shall contain a statement  
6 that the applicant will not engage in the practice of shorthand reporting  
7 in Iowa without first complying with the regulations governing  
8 reinstatement after exemption.

9 **46.8(4)** Inactive practitioners who have been granted a certificate of  
10 exemption from these regulations shall, prior to engaging in the practice  
11 of shorthand reporting in Iowa, satisfy the following requirements for  
12 reinstatement:

13 a. Submit written application for reinstatement to the board upon  
14 forms prescribed by the board together with a reinstatement fee of \$50,  
15 and

16 b. Furnish in the application evidence of one of the following:

17 (1) Active shorthand reporting in another state of the United States or  
18 the District of Columbia and completion of continuing education  
19 requirements that are the substantial equivalent to the requirements set  
20 forth in these rules for court reporters in Iowa as determined by the  
21 board.

22 (2) Completion of continuing education units (CEUs) sufficient to  
23 satisfy education requirements for the period of inactivity if seeking  
24 reinstatement within three years of being granted a certificate of  
25 exemption.

26 (3) Successful passing of either the state of Iowa's certificate  
27 examination or the National Court Reporters Association's examination  
28 within one year immediately prior to the submission of such application  
29 for reinstatement.

30  
31 **Rule 46.9 Approval of activity.** A reporter seeking credit for  
32 attendance and participation in an educational activity other than those  
33 sponsored or approved by the National or Iowa Court Reporters  
34 Associations shall submit to the board, within 30 days after completion  
35 of such activity, a request for credit, including a brief résumé of the  
36 activity, its dates, subjects, instructors and their qualifications, and the  
37 number of credit hours requested therefor. Within 60 days after receipt  
38 of such application, the board shall advise the reporter in writing by  
39 ordinary mail whether the activity is approved and the number of hours  
40 allowed therefor. A reporter not complying with the requirements of this  
41 rule may be denied credit for such activity.

1 **Rule 46.10 Continuing education reports.**

2 **46.10(1)** On or before December 1 of each year, each reporter shall file  
3 with the board, on forms provided by the board, a signed report  
4 concerning completion of continuing education for the prior reporting  
5 period. Said report, along with the annual renewal fee, shall be sent to  
6 the board's office, Office of Professional Regulation, Iowa Judicial Branch  
7 Building, 1111 East Court Avenue, Des Moines, Iowa 50319. The board  
8 may prescribe an electronic report form and require submission of the  
9 report in that form.

10 **46.10(2)** All active reporters who fail to file the annual report on or  
11 before December 1 of each year shall pay a penalty of \$100.

12  
13 **Rule 46.11 Penalty for failure to satisfy continuing education**  
14 **requirements.** The board may revoke or suspend the license of any  
15 reporter who fails to comply with rule 46.10 or who files a report showing  
16 a failure to complete the required number of education credits; provided  
17 that at least 30 days prior to the suspension or revocation, notice of the  
18 delinquency has been served upon the reporter in the manner provided  
19 for the service of original notices in Iowa R. Civ. P. 1.305 or has been  
20 forwarded to the reporter by restricted certified mail, return receipt  
21 requested, addressed to the reporter's last-known address. The reporter  
22 shall be given the opportunity during the 30 days to file in the board's  
23 office an affidavit establishing that the noncompliance was not willful  
24 and tender the documents and sums and penalties which, if accepted,  
25 would cure the delinquency. Alternatively, the reporter may file in the  
26 board's office a request, in duplicate, for hearing to show cause why the  
27 reporter's certificate should not be suspended or revoked. The board  
28 shall grant a hearing if requested. If the board orders a suspension or  
29 revocation it shall notify the reporter by either of the methods provided  
30 above. The suspension or revocation shall continue until the board has  
31 approved the reporter's written application for reinstatement.

32  
33 **Rule 46.12 Disciplinary action.** The board may, upon its own  
34 initiative, or at the request of the supreme court of Iowa, or complaint by  
35 a third party, begin disciplinary procedures for violations of the board  
36 rules or the Code of Iowa against any reporter.

37 **46.12(1)** Charges against a reporter brought by a third party must be  
38 in writing, signed by the complainant, filed with the board, and contain  
39 substantiating evidence to support the complainant's allegations. The  
40 complaint shall include complainant's address and telephone number, be  
41 dated, identify the reporter, and give the address and any other

1 information about the reporter which the complainant may have  
2 concerning the matter.

3 **46.12(2)** Such complaint, which will be held in confidence as required  
4 by law, shall be reviewed by the board. If the board concurs in the  
5 seriousness of the allegations made by the complainant, the board shall,  
6 in writing, advise the reporter of the charges involved. The reporter shall  
7 have 30 days from the receipt of the board's notice to answer the charges  
8 in writing. The reporter may request a personal appearance before the  
9 board. The board shall then review again the charges made and  
10 determine whether the complaint can be disposed of informally or if  
11 contested case proceedings should be commenced.

12  
13 **Rule 46.13 Causes for disciplinary action.** The board may revoke or  
14 suspend a certificate, or impose any of the disciplinary sanctions  
15 included in this chapter for any of the following reasons:

16 **46.13(1)** All grounds listed in Iowa Code section 602.3203.

17 **46.13(2)** Failure to file an annual report showing satisfaction of the  
18 current requirement of continuing education or submission of a false  
19 report of continuing education.

20 **46.13(3)** Conviction of a misdemeanor related to the profession or  
21 occupation of the reporter.

22 **46.13(4)** Unless otherwise required by law, a violation of Iowa R. Civ.  
23 P. 1.713(1) or 1.713(2) in any state, federal, or administrative proceeding.

24 **46.13(5)** The board's receipt of a certificate of noncompliance from the  
25 Child Support Recovery Unit, pursuant to the procedures set forth in  
26 Iowa Code chapter 252J.

27 **46.13(6)** The board's receipt of a certificate of noncompliance from  
28 the College Student Aid Commission, pursuant to the procedures set  
29 forth in Iowa Code chapter 261.

30 **46.13(7)** The board's receipt of a certificate of noncompliance from the  
31 Centralized Collection Unit of the Department of Revenue, pursuant to  
32 the procedures set forth in Iowa Code chapter 272D.

33  
34  
35 **Rule 46.14 Contested case proceedings.**

36 **46.14(1)** Contested case proceedings which involve possible  
37 disciplinary sanctions shall be set for hearing on not less than ten days'  
38 notice to all parties. Notice of hearing shall be in writing and shall be  
39 served either by personal service or certified mail, return receipt  
40 requested.

41 **46.14(2)** The notice shall include all of the following information:

42 a. A statement of the time, place, and nature of the hearing.

43 b. A statement of the legal authority and jurisdiction under which the  
44 hearing is to be held.

1 c. A reference to the particular sections of the statutes and rules  
2 involved.

3 d. A concise statement of the matters asserted, or if the board is  
4 unable to state the matters in detail at the time the notice is served, the  
5 initial notice may be limited to a statement of the issues involved.

6 **46.14(3)** If a party fails to appear in a contested case proceeding after  
7 proper service of notice, the presiding officer may, if no adjustment is  
8 granted, proceed with the hearing and make a decision in the absence of  
9 the party.

10 **46.14(4)** Opportunity should be afforded all parties to respond and  
11 present evidence and argument on all issues involved and to be  
12 represented by counsel at their own expense.

13 **46.14(5)** Unless precluded by statute, informal disposition may be  
14 made of any contested case by stipulation, agreed settlement, consent  
15 order, default, or by another method agreed upon by the parties in  
16 writing.

17 **46.14(6)** After the conclusion of a hearing, the board shall take any of  
18 the actions set forth in rule 46.15. The board's actions shall be set forth  
19 in writing, and a copy of the conclusions and decisions shall be served  
20 upon all parties and the supreme court of Iowa. The board may permit a  
21 reasonable time for the parties to file posthearing briefs and arguments.  
22 The report of the board shall be made within 60 days after the date set  
23 for the filing of the last responsive brief and argument. If the board  
24 cannot reasonably make its determination or file its report within such  
25 time limit, it shall report that fact and the reasons therefor to the parties  
26 and to the clerk of the supreme court. Any determination or report of the  
27 board need only be concurred in by a majority of the board members  
28 sitting, and any member has the right to file a dissent from the majority  
29 determination or report.

30 **46.14(7)** Procedures for the handling of all contested case proceedings  
31 shall, to the extent not specifically set forth in this chapter, be governed  
32 by the Iowa Administrative Procedure Act.

33  
34 **Rule 46.15 Disciplinary sanctions.** The board may, based upon the  
35 evidence presented, take one or more of the following actions:

36 **46.15(1)** Dismiss the charges.

37 **46.15(2)** Informally stipulate and settle any matter relating to the  
38 reporter's discipline.

39 **46.15(3)** Require additional professional education.

40 **46.15(4)** Issue a citation and warning regarding the reporter's  
41 behavior.

42 **46.15(5)** Reprimand.

43 **46.15(6)** Impose a period of probation.

- 1 **46.15(7)** Suspend the certificate.
- 2 **46.15(8)** Revoke the certificate.
- 3