

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 08-

9067


APPROVAL OF AMENDMENTS TO RULE VI(B) OF THE STANDARDS AND RULES FOR CERTIFICATION OF CERTIFIED SHORTHAND REPORTERS


As described in the attached letter from Office of Court Administration Assistant General Counsel Katie Bond, IT IS **ORDERED** that Rule VI(B) of the Standards and Rules for Certification of Certified Shorthand Reporters is amended as follows, effective immediately:

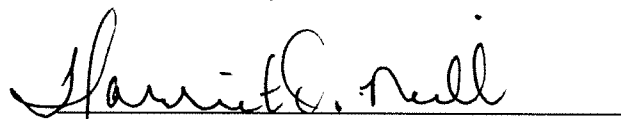
VI. FEES

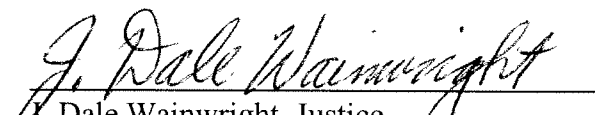
- B. Examination Fee.** A fee of ~~fifty (\$50)~~ seventy-five (\$75) dollars for Part B, ~~one hundred (\$100)~~ one hundred twenty-five (\$125) dollars for Part A, or ~~one hundred dollars (\$100)~~ one hundred ninety (\$190) for Parts A & B combined shall be due and payable not later than midnight on the date established by the Board.


In Chambers, this 2nd day of June, 2008.

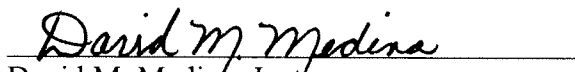

Wallace B. Jefferson, Chief Justice

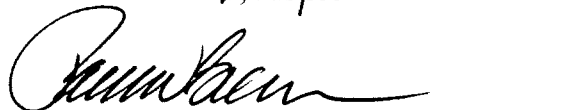

Nathan L. Hecht, Justice

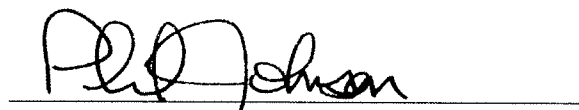

Harriet O'Neill, Justice


J. Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice



OFFICE OF COURT ADMINISTRATION

CARL REYNOLDS
Administrative Director

May 15, 2008

The Honorable David Medina
Liaison, Court Reporters Certification
Board
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

The Honorable Nathan L. Hecht
Liaison, Supreme Court Advisory Committee
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

Re: Proposed Fees for Court Reporters Certification Examination

Dear Justice Medina and Justice Hecht:

On behalf of the Court Reporters Certification Board, I am forwarding a copy of the Board's proposed new examination fees for approval by the Supreme Court in accordance with Sections 52.002 and 52.013 of the Texas Government Code. The proposed examination fees are attached as Appendix A.

Background

Pursuant to Sections 52.022 and 52.023, the Court Reporters Certification Board (Board) administers a certification examination. Section 52.023 requires that the examination be given in two parts – Part A (skills) and Part B (written); applicants may take the parts separately or together. The current examination fees are contained in Rule VI(B) of the Standards and Rules for Certification of Certified Shorthand Reporters (Rules): \$100 for Part A, \$50 for Part B, and \$100 for both. Under Section 52.024, once an applicant has passed both parts of the exam and complied with other requirements, the Board certifies the applicant's name to the Supreme Court as having passed the examination.

For many years, the Board has contracted with test writers to write the exams, which are given three times per year. Board members and staff have proctored the examination themselves, and Board members who are certified court reporters have graded the exams. This process has required considerable Board member and staff time – proctoring and grading the exams are very labor-intensive. Since 2000, when examinees began using computer equipment to take the skills exam, five to six proctors are required for every 30 individuals taking the exam; the proctors must watch examinees print their exams and ensure that the exams are deleted from their machines. Moreover, grading the exams is a meticulous process – Section 52.023(b) contains detailed grading specifications. Finally, under Section 52.0231(a), the exams must be

graded within 30 days, thus requiring the graders (Board members who are court reporters) to devote significant time to the process.

In 2006, the Office of Court Administration (OCA), to which the Board is administratively attached, contracted with an independent auditor to audit the Court Reporter Certification Program's procedures. One of the auditor's recommendations was that the Board should study the feasibility of reducing the time and expense involved in the current procedure by outsourcing the exam.¹ While Section 52.013(a)(2) provides that the Board shall administer the examination, Section 52.0231 contemplates that the examination may be given by a testing service. Considering the auditor's recommendation as well as the statutory scheme, OCA conducted a competitive process to procure examination services, including writing, administering, proctoring, and grading the exam. The contractor selected through the competitive process is the Texas Court Reporters Association (Contractor). The Contractor will develop the exams, locate and rent testing sites, register examinees, proctor the exams, and grade them. The Contractor has agreed to increase the number of yearly exams from three to four; the first exam given by the Contractor is scheduled for September 27, 2008.

Proposed Examination Fees

The Board, OCA, and the Contractor negotiated the following fees for the exam:

\$125 (Part A)
\$75 (Part B)
\$190 (both Part A and Part B)

Examinees will pay the exam fees directly to the Contractor, while the other fees listed in Rule VI will continue to be paid to the Board.

Section 52.013(a)(3) authorizes the Board to set the amount of each fee prescribed by Chapter 52, subject to the Court's approval. On January 25, 2008, the Board approved the proposed fee amounts for publication and comment. The fees were published on the Board's web site and sent to representatives of several stakeholder groups, including court reporters and representatives of court reporting schools. The Board received comments from two court reporting students opposing the increased fees and one certified court reporter in support of the proposed fees. The Board considered the fees and written comments at a public meeting on April 25, 2008. No members of the public provided oral comment about the fees at the meeting. The Board voted to adopt the examination fees negotiated with the Contractor and to send them to the Supreme Court for approval.

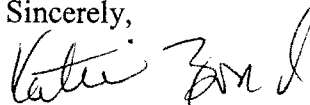
¹ The auditor went on to recommend that the Board should consider using the National Court Reporters Association (NCRA) exam, which is very similar to the exam required by Section 52.023. As explained above, OCA initiated a competitive procurement process. NCRA submitted a proposal in response to the Request for Proposals but was not selected.

Honorable David Medina
Honorable Nathan L. Hecht
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The Board acknowledges that the proposed fees are higher than the current fees. However, the fees for the Texas certification exam have not been increased since the beginning of 2000,² and since that time proctoring the exams has become more demanding with the introduction of computers to the testing site. The complexities of proctoring and grading aside, the proposed fees are reasonable compared to the examination fees for a sample of other professions in Texas, some of whose examinations consist of only a written exam. In fact, as shown on the attached table (Appendix B), court interpreters – whose certification exam involves both a written and skills component like the exam for court reporters – must pay a total of \$400 to take their examination. The proposed fees also compare favorably to the fees charged by the National Court Reporters Association for its written and skills examinations – \$265 total for students and \$335 for court reporters.³

The Board respectfully requests that the Supreme Court approve the proposed certification examination fees for the Court Reporters Certification Board as set out in Appendix A. Please do not hesitate to contact me at 463-1461 if you have questions.

Sincerely,



Katie Bond
Assistant General Counsel

cc: Jody Hughes, Rules Attorney, Supreme Court of Texas
Alice McAfee, General Counsel, Supreme Court of Texas

² See Order Amending Continuing Education Rules for Court Reporters and Rule VI(B) of the Standards and Rules for Certification of Certified Shorthand Reporters, Supreme Court of Texas, Misc. Docket No. 99-9244 (Jan. 3, 2000).

³ Some states use the National Court Reporters Association Registered Professional Reporter (RPR) certification examinations for certification in the state, e.g., New Mexico, Arizona, and New Jersey.

Appendix A
Proposed Examination Fees – Rule VI(B)
Standards and Rules for Certification of Certified Shorthand Reporters

VI. FEES

- A. **Certification Fee.** A fee of eighty-five (\$85) dollars shall be charged for each application submitted. Rejection or withdrawal of application will not entitle applicant to a refund of the fee or any part thereof.
- B. **Examination Fee.** A fee of ~~fifty (\$50)~~ seventy-five (\$75) dollars for Part B, ~~one hundred (\$100)~~ one hundred twenty-five (\$125) dollars for Part A, or ~~one hundred dollars (\$100)~~ one hundred ninety (\$190) for Parts A & B combined shall be due and payable not later than midnight on the date established by the Board.
- C. **Renewal Fee.** A fee of two hundred ten (\$210) dollars shall be paid on or before the expiration date of the certification. Unless this fee is timely paid or the certification reinstated as provided in Rule I.E., the certification previously issued shall expire at the date of the second anniversary of the date of the issuance of the certification.
- D. **Penalty Fee.** A fee of one hundred (\$100) dollars shall be charged for reinstatement of an expired certification pursuant to Rules I.E.2 or I.E.3.
- E. **Regrading Fee.** A fee of thirty-five (\$35) dollars shall be paid by any applicant requesting a regrade of an examination.
- F. **Payment of Fees.** Payment of each fee shall be in the form of a money order, cashier's check or bank-certified check made payable to the Board or the State of Texas. Personal checks not certified or cash will not be accepted.
- G. **Refund Policy for Examination Fees.** Applicants who cancel by written notification on or before the deadline date established by the Board will receive a full examination fee refund. No refunds will be granted after the deadline date.

Appendix B
Examination Fees – Selected Texas Professions

Profession	Examination Fee
Court interpreters	\$400 (total); \$300 (oral); \$100 (written)
Guardians	\$350 (total); \$100 (Texas component); \$250 (both Texas and national components)
Nurses (RNs)	\$200
Court reporters (proposed)	\$190 (both Part A and Part B); \$125 (Part A); \$75 (Part B)
Social workers	\$175
Licensed professional counselors	\$145
Attorneys (licensed in another state or foreign)	\$150
Attorneys (law students)	\$75