

HOUSE No. 4141

By Mr. Donovan of Chelsea, petition of Robert F. Donovan and another for legislation to establish a board of registration of certified shorthand reporters and providing for the certification of persons engaged in the practice of shorthand reporting. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF CERTIFIED SHORTHAND REPORTERS AND PROVIDING FOR THE CERTIFICATION OF PERSONS ENGAGED IN THE PRACTICE OF SHORTHAND REPORTING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby
2 amended by inserting after section seventy-five, as added by
3 section 1 of chapter 865 of the acts of 1970, under the
4 caption BOARD OF REGISTRATION OF CERTIFIED
5 SHORTHAND REPORTERS, the following three sections: —

6 *Section 76.* There shall be a board of registration of certified
7 shorthand reporters, to be appointed by the Governor, in this
8 section and in sections seventy-seven and seventy-eight called
9 the board, consisting of five members, citizens of the Common-
10 wealth, three of which shall have been actively and principally
11 engaged as professional shorthand reporters within the Com-
12 monwealth for a period of not less than ten years, and, with
13 the exception of the members originally appointed, shall be
14 certified shorthand reporters, one of which shall be an attorney
15 who is a member of the Massachusetts Bar and actively engaged
16 in the trial of cases, and one of which shall be a justice of the
17 Superior Court. Upon the expiration of the term of a member
18 of the board, his successor, qualified as aforesaid, shall be
19 appointed for a term of five years by the Governor. In the
20 event of a vacancy in the board caused otherwise than by an

21 expiration of the term of office, a member, qualified as above,
22 shall in like manner be appointed for the remainder of the
23 unexpired term and until the qualification of his successor.

24 *Section 77.* The board shall meet in January in each year at
25 such time or place as it shall determine, and shall organize by
26 electing from its own members a chairman, a vice chairman and
27 a secretary-treasurer, who shall hold their respective offices for
28 one year. The board shall hold additional meetings at such
29 times and places as it shall determine or upon call of the
30 chairman. The secretary-treasurer shall, before entering upon
31 his duties, give to the state treasurer a bond conditioned upon
32 the faithful discharge of his duties in such amount and with
33 such sureties as the board may determine. At all meetings of
34 the board, a quorum shall consist of three members. The board
35 may adopt such rules and regulations not inconsistent with law
36 as it may deem necessary in the performance of its duties.

37 *Section 78.* Each member of the board shall be paid the
38 necessary travelling and incidental expenses actually incurred
39 by him in attending said meetings, provided that such expenses
40 shall not in one year exceed the receipts from the registrations
41 and licenses. The board may appoint such employees as may be
42 necessary to carry out its duties and may expend therefor such
43 sums as may be appropriated.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by inserting after section 87BBBB, as added by
3 section 2 of chapter 781 of the acts of 1970, under the
4 caption REGISTRATION OF CERTIFIED SHORTHAND RE-
5 PORTERS, the following nine sections: —

6 *Section 87CCCC.* For the purposes of sections eighty-seven
7 CCCC to eighty-seven KKKK inclusive, the following words and
8 phrases, unless the context otherwise requires, shall have the
9 following meanings: —

10 (1) "Shorthand reporting", means the making by means of
11 written symbols or abbreviations in shorthand or machine
12 writing of a verbatim record of any judicial proceeding, in-
13 cluding, but not limited to, trials, grand jury proceedings,
14 depositions, motions, pre-trial examinations and similar pro-
15 ceedings, and the proceedings before any administrative agency
16 where the decisions thereof are subject to judicial review.

17 (2) "Shorthand reporter", means any person who, for con-
18 sideration to be paid by another, engages in the practice of
19 shorthand reporting as defined herein.

20 (3) "Board", means the board of certified shorthand re-
21 porters established under section seventy-six of chapter thir-
22 teen.

23 *Section 87DDDD.* The board shall issue certificates of regis-
24 tration to each applicant who has complied with the provisions
25 of sections eighty-seven BBBB to eighty-seven KKKK, inclusive,
26 and has satisfactorily passed an examination prepared by it to
27 determine his competence. The board shall conduct such
28 examinations semi-annually at such times and places as it may
29 deem necessary. In determining competence, the board shall
30 require proof that the applicant has the knowledge, practical
31 experience and skill necessary to act as a shorthand reporter
32 and shall require a practical demonstration of the applicant's
33 skill. All applications for registration shall be given at least
34 thirty days notice of the examination to be conducted by the
35 board.

36 *Section 87EEEE.* Applications for registration, signed and
37 sworn to by the applicant, shall be made on forms furnished
38 by the board and shall be accompanied by the prescribed fee
39 for examination and for issuance of a certificate. Each appli-
40 cant shall furnish evidence of good moral character. No certifi-
41 cate shall be issued unless evidence of good moral character, as
42 required by this section, is found. A certificate of registration
43 shall not be issued to any person under nineteen years of age.
44 Each applicant for registration shall furnish evidence that he is
45 a citizen of the United States or a legal resident alien and that
46 he has a high school education or its equivalent, and that he is
47 a resident of the Commonwealth.

48 *Section 87FFFF.* The following fees shall be payable in
49 advance to the board:

50 (a) For original certificate of registration, fifty dollars; for
51 renewal thereof, twenty-five dollars.

52 (b) For original examination, twenty-five dollars. If the
53 applicant fails to pass such examination, he shall not be re-
54 quired to pay any fee for the next two succeeding examina-
55 tions.

56 (c) For any subsequent examination, ten dollars.

57 *Section 87GGGG.* Every certified shorthand reporter shall
58 have a seal containing his name, his place of business and the
59 words "Certified Shorthand Reporter, Commonwealth of
60 Massachusetts" with which he shall certify all transcripts of
61 testimony prepared by him. No certified shorthand reporter
62 shall affix his seal or permit the same to be affixed to any
63 transcript of testimony not prepared by him, nor shall any
64 such reporter use his seal as a certified shorthand reporter
65 unless he holds a valid certificate of registration.

66 *Section 87HHHH.* Every certified shorthand reporter who
67 continues in the active practice of shorthand reporting shall
68 annually, during the month of September of each year follow-
69 ing the date of issuance of the certificate under which he has
70 been entitled to practice, renew such certification and upon
71 payment of the renewal fee shall be duly registered. Every
72 certificate which has not been renewed in the month of
73 September in any one year shall expire on the first day of
74 October in that year. A certificate expiring under this section
75 may be reinstated upon application to the board upon good
76 cause shown.

77 *Section 87IIII.* Any person holding a valid certificate as a
78 shorthand reporter as herein provided shall be styled and
79 known as a certified shorthand reporter. No other person shall
80 assume or use the title "Certified Shorthand Reporter" or the
81 abbreviation "C.S.R." or any words, letters or figures to indi-
82 cate the person using the same is a certified shorthand reporter.

83 *Section 87JJJJ.* The board may revoke or suspend the certi-
84 ficate of registration of a certified shorthand reporter who has
85 been convicted of the commission of a felony, or who has
86 obtained his certificate by fraud or misrepresentation, or who
87 is guilty of fraud, dishonesty, corruption, willful violation of
88 his duty or gross incompetency in the practice of shorthand
89 reporting. Such action may be taken only after a hearing held
90 in compliance with the provisions of chapter thirty A. Any
91 hearing hereunder shall be stenographically reported by a dis-
92 interested certified shorthand reporter.

93 *Section 87KKKK.* Whoever acts as a shorthand reporter or
94 represents himself to be a certified shorthand reporter, both as
95 defined in section eighty-seven CCCC, without having been

96 duly registered by the board of registration of certified short-
97 hand reporters, shall be punished by a fine of not less than
98 fifty dollars nor more than five hundred dollars, or by im-
99 prisonment for not more than six months, or both. Nothing in
100 this section shall be construed to prohibit any person not
101 holding a certificate from acting as a shorthand reporter in a
102 single proceeding on a temporary basis when a certified short-
103 hand reporter is unavailable, nor to prohibit a student from
104 taking part in an in-court training program under the direct
105 supervision of a certified shorthand reporter.

1 SECTION 3. In making original appointments to the board
2 of registration of certified shorthand reporters established by
3 section seventy-six of chapter thirteen of the General Laws
4 inserted by section one of this act, the Governor shall, within
5 ninety days of the effective date of this act, appoint one
6 member for a term of five years, one for a term of four years,
7 one for a term of three years, one for a term of two years, and
8 one for a term of one year, respectively, as he may designate.
9 Each member so appointed shall receive a certificate of registra-
10 tion under this act. Within thirty days of appointment and
11 qualification, the board shall meet and organize and shall con-
12 duct such business as it may deem necessary.

1 SECTION 4. Notwithstanding the provisions of section
2 eighty-seven CCCC to eighty-seven KKKK, inclusive, of chapter
3 one hundred and twelve of the General Laws, inserted by
4 section two of this act, any person over the age of twenty-one,
5 who files an application for a certificate of registration with
6 the board of registration of certified shorthand reporters at any
7 time prior to September first, nineteen hundred and seventy-
8 four, on a form furnished by said board, containing a written
9 statement that he has been engaged in the practice of short-
10 hand reporting for a least one year in the Commonwealth on
11 the date of said application and furnished evidence that he is
12 and is found to be of good moral character, and pays the
13 appropriate fee as provided in section eighty-seven FFFF, shall,
14 without examination or compliance with any other provisions
15 of sections eighty-seven CCCC to eighty-seven KKKK, inclusive,
16 be granted and issued such certificate by the board.

By the Committee on the Judiciary, of the Senate, and the Committee on the Judiciary, of the House of Representatives, in response to a resolution of the Senate, passed July 1, 1902, and a resolution of the House of Representatives, passed July 1, 1902.

The Constitution of the United States

Article III, Section 2, Clause 2

IN SENATE, JULY 1, 1902.

REPORT OF THE SENATE AND HOUSE COMMITTEES ON THE JUDICIARY, IN RESPONSE TO A RESOLUTION OF THE SENATE, PASSED JULY 1, 1902, AND A RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED JULY 1, 1902.

THE SENATE AND HOUSE COMMITTEES ON THE JUDICIARY, IN RESPONSE TO A RESOLUTION OF THE SENATE, PASSED JULY 1, 1902, AND A RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED JULY 1, 1902.

