



# Maine Court Reporters Association September 26<sup>th</sup> – 27<sup>th</sup> 2014 Fall Convention

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And

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*An Act to Ensure Ethical  
Standards for Court  
Reporters  
S.P. 543 – L.D.1469*



# WHAT IS IT? WHAT DOES IT MEAN TO YOU?

## **S.P. 543, L.D. 1469**

An Act To Ensure Ethical  
Standards for Court  
Reporters



(S. P. stands for Senate Paper. L.D. stands for Legislative Document)



It is prohibited  
to fail to offer  
comparable:

- ❖ Services
- ❖ Prices
- ❖ Financial Terms

To ALL parties involved in a legal proceeding



YOU CANNOT OFFER COURT REPORTING  
SERVICES ON A CONTINGENCY BASIS.

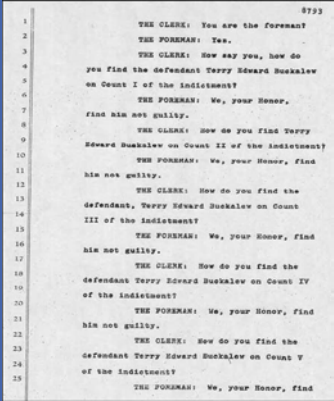




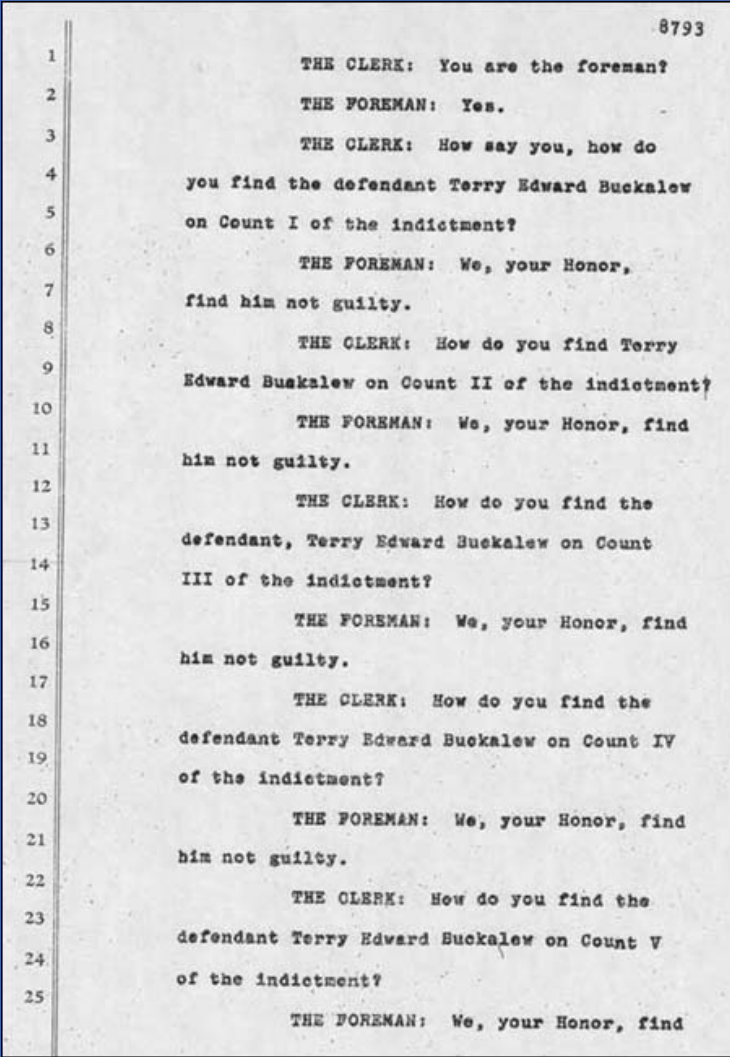
An attorney may not be restricted from choosing any court reporter or court reporting firm for their court reporting services.



It is prohibited to manipulate the transcript in a way that increases the end cost of the transcript.

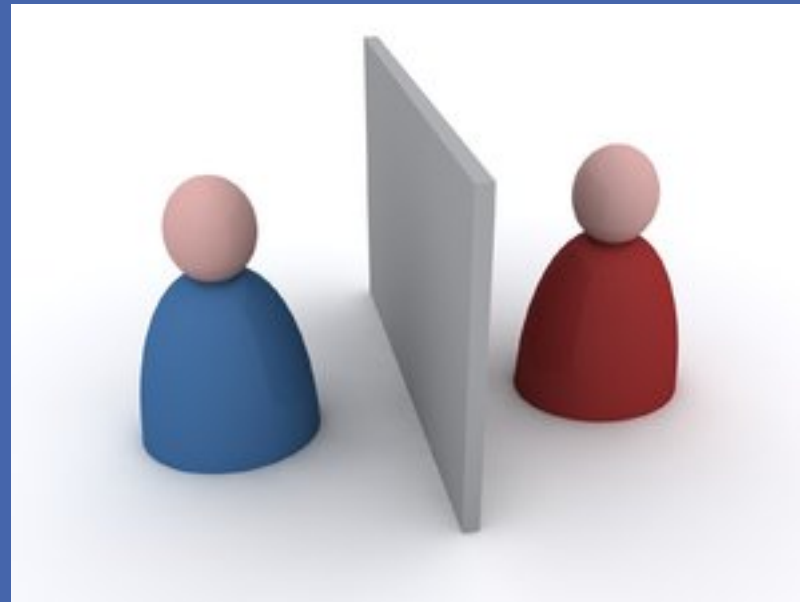


It is prohibited to change a court reporters transcript after the job is finished and a certification page has been issued. If there are formatting requirements, those should be worked out ahead of time or the company must ask you to make the changes they want.





It is prohibited to enter into any arrangement that prevents the court reporter from dealing directly with any party to a proceeding.





## In plain English:

- You cannot enter into a contract of any kind for work. The exception is Federal and State government work that requires contracts.
- In the case of a contract situation where a National firm asks you to cover the job and a contract is in place (beyond the two above that are exempt), the reporter **must** bill and produce the copy side.
- No cost shifting – meaning giving a break in price to one side and making it up on the other side.
- No blanket agreements to give price breaks or other advantages to obtain the work of an entire business/entity/firm. Arrangements can be made or negotiated **only on a case by case** basis to give a price break or other consideration. This is allowable but this must be given to both parties.

## Questions that may arise:

- ❖ Do you ask the scheduler from the National firm if this is a contract job?
- ❖ Do you just take the job and ask nothing and produce and bill the copy side?
- ❖ Do you take them at their word whether or not it is a contract job and, if it's not a contract job, can the National firm bill and produce the job?
- ❖ In the case where there is no contract and the National company is doing the billing and production on both sides, do you work out a networking arrangement ahead of time and bill from your own business?
- ❖ Can your transcript be manipulated or changed in any way after it has left your possession?

# Who and what does this law apply to?

- ❖ ALL State of Maine Reporters, whether working on a depo in our state or out of state.
- ❖ ALL depositions that take place in the State of Maine. If you are a reporter from another state coming to Maine and taking a job, you would be held to this law
- ❖ ALL State of Maine cases, whether venued in Maine or another State.



The rest of the stuff:

In an effort to ensure comparable treatment of parties:

An attorney/party can request an itemized statement of rates/charges that have been/will be provided following the completion of the proceeding.

The court reporter/reporting firm shall provide all information like prices, terms, and conditions of court reporting services “in sufficient time” before a legal proceeding begins.

\* \* \* \* \*

*The law passed cannot be waived or stipulated away for any reason.*

Government entities and pro bono services are exempted from this law.



If a party to the case suspects that the law is being violated, they can file a motion with the court in which the existing action is pending or scheduled to be heard.

If the court finds that the section was violated, the transcript may be ruled null and void and the court reporter may be barred "from providing services in matters before *that* administrative body, court, or administrative tribunal".



Beyond being banned from working in the State of Maine or Maine cases, a person who willfully violates this law may be subject to fines or penalties to be paid by the offending court reporter/court reporting/firm/company knowingly involved in violating the law.

Finally....prior to taking any deposition or legal proceeding, the court reporter or court reporting firm must make "reasonable efforts" to ensure that the law is not being violated.



# Questions?

Feel free to contact us at any time if you have questions about the law or if you want to ask about a situation that may arise in the course of business.

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