

NOTICE OF COMMENT PERIOD

On April 3, 2019, the proposed amendments to Neb. Ct. R. § 1-204 entitled “General qualifications and definitions,” recommended by the State Court Administrator’s Office, were considered by the Nebraska Supreme Court. The Nebraska Supreme Court directed that the proposed rule amendments be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed rule amendments. Anyone desiring to comment on the proposed rule amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to wendy.wussow@nebraska.gov, no later than May 17, 2019.

The full text of the proposed rule amendments is available below, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

CHAPTER 1: ADMINISTRATIVE OPERATIONS

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Article 2: Court Reporting Personnel.

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§ 1-204. General qualifications and definitions.

(A)(1) Court reporting personnel. Court reporting personnel shall include official court reporters, courtroom clerks, and other court personnel as defined in § 1-204(A)(4) who, in whole or in part according to the terms of their employment, make, preserve, transcribe, and deliver the record of any trial and other proceeding in any district or separate juvenile court of Nebraska.

(2) Official court reporter. An official court reporter shall be competent in the making, preserving, transcribing, and delivery of a verbatim record of trial and other proceedings through the use of ~~either pen or~~ machine shorthand or the use of multi-track recorders supplemented by logging procedures. An official court reporter shall meet ~~either all of~~ the qualifications set forth in § 1-204(B)(1) and (2) or the qualifications in 1-204(B)(3).

(3) Courtroom clerk. A courtroom clerk shall be an individual employed by the court to record testimony by the use of digital recording equipment supplemented by logging procedures. A courtroom clerk shall be competent in the making and preserving of a verbatim record of a trial and other proceedings and shall meet the qualifications set forth in § 1-204(E).

(4) Other court personnel. For purposes of these rules, “other court personnel” shall mean persons employed within the Nebraska court system who are under the control or supervision of the Nebraska Supreme Court or the designating judge and who have been trained in the use of digital recording equipment and meet the qualifications set forth in § 1-204(E).

(B)(1) One’s professional competence to serve as ~~an~~ a machine shorthand official court reporter shall be demonstrated by having passed an examination conducted by such entities as the State Court Administrator may from time to time designate, which tests one’s reporting skills and knowledge of

spelling, grammar, and the reporting craft. The skills portion of the examination shall require the reporter, in the case of one using pen or machine shorthand, to report and transcribe, ~~and in the case of one using a multi-track recorder to record and transcribe,~~ each of three items of dictation consisting of (i) literary material, (ii) jury instructions, and (iii) two-voice testimony. Each dictation segment shall be of 5 minutes duration. In the case of one using pen or machine shorthand, the literary material must be reported at a rate of not less than 180 words per minute, the jury charge at not less than 200 words per minute, and the two-voice testimony at not less than 225 words per minute.

(2) All of the dictated material must be transcribed with 95 percent accuracy in a period of not more than 3½ hours, during which time a dictionary may be used. In grading this portion of the test, a maximum of 45 errors is permitted on the literary material, a maximum of 50 errors is permitted on the jury charge, and a maximum of 57 errors is permitted on the two-voice testimony. The knowledge portion of the examination shall consist of not less than 100 written multiple-choice questions and must be passed with a score of not less than 70 percent in a period of time as determined by the examiner, but no more than 90 minutes per 100 questions. A dictionary may not be used during this portion of the examination.

(3) In the case of one using a multi-track recorder to record and transcribe, the requirements include creating a transcript from a mock court proceeding recorded on four channel digital software. The transcript will be approximately 10 to 20 pages, including the title, index, and certification page. In order to pass, there must be 98 percent accuracy. Both the AAERT Certified Electronic Court Reporter test (CER) and the AAERT Certified Transcriber test (CET) must be passed to be classified as an official court reporter.

(C) No applicant for a position as an official court reporter may hereafter be initially appointed or reappointed following the taking of office by a judge succeeding the judge making the initial appointment unless the applicant shall first have met the above testing requirements.

(D) After employment, an official court reporter may be required to undergo reexamination through testing substantially similar to that described in § 1-204(B) any time upon the request of the appointing judge, the Nebraska Court of Appeals, or the Nebraska Supreme Court. Failure to pass the reexamination shall constitute cause for the immediate discharge of the official court reporter from employment.

(E) One's professional competence to serve as a courtroom clerk shall be demonstrated by the following minimum criteria and competency requirements:

- (1) successful completion of training on use and maintenance of digital recording equipment;
- (2) ability to promptly diagnose and correct routine malfunctions;
- (3) proficiency in note taking and logging procedures;
- (4) knowledge of courtroom procedures and legal vocabulary; and
- (5) knowledge of the proper admission of exhibits to be included in the bill of exceptions.

(F) After employment, the courtroom clerk may be required to undergo a competency evaluation based on the criteria found in § 1-204(E) at any time upon the request of the judge, the Nebraska Court of Appeals, or the Nebraska Supreme Court. Failure to meet such competency criteria shall constitute cause for action pursuant to the Nebraska Supreme Court Personnel Policies & Procedures.