

Court Reporters Certification Board

Self Evaluation Report

**Submitted to Sunset Advisory Commission
August 17, 2001**

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COURT REPORTERS CERTIFICATION BOARD Self-Evaluation Report

I. Key Functions, Powers, and Duties

Please provide the following information about the overall operations of the agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

MISSION OVERVIEW: The mission of the Court Reporters Certification Board (hereinafter "Board") is to certify to the Supreme Court qualified court reporters upon successful completion of the state exam, addressing the needs and expectations of the public through statewide certification and accountability.

KEY FUNCTIONS AND POWERS:

- Administer the state court reporter exam on a quarterly basis and certify to the Texas Supreme Court, based on successful completion of the exam, those individuals who are qualified to practice court reporting in the State of Texas. Section 52.021(g), Texas Government Code, gives the Board the authority to seek an injunction or file a complaint against any person not certified in the district court in which that person resides, in addition to any other action or remedy authorized by law. Renewal of certifications is based on a two-year cycle.
- Conduct hearings on complaints filed against certified court reporters. Per Senate Bill 1223 effective September 1, 2001, the agency will also have jurisdiction over court reporting firms in this regard.
- Registration of court reporting firms. Per Senate Bill 1223, effective September 1, 2001, renewal of registrations is based on a two-year cycle.
- Approve curriculums for court reporter proprietary schools (Section 32.33, Education Code) and for technical institutes and public community colleges (Section 61.051, Education Code).
- Approve continuing education courses for certified court reporters. Effective with legislation passed in 1995, HB 637, ten hours of continuing education is required for a court reporter to renew their certification every two years.

DUTIES OF THE AGENCY:

- Administer the court reporter examination to applicants whose eligibility to sit for the exam has been determined through the qualification process. The agency certifies to the Supreme Court those individuals qualified to practice court reporting in the state, based on the successful results of the examination.
- Set fees, subject to approval by the Supreme Court, and collect fees relative to agency functions. Per Senate Bill 1223, effective September 1, 2001, court-reporting firms are also subject in this regard.
- Handle complaints filed against court reporters through a preliminary and formal hearing process, which may include disciplinary action by the Board. The agency will also have jurisdiction over court reporting firms effective September 1, 2001, per Senate Bill 1223.
- Registration and renewal of registrations for court reporting firms. These provisions were amended in Senate Bill 1223, effective September 1, 2001. to give the agency the authority to renew firm registrations.
- Process certification renewals for court reporters based on a two-year cycle. Effective with

legislation passed in 1997, ten (10) hours of continuing education was required for renewals.

- Approve court reporter curriculums for proprietary and public schools. This may also include writing curriculums by the court reporter members who sit on the Board.
- Approve continuing education courses submitted by sponsors.

The Board operates under Chapter 52 of the Texas Government Code and the Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court of Texas. The Board has jurisdiction over approximately 3000 certified court reporters and 270 registered court reporting firms in the state.

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

Statewide certification of court reporters and renewal of certifications every two years, ensures a standard of excellence is adhered to by those individuals engaged in the practice of court reporting. The public deserves an accurate and impartial record of legal proceedings to assist in the execution of justice in a fair and expedient manner. The impact of legal proceedings on people's lives cannot be underestimated. Nationwide, Texas is recognized as a beacon state in providing an exceptional quality of service to its citizens through licensing and regulation of its occupational professions.

The complaint function provides a forum for allegations of misconduct, concerning court reporters or court reporting firms in fiscal year 2002, to be heard by the Board. If the Board determines a violation of the law has occurred, the Board has the authority to take disciplinary action on the matter. Disciplinary actions can include a reprimand, a number of hours of continuing education be completed, successful completion of the state exam, suspension of a certification or registration, and in severe cases, revocation of a certification or registration. This function ensures court reporters and firms are accountable to the public and adhere to state law.

Registration of court reporting firms and renewal of registrations every two years, levels the playing field by ensuring occupational firms, both business owned and court reporter owned, are subject to the same laws, rules and regulations as individual court reporters, with the same level of accountability to the public.

Board approval of court reporter curriculums is done in conjunction with approvals by; 1) the Higher Education Coordinating Board, for public schools, and 2) the Texas Workforce Commission, for proprietary schools. Court reporter Board members approve and may assist in preparing curriculums for court reporter programs in schools throughout Texas. Input from experienced court reporters, who also have a state government perspective from sitting on the Board, are invaluable to the process. Approved curriculums effectively train students in the court reporting profession and provide a basis to acquire the manual skills necessary to successfully complete the state exam and transition from a school environment to a workplace environment.

Continuing education legislation was passed in the 74th session, HB 637. This legislation authorized the agency; 1) to approve the content of continuing education courses and 2) to require a minimum number of hours of continuing education be completed in order for court reporters to renew their

certification. It is imperative this function exist for court reporters to stay abreast of current developments in their field, for example, in the areas of technology and ethics, thereby exhibiting the highest degree of professionalism in their chosen occupation. Furthermore, continuing education is necessary to maintain the level of excellence for services rendered that the public has come to expect of state government regulated entities.

Federal law does not apply to any of the functions of the Court Reporters Certification Board.

D. In general, how do other states carry out similar functions?

Operations vary widely from state to state. There are at least twenty-five states that have a statewide certification program for court reporters. Other states may not regulate the occupation at all or require certification at a national level. The National Court Reporters Association administers court reporter exams at a national level. The Court Reporters Board of California, who has one of the largest licensee populations at 8,000, was established in 1951. Many other state programs were established during the 1970's. Arizona recently established their program in July 2000. Length of certification periods in other states run anywhere from one to three years. Some programs are administered by a separate state agency and others are a division of a larger agency. The functions of the programs are relatively the same, administration of the examination and a forum in which to handle complaints of professional misconduct. The membership of the governing bodies in other states are generally comparable to Texas and include judges, court reporters, attorneys and public members, with the exception of California who has the least Board members at five (5); three (3) public members and two (2) court reporters. However, California's complaint function involves other state agencies to a great extent, the Department of Consumer Affairs conducts investigations and if there is a determination of misconduct, a complaint is then filed with the Attorney General's office. In many other states, as in Texas, the governing bodies conduct hearings for allegations of professional misconduct and may impose sanctions accordingly.

Comparison of the Court Reporters Certification Board with Similar Functions in Other States

The charts below are based on statistics from five states, including Texas, for fiscal year 2000.

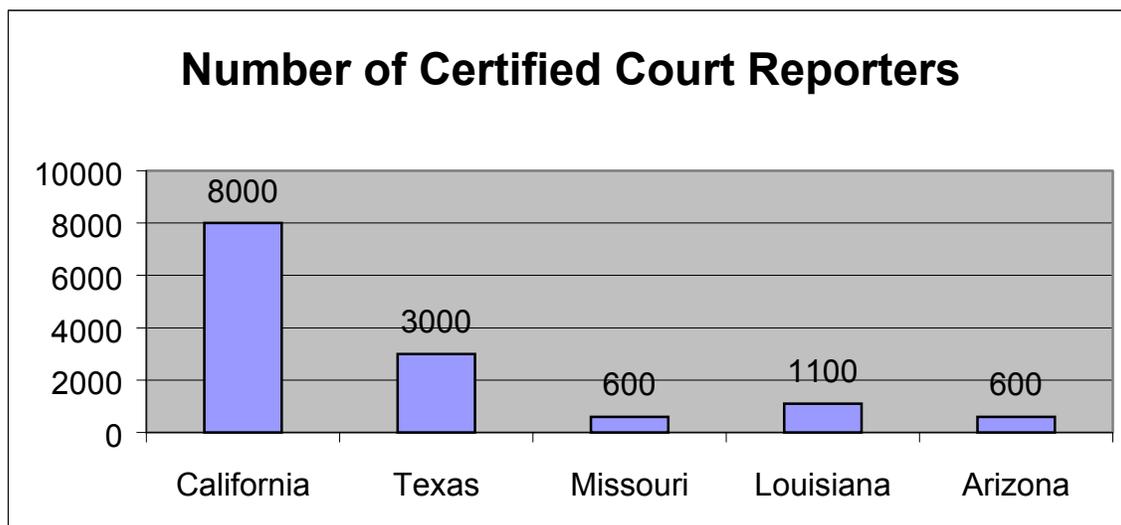


CHART 1 (above): The figures stated represent the total number of certified court reporters in that state in 2000.

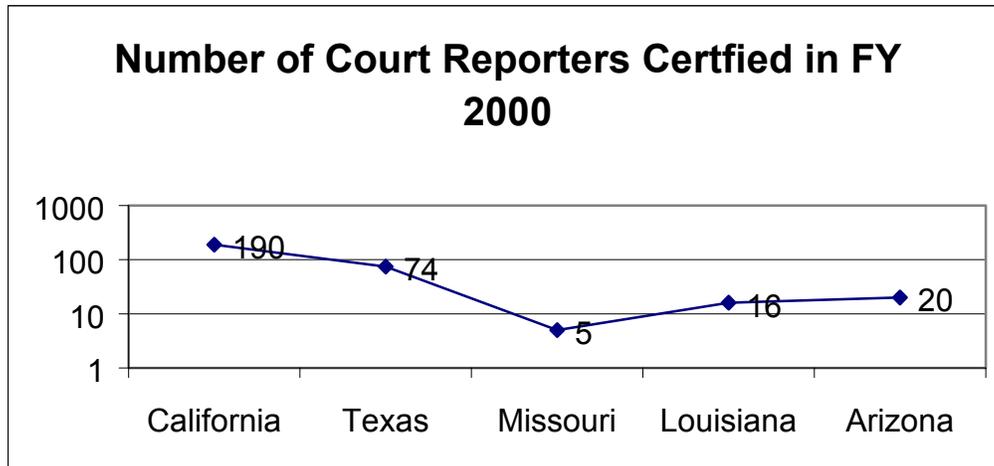


CHART 2 (above): These figures represent the total number of new certifications issued per state in 2000.

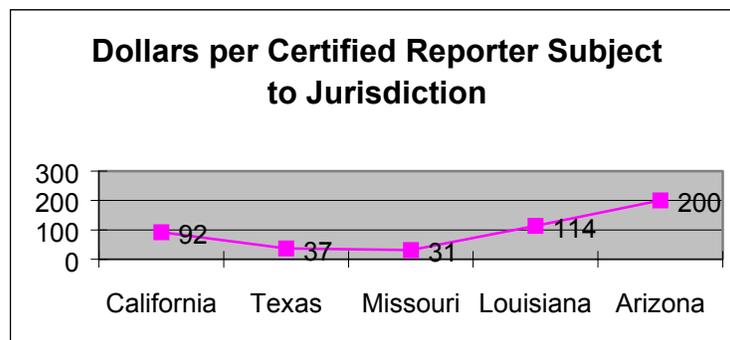


CHART 3 (above): The dollar amounts were calculated by dividing the agency’s total appropriations for 2000, by the court reporter population served.

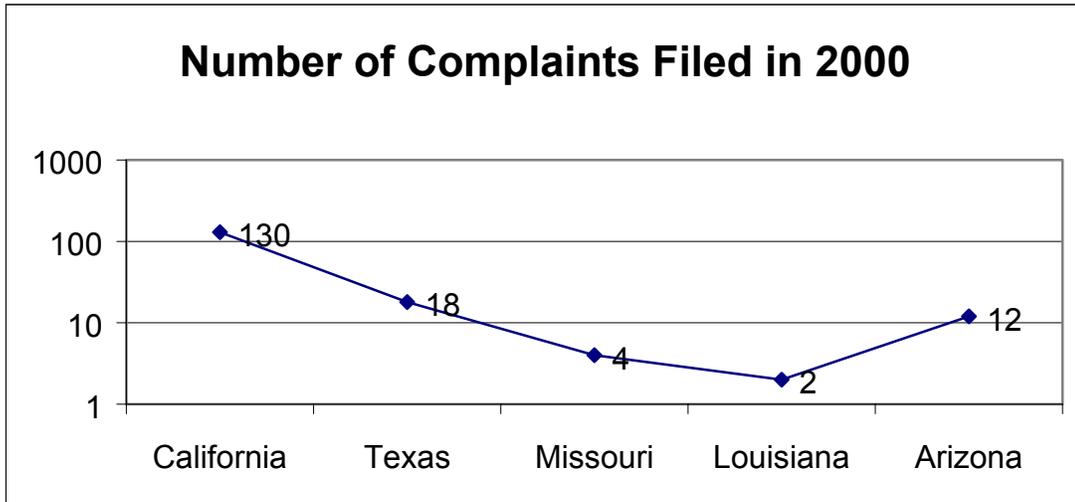


CHART 4 (above): These figures represent the total number of complaints filed against court reporters in 2000.

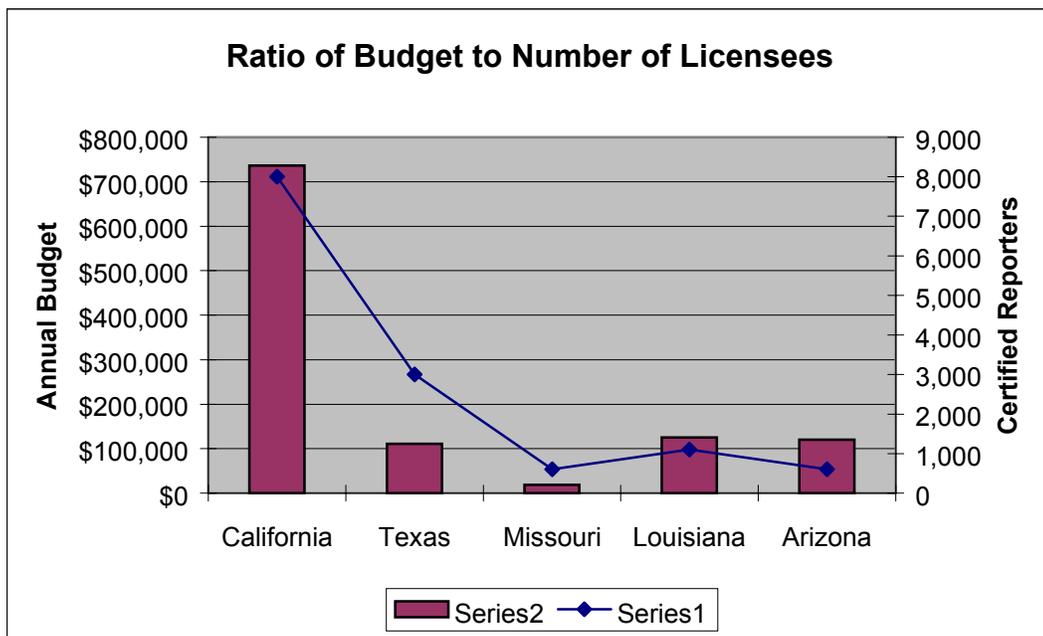


Chart 5 (above): These figures compare state budgets against number of licensees supported.

E. Describe any major agency functions that are outsourced.

The agency does not outsource major functions. Due to an extremely small staff of three (3) full-time administrative employees, management has determined it is cost effective and necessary to outsource the following tasks; 1) Preparation and dictation of the oral skills test, Part A of the court reporters exam. The written portion, Part B, is generated from the Access database test bank. The agency administers the court reporters exam quarterly. 2) Preparation of the agency’s Annual Financial Report. The agency does not require a full-time accountant so accordingly, this task is contracted out to an accounting firm, 3) Programming for the Access database. The Office of Court Administration provides limited computer support for the Board which does not include the agency’s database.

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency’s key functions.

There are no anticipated changes in federal law and outstanding court cases that would impact the Board’s key functions.

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Open Records Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1997 – 2001, or earlier significant Attorney General opinions, that affect the agency’s operations.

Court Reporters Certification Board Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Texas Government Code, Chapter 52	Provides authority to license and regulate court reporters and court reporting firms, including certification and registration, disciplinary action, education, assess and collect fees (pending approval by Supreme Court)
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
None	None

H. Please fill in the following chart:

(Court Reporters Certification Board Exhibit 2: Agency Contacts			
	Name	Address	Telephone Number Fax Number E-mail Address
Agency Head	Michele L. Henricks	P.O. Box 13131 Austin, TX 78711-3131	(512) 463-1747 (512) 463-1117 Michele.henricks@crCb.state.tx.us
Agency's Sunset Liaison	Michele L. Henricks	P.O. Box 13131 Austin, TX 78711-3131	(512) 463-1747 (512) 463-1117 Michele.henricks@crCb.state.tx.us

III. History and Major Events

Provide a timeline discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- the date the agency was established;
- the original purpose and responsibilities of the agency;
- major changes in responsibilities or statutory authority;
- agency/policymaking body name and composition changes;
- the impact of state/federal legislation, mandates, and funding;
- the impact of significant state/federal litigation that specifically affects the agency's operations; and
- key organizational events and areas of change and impact on the agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

See History and Major Events Examples.

- **In 1914**, Acts 1911, Vernon's Civil Statutes, "...for the purpose of preserving a record..." active judges of district courts appoint official shorthand reporters that are well skilled in their profession. Appointed reporters are sworn in as officers of the court.
- **In 1925**, Article 2321, requires each District and Criminal District Judge to appoint an official court reporter as a sworn officer of the court and assigns three (3) attorneys to examine the court reporter as to competency. A "Certificate of Facts" is furnished as proof of competency once the reporter passes a brief exam, at a writing rate of 175 words per minute, transcribed with accuracy. Official stenographers with a work history of not less than two years in the court, are exempted from taking the exam.
- **On August 29, 1977**, SB 586, the 65th Legislature establishes the **Texas Court Reporters Committee** under the provisions of Article 2324b, V.T.C.S. and amends Article 2321, for the purpose of certifying to the Supreme Court those individuals qualified to practice court reporting in the state of Texas based on successful completion of the state examination. The **Committee** is comprised of one (1) active district judge as chair, two (2) active attorneys, three (3) active official court reporters, three(3) active freelance court reporters. Regular terms of office are established at six (6) years. The act provides for examination and fees, renewal procedures and

fees, grievance procedures and revocation of certifications for unprofessional conduct or other causes. SB586, Sec.16(c), “On certification a court reporter may use the title Court Shorthand Reporter and the abbreviation “CSR”. There is a provision allowing practicing court reporters to be “grand-fathered” in and certified to the Supreme Court, without sitting for the exam, upon submission of proof that they have been actively engaged in the practice of shorthand reporting prior to the effective date of this legislation, and after approval by the committee.

- **In 1983**, the **68th** Legislature expands the total membership of the Board from nine (9) persons to twelve (12) persons to include three (3) public members. The Texas Court Reporters Committee is changed to the **Texas Court Reporters Certification Board**. An amendment is adopted that provides for certification by authorized methods of shorthand reporting; 1) machine shorthand, 2) oral stenography, 3) written shorthand. Applicants are now required to pass the exam using the method in which certification is sought. The disciplinary power of the Board is expanded to include reprimands and suspension of certifications of court reporters, in addition to the power to revoke certification.
- **In 1985**, the **69th** Legislature repeals Articles 2321 to 2324b, relating to court reporters, and re-enacts them in Title 2, Judicial Branch, Chapter 52 of the Texas Government Code. A separate staff is established for the Board, to conduct administrative tasks previously done by the Office of Court Administration and one full-time Board staff employee.
- **In 1993**, the **73rd** Legislature authorizes the Board to approve court reporter curriculums in proprietary schools, technical institutes and public community colleges. The Legislature also authorizes the Board to seek injunctions against individuals who pose as certified court reporters in Texas. No additional funding is appropriated for these responsibilities. Voluntary Task Force members, pay their own way and meet a total of five times to adopt a core curriculum for court reporting programs that are approved by the Board.
- **In 1995**, the **74th** Legislature authorizes the Board to adopt rules, pending approval from the Supreme Court, relating to non-renewal of certification of a court reporter who is in default of a student loan, and relating to continuing education for certified court reporters. No additional funding is appropriated for the continuing education program.
- **In 1997**, the **75th** Legislature, SB 646, mandates court reporting firms are to register with the Board and follow the same rules applicable to individual court reporters. Attorney General Opinion, No. JC-0096, dated August 23, 1999, states the Legislature did not provide a method for the Board to enforce its rules against court reporting firms, therefore the only mandatory duty the Board has is to accept registration applications from court reporting firms and should seek clarification of legislative intent in the next session. The Board receives \$18,000 per year in additional funding to implement the continuing education program, contingent on increasing renewal fees, which is approved by the Supreme Court in April 1998.
- **In 1999**, the **76th** Legislature, SB 424, deletes language relating to typewriters to allow the use of computers at Part A, the oral skills test. A rider in the amount of \$6,485 is appropriated to implement this legislation, contingent on increasing exam fees, which is approved by the Supreme Court in January 2000.
- **In 2001**, the **77th** Legislature, SB 1223, changes the composition of the Board to include two members from court reporting firms, allowing for a more diverse representation on the board. Three official and three freelance court reporters will be reduced to two official and two freelance court reporters when current members’ terms expire. The two court reporter members will be replaced by two court reporting firm owners, one business non-court reporter owned firm and one court reporter owned firm. The addition of a fourth public member, increasing the total number of Board members from twelve to thirteen, was necessary to comply with the requirement that public members make up one-third of the Board. The error occurred in 1983 when the Board expanded from nine to twelve members, adding three public members instead of the required four. The bill also clarifies the legislative intent of the 75th session regarding the Board’s authority over

court reporting firms. This bill gives the Board the same authority over court reporting firms that it has over individual court reporters, in the matters of registration, renewals and complaints. A contingency rider, Article IX, Section 10.93, provides funding to implement this legislation. A proposal by the Board to assess fees for court reporting firms is in the process of being presented to the Supreme Court for approval.

SB 645 establishes a common electronic licensing system via the Internet for all licensing agencies to be implemented in phases. The Department of Information Resources is administering the program and a schedule will be distributed to licensing agencies in the spring of 2002.

HB 609 amends provisions relating to internal auditing of state agencies to require all agencies to comply. Prior to passage of this legislation, small and midsize agencies were exempt from this requirement. No additional funding was provided.

SB 1 appropriates \$93,061 to the Board in additional funding for the 2002-03 biennium to address the following 1)staffing issues that surfaced in 2000-01, to include authorization to increase the agency’s FTE count from 3.0 to 3.5, bringing the accounting function back in-house to be handled by a part-time accountant as was done in prior years, 2)increase in the exam room rental fee, 3)increase in travel costs due to appointments of new Board members headquartered outside the Austin area, 4)restore \$12,605 lapsed in fiscal year 2000 due to staff vacancies. The additional funding is contingent on the agency increasing renewal fees pending approval by the Supreme Court.

III. Policymaking Structure

A. Please complete the following chart:

Court Reporters Certification Board Exhibit 3: Policymaking Body				
Member Name	Term/ Appointment Dates/ Appointed by ____ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	Address	Telephone Number Fax Number E-mail Address
Hon. Frank Montalvo	06/20/01 – 12/31/06 (Supreme Court)	Judge, 188 th District Court	Bexar County Courthouse San Antonio, TX 78205	(210)335-2663
Michael Cohen	12/10/96 - 12/31/01 (Supreme Court)	District Attorney, Bexar County	District Attorney Bexar County Justice Center 300 Dolorosa St. San Antonio, TX 78205	(210)335-2311 (210)335-2921

Kent Sullivan	03/10/99 - 12/31/05 (Supreme Court)	Attorney at Law	Lanier,Parker &Sullivan,P.C. Four Houston Ctr. Ste. 1550 1331 Lamar St. Houston, TX 77010	(713)659-5200 (713)659-2204
Albert Alvarez	03/10/99 - 12/31/05 (Supreme Court)	Official Court Reporter	345 th Judicial District Court P.O. Box 1748 Austin, TX 78767-1748	(512)473-9373 (512)473-9332
Barbara Chumley	02/25/00 - 12/31/02 (Supreme Court)	Official Court Reporter	164 th Judicial District Court 1019 Congress 16 th Floor Houston, TX 77002	(713)755-6319 (713)755-5495
Judy Miller	01/17/01 - 12/31/06 (Supreme Court)	Official Court Reporter	Criminal District Court 3 401 W. Belknap Fort Worth, TX 76196	(817)884-1359 (817)884-1404
Anna Renken	11/27/00 - 12/31/05 (Supreme Court)	Freelance Court Reporter	10100 Reunion Center, Ste. 310 San Antonio, TX 78213	(512)323-0626 (512)323-0727
Monica Miller	12/10/96 - 12/31/01 (Supreme Court)	Freelance Court Reporter	600 N. Pearl St. Ste. 640 Dallas, TX 75201	(214)220-2449 (214)220-2777
Kim Tindall	01/17/01 - 12/31/06 (Supreme Court)	Freelance Court Reporter	7800 IH 10 West #100 San Antonio, TX 78230-4768	(210)377-3027 (210)344-6016
Sara Dolph	03/10/99 - 12/31/05 (Supreme Court)	Certified Public Accountant, Public Member	P.O. Box 92825 Austin, TX 78709	(512)288-8444 (512)894-3312
Lou O'Hanlon	12/10/96 - 12/31/01 (Supreme Court)	Citizen, Public Member	98 San Jacinto Blve, Ste. #700 Austin, TX 78701	(512)457-1083 (512)457-9263

B. How is the chair of the policymaking body appointed?

The chair of the Court Reporters Certification Board is appointed by the Texas Supreme Court.

C. Describe the primary role and responsibilities of the policymaking body.

The Court Reporters Certification Board has two primary roles; 1) administer the quarterly court reporters examination to include the following related duties; serve as proctors at the exam site, review the exams for conformance to national and state standards and guidelines, grade the exams, conduct re-grades and reviews of exams upon request by examinees 2) enforcement of

standards of conduct for court reporters pursuant to *Chapter 52, Texas Government Code*, and the *Standards and Rules for Shorthand Reporters as Promulgated by the Supreme Court of Texas*, to include taking appropriate disciplinary action when it is determined a violation has occurred. Disciplinary actions may include continuing education, reprimands, sanctions, suspension and revocation of certification. Effective September 1, 2001, this responsibility will be expanded to include court reporting *firms*.

The Board carries out many of their responsibilities through committees, with the committee members appointed by the chairman of the Board.

Authority is delegated by the Board to the executive director for the purpose of carrying out the general operations of the agency. In this role the Board serves in an oversight capacity.

D. List any special circumstances or unique features about the policymaking body or its responsibilities.

The Board was created by statute and is the governing body for a regulatory licensing agency in the Judicial branch of state government pursuant to *Chapter 52, Texas Government Code*, and the *Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court of Texas*. Board members are appointed by the Texas Supreme Court, who serves as the rulemaking authority for the Board. Approximately half of the Board is comprised of court reporters, whose duties relating to the court reporter exam are directly related to the agency's mission. The Board was created as an independent body to provide a forum where allegations of misconduct by court reporters could be reviewed and the appropriate disciplinary action taken if it is determined a violation did occur.

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2000? In FY 2001?

In general, the Board meets quarterly, four (4) times a year, the day after the court reporters examination. The Board met five (5) times in FY 2000 due to the hiring of a new Executive Director which necessitated bringing the Board to Austin in May 2001, to interview prospective candidates. In FY 2001, the Board met three (3) times. The April 2001 meeting was cancelled due to the rescheduling of two (2) formal hearings requested by parties involved. The administrative matters pending did not warrant the travel expense that would be incurred for the Board to meet.

F. What type of training do the agency's policymaking body members receive?

Once appointed by the Supreme Court, Board members receive an orientation packet, which includes the Board's enabling statute, rules and regulations, a summary of the history of the Board, minutes from previous meetings, information on the Board's functions and general information relevant to serving on Boards and Commissions of state agencies. In-house training relating to administrative matters affecting state agencies in general is provided at Board meetings. Other in-house training is provided to new members by current members and departing members, on a one-on-one basis, as new members assume responsibilities delegated to committees. An example would be responsibilities related to the exam function. Information on training sessions geared to Board and Commission members, sponsored by the Attorney General's Office and the Governor's office,

are provided and arrangements made to attend if requested.

G. Does the agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, please describe these policies.

The respective roles of the Board and staff in running the agency are determined within the guidelines of the agency’s enabling statute, Chapter 52 of the *Texas Government Code*, and the *Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court*.

Staff serves in an administrative capacity regarding the operations of the agency. The Board serves in an oversight capacity, delegating authority to the executive director to carry out the responsibilities associated with the general operations of the agency to include budget responsibilities. The staff coordinates the exams and Board meetings, the forum in which complaints are heard, and handles administrative duties related to same. Staff also assists the Board as proctors at the exams. The Board determines instances of misconduct and guides staff in handling of complaint cases.

H. If the policymaking body uses subcommittees or advisory committees to carry out its duties, please fill in the following chart. See [Exhibit 4 Example](#).

Court Reporters Certification Board			
Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
Administrative Committee	Usually, three (3) or less members/Historically, court reporter members residing in Austin and the Board Chairman/The Board Chairman appoints	To act for the full Board in minor administrative decisions	
Budget Committee	One member/The Certified Public Accountant Board Member/The Board Chairman appoints	To review budgetary matters and act for full Board in minor budgetary decisions	
Continuing Education Committee	Several court reporter members/The Board Chairman appoints	To approve applications for course approval of continuing education sponsors, approve waiver requests, and to act for the full Board in resolving minor continuing education-related issues	
Court Reporting School Curriculum Committee	Several court reporter members and the Board Chairman/The Board Chairman appoints	To approve the curriculum for court reporter proprietary schools and court reporter programs in technical institutes and public community colleges, and to act for the full Board in minor curriculum-related issues.	

Legislative Committee	Board members interested in the political process and the Board Chairman/The Board Chairman appoints	To review legislative issues and act for the full Board in minor legislative matters	
Re-Grade Committee	Six (6) court reporter board members/The Board Chairman appoints	To re-grade examinations upon applicant request, conduct any personal reviews of examination requested after re-grade and act for full Board in minor re-grade issues.	
Review Committee	Two (2) court reporter Board members/The Board Chairman appoints	To review applications for reinstatement and other matters involving the review process including acting for full Board in recommending individuals for reinstatement and other review-related matters	
Testing Committee	All six (6) court reporter members/The Board Chairman appoints	To approve examination material, administer tests, grade examinations, decide minor testing issues and act for the full Board in minor testing related matters.	

I. How does the policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of the agency?

The Supreme Court is the rulemaking authority for the Board. Input received by the Board from the public on issues under the jurisdiction of the Board, that cannot be handled administratively, are received by staff and/or Board members and addressed at quarterly Board meetings. These meetings are subject to the Open Meetings Act and the public may attend the meetings to provide information on a specific topic. Those issues on which the Board takes action that require a rule change, are submitted in the form of a proposal to the Supreme Court for approval. Once the proposal has been approved and changes adopted by the Supreme Court, the agency implements the changes accordingly as set forth in the *Standards and Rules as Promulgated by the Supreme Court*. Those issues on which the Board takes action that do not require a rule change are directed to staff to handle the logistics of implementation with guidance by the Board if necessary.

The Board has the statutory responsibility to conduct hearings on complaints filed against court reporters, and effective September 1, 2001, against firms. The agency is thereby authorized to receive information, conduct an investigation and make a determination based on information received by the agency. To carry out its statutory responsibilities, the agency may initiate an investigation of misconduct based on information received from various sources, including but not limited to the public, associations, or members of the profession. The hearings are conducted at Board meetings subject to the Open Meetings Act which the public may attend and provide information at the discretion of the Board.

Some of the channels by which input is received from the public are; 1) Surveys distributed at the exam

site and enclosed in annual renewal packets for the purpose of obtaining feedback from the public on the agency’s performance, 2)fax, mail and e-mail, 3)national and state court reporters associations, 4)news publications. The agency website is maintained and updated regularly by staff as a source of information on the Board and current issues.

IV. Funding

A. Describe the agency’s process for determining budgetary needs and priorities.

The agency uses agency legislation, tracked performance measures, historical data and forecasting to determine budgetary needs and priorities. For example, in 2001, 77th Session, the Board requested and received additional funding in the amount of \$7,000 for the 2002-03 biennium for the projected additional travel expense anticipated due to the appointment of three (3) new Board members, not headquartered in Austin, who replaced three (3) Austin based Board members for which no travel expenses were incurred in prior years. The travel budget for fiscal years 2002-03 was increased accordingly. Because the Board is required, by statute, to investigate allegations of misconduct by court reporters, and court reporting firms effective 9/1/2001, and complaints can only be resolved by the Board at quarterly Board meetings, the travel budget is a top priority. The travel budget also impacts the court reporter exam, also mandated by statute, requiring the court reporter Board members to come into Austin the day before the Board meeting to administer the exam. In fiscal year 2001, the increase in the efficiency measure, “Average Licensing Cost per Individual License Issued” can be attributed in part to this increase in travel expense.

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency’s sources of revenue. Please include all local, state, and federal sources. See [Exhibit 5 Example](#).

Court Reporters Certification Board Exhibit 5: Sources of Revenue – Fiscal Year 2000 (Actual)	
Source	Amount
General Revenue	\$224,715
Appropriated Receipts	\$306
TOTAL	\$225,021

C. If you receive funds from multiple federal programs, show the types of federal funding sources. See [Exhibit 6 Example](#).

Court Reporters Certification Board Exhibit 6: Federal Funds — Fiscal Year 2000 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				
TOTAL				

D. Show the agency’s expenditures by strategy. See [Exhibit 7 Example](#).

Court Reporters Certification Board Exhibit 7: Expenditures by Strategy — Fiscal Year 2000 (Actual)	
Goal/Strategy	Amount
Examination and Certification	\$122,018
GRAND TOTAL:	\$122,018

E. Show the agency’s expenditures and FTEs by program. See [Exhibit 8 Example](#)

Court Reporters Certification Board Exhibit 8: Expenditures and FTEs by Program — Fiscal Year 2000 (Actual)					
Program	Budgeted FTEs, FY 2000	Actual FTEs as of August 31, 2000	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Examination and Certification	3.0	2.0	N/A	\$122,018	\$122,018
TOTAL	3.0	2.0	N/A	\$122,018	\$122,018

F. If applicable, please provide information on fees collected by the agency. See [Exhibit 9 Example](#).

Court Reporters Certification Board				
Exhibit 9: Fee Revenue and Statutory Fee Levels — Fiscal Year 2000				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
NOTE: Fees not statutory/In Standards and Rules as Promulgated by the Supreme Court				General Revenue Fund
Oral Test (Sept 99 – Feb 00)	\$75/ /N/A	140	\$10,500	General Revenue Fund
Oral Test (March – Aug. 00)	\$100/ /N/A	127	\$12,700	General Revenue Fund
Oral & Written Test(Sept 99-Feb 00)	\$75 /N/A	16	\$1,200	General Revenue Fund
Oral & Written Test (March-Aug. 00)	\$100 /N/A	22	\$2,200	General Revenue Fund
Written Test	\$50 /N/A	121	\$6,050	General Revenue Fund
Certification Fee	\$85 /N/A	94	\$7,990	General Revenue Fund
Renewal Fees	\$150/2 yrs /N/A	1,221	\$183,150	General Revenue Fund
Penalty Fee	\$100 /N/A	4	\$400	General Revenue Fund
Re-examination Fee	\$100 oral \$50 written /N/A	N/A N/A	N/A N/A	General Revenue Fund
Re-grading Fee	\$35 /N/A	15	\$525	General Revenue Fund

Please fill in the following chart. See [Exhibit 10 Example](#).

Court Reporters Certification Board				
Exhibit 10: Purchases from HUBs				
FISCAL YEAR 1998				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	0	0	0%	20.0%
Other Services	\$2,604	\$888	34.10%	33.0%
Commodities	\$7,783	\$499	6.41%	12.6%
TOTAL	\$10,387	\$1,387	13.4%	
FISCAL YEAR 1999				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	0	0	0%	20.0%
Other Services	\$7,085	\$1,020	14.4%	33.0%
Commodities	\$12,324	\$1,245	10.1%	12.6%
TOTAL	\$19,409	\$2,265	11.7%	
FISCAL YEAR 2000				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	N/A	N/A	N/A	11.9%
Building Construction	N/A	N/A	N/A	26.1%
Special Trade	N/A	N/A	N/A	57.2%
Professional Services	0	0	0.0%	20.0%
Other Services	\$2,687	\$756	28.2%	33.0%
Commodities	\$5,093	\$1,239	24.4%	12.6%
TOTAL	\$7,780	\$1,995	25.6%	

H. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

The agency does not have a HUB policy per se, but strives to meet established statewide HUB goals. Any inability to meet said goals can be attributed to the low volume of purchases made by a small agency. One purchase in a defined category can cause the agency to fall short of meeting the statewide goal if a HUB is not available to provide the item or service needed. The agency continues to actively seek HUB vendors on those purchases where the agency can exercise this option.

V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices. See [Exhibit 11 Example](#).

Court Reporters Certification Board Exhibit 11: FTEs by Location — Fiscal Year 2000			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2000	Number of Actual FTEs as of August 31, 2000
Headquarters	Austin, Texas	3.0	2.0
TOTAL		3.0	2.0

B. What was the agency's FTE cap for FY 2000?

The agency's FTE cap for fiscal year 2000 was 3.0.

C. How many temporary or contract employees did the agency have as of August 31, 2000?

The agency did not have any contract employees as of August 31, 2000.

D. Please fill in the chart below. See [Exhibit 12 Example](#).

Court Reporters Certification Board Exhibit 12: Equal Employment Opportunity Statistics FISCAL YEAR 1998							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	5%	0%	8%	100%	26%
Professional	N/A	N/A	7%	N/A	7%	N/A	44%
Technical	N/A	N/A	13%	N/A	14%	N/A	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	N/A	N/A	25%	N/A	30%	N/A	55%
Administrative Support	1	0%	16%	0%	17%	100%	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%

Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%
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**Court Reporters Certification Board
Exhibit 12: Equal Employment Opportunity Statistics (cont.)
FISCAL YEAR 1999**

Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	5%	0%	8%	100%	26%
Professional	N/A	N/A	7%	N/A	7%	N/A	44%
Technical	N/A	N/A	13%	N/A	14%	N/A	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	N/A	N/A	25%	N/A	30%	N/A	55%
Administrative Support	1	0%	16%	0%	17%	100%	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%
Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%

FISCAL YEAR 2000

Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	5%	0%	8%	100%	26%
Professional	1	100%	7%	0%	7%	100%	44%
Technical	N/A	N/A	13%	N/A	14%	N/A	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	N/A	N/A	25%	N/A	30%	N/A	55%
Administrative Support	N/A	N/A	16%	N/A	17%	N/A	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%
Service/Maintenance	N/A	N/A	19%	N/A	32%	N/A	27%

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

The agency has an equal employment opportunity policy and an affirmative action policy. Currently the agency does not have a formal plan to address any performance shortfalls related to the policy.

VI. Guide to Agency Programs

Please complete this section for each agency program (or each agency function, activity, or service). Copy and paste the question boxes as many times as needed to discuss each program. Please contact Sunset staff with any questions about applying this section to the agency.

A. Please complete the following chart.

Court Reporters Certification Board Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Examination and Certification
Location/Division	Austin, TX
Contact Name	Michele L. Henricks
Number of Budgeted FTEs, FY 2000	3.0
Number of Actual FTEs as of August 31, 2000	2.0

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The key services and functions of this program are the administration of the state exam for court reporters on a quarterly basis, and certifying to the Supreme Court those individuals who are qualified to practice court reporting in the state of Texas, based on the successful completion of the exam. This program is mandated by statute and directly tied to the agency’s mission.

Major program activities include:

STAFF: (Exam) Coordinates exam, manages registration process, fields inquiries on program and procedures, prepares correspondence and disseminates documentation, information and reports to Board members, executive director, students, court reporting schools, Supreme Court, Attorney General’s Office and Texas Guaranteed Student Loan as required, and public, maintains paper and electronic record keeping system and agency website, assists court reporter Board members as proctors at exam sites.

(Renewals)Manages renewal application process including audit of continuing education required for court reporters to renew since 1998, fields inquiries on renewal process and continuing education requirements, prepares correspondence, distributes reports, documentation and information to executive director, applicants, Attorney General’s Office and Texas Guaranteed Student Loan as required, and routes those matters needing Board attention to the appropriate Board committees for action.

BOARD: (Exam) Testing Committee (court reporter Board members) review exams to ensure conformance with state and national guidelines, serve as proctors at exam sites, grade transcripts of oral dictation, provide guidance to staff in testing matters. The full Board determines at quarterly Board meetings whether or not to certify those applicants convicted of a criminal offense upon successful completion of the exam. Re-Grade Committee (court reporter Board members) conduct re-grades and reviews of exams with students as requested. Review Committee (court reporter Board members) reviews and may approve reinstatement of certifications, not renewed timely, subject to conditions that may be imposed at the discretion of the committee. Curriculum Committee (court reporter Board members and Chair) approves and may assist in preparation of curriculums for court reporting schools. Manual Committee (court reporter Board members) wrote the Uniform Format Manual for Court Reporters in 1998, for the purpose of providing a uniform format for court reporters to use when preparing their transcripts. The committee is currently looking at making revisions to the manual subject to approval by the Supreme Court.

(Renewal) Continuing Education Committee (court reporter Board members) approves continuing education courses, sponsors and waivers for continuing education requirements

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The program was created in August 1977, SB 586, under the provisions of Article 2324b, V.T.C.S. for the purpose of certifying to the Supreme Court those individuals qualified to practice court reporting in the state of Texas based upon successful completion of the state examination. The Standards and Rules for Certification by the Supreme Court require a reconsideration and appeals process or request for a hearing, for applications for certification that are rejected by the Board for insufficiency and/or are not in compliance with the Standards for Certification.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The intent to ensure the court reporting profession provides a quality of service that adheres to a standard of excellence and also protects the public, remains the driving force behind the court reporters certification program. Dating back to 1914, the courts of Texas felt a mandatory obligation to “preserve the record” in an area of enormous impact that can have a devastating effect on people’s lives. The creation of an independent agency in 1977 resulted from the culmination of efforts to provide a singular concentrated focus from which the profession could evolve and improve. Continuing education legislation, passed in 1995, is an example.

The progression of the exam from 1914 to date is as follows: **1914**, court reporter appointed by judge; required criteria – had to be “skilled in their profession”; **1925**, court reporters appointed by district and criminal judges; required criteria – pass a brief exam at a writing rate of 175 words per minute to be transcribed accurately, administered by three attorneys assigned by judge; **1977** testing requirements were established that are still in place today. The exam created in two parts, 1) written and 2) oral skills test given in three legs at five minutes each, at speeds of 180 words per minute (wpm) for literary, 200 wpm for jury charge and 225 wpm for question and answer. The oral skills tests were dictated live at first, the transcript to be prepared by an electric or manual typewriter. Live dictation was replaced by dictation recorded on cassettes and later on CDs. Computers and printers were first used in **1999** to type transcripts, in addition to typewriters.

The profession is being redefined for the future. Advanced technology provides high performance software and equipment allowing court reporters to provide elevated levels of service. Reporters can connect to multiple systems, including systems that are offsite, so information can be viewed by all parties simultaneously for an immediate information flow. Court reporters are challenged to improve and utilize their skills to provide services for other purposes such as for citizens with disabilities and citizens for whom the English language is a barrier, affording them the same opportunities and level of interaction available to the majority of the citizenry.

Effective September 1, 2001, per SB 1223, court reporting firms will also be regulated by the Board, which will remedy what many felt was an unfair advantage that firms had over individual practitioners.

Proponents of the human element in the court room, believe electronic recordings will never take the place of a court reporter, an impartial party, whose mission it is to “preserve the record”. For proponents of electronic recordings in the court room, it has been voiced court “recorders” or “transcriptionists” should also be regulated, otherwise where is the accountability? Currently, they are not regulated.

The role of the court reporter is fundamental to the integrity of the judicial process. The program will always be needed as long as the state of Texas is driven to protect and provide for its citizens.

<p>E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.</p>
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The program serves the public and students, to ensure they are equipped to enter the workforce. Certified court reporters are served for the purpose of renewing their certifications expiring December 31, every two years. Court reporting firms are served for the purposes of registration, legislation passed in 1997, and renewal of registrations expiring December 31, every two years, legislation passed in 2001. Court reporting schools and students are served for the purpose of approving curriculums for court reporting students, to include preparation of curriculums by court reporter Board members in some instances.

EXAM REQUIREMENTS AND QUALIFICATIONS FOR STUDENTS: To sit for the oral skills test, students are required to pass a “proficiency test”, at a minimum passing grade of 95%. The “proficiency test” score represents the average scores of two oral dictation tests, administered by a court reporting school. A “Statement of Proficiency” is valid for twelve months. In lieu of a “Statement of Proficiency” the Board does accept the following national certificates with a sworn affidavit from the applicant; 1) Registered Professional Reporter (RPR) or 2) Merit Writer. Certificates must be current on the test date applied for. There is no reciprocity for students who are certified in another state or nationally. There is not a requirement to sit for the oral and written portions of the test at the same time. Applicants convicted of a criminal offense require Board approval, before they are certified to the Supreme Court upon successful completion of the state exam. Applications must be filed on appropriate forms and all fees paid prior to sitting for an exam.

REQUIREMENTS AND QUALIFICATIONS FOR RENEWAL OF CERTIFICATIONS FOR COURT REPORTERS: Court reporters must complete ten hours of continuing education, relevant to the profession, within the preceding two year period prior to their renewal expiration date of December 31. The Board does have a waiver provision exempting applicants from continuing education requirements for extreme hardship requiring approval by the chair of the Continuing Education Committee, a court reporter Board member. Renewal applicants must not have defaulted on a student loan. Applications must be filed timely, on appropriate forms, and all fees paid. Applications not filed timely, are required to

go through a reinstatement process whereby a member of the Review Committee, court reporter Board members, review the matter and may set conditions the applicant must comply with to be reinstated. The conditions may include continuing education and taking a private exam administered by a member of the Review Committee. If the applicant is unsuccessful on the private exam, the committee may require the applicant to sit for the public quarterly exam. All fees are required to be paid, including current renewal fee, any retroactive renewal fees and penalty fees.

REQUIREMENTS AND QUALIFICATIONS FOR COURT REPORTING FIRMS: Applications to register must be filed on appropriate forms in accordance with legislation passed in 1997. SB 1223, effective September 1, 2001, authorizes the Board to require firms to renew their registrations every two years and collect fees for initial registrations and renewal of registrations.

REQUIREMENTS AND QUALIFICATIONS FOR CURRICULUM APPROVALS FOR SCHOOLS: The only requirement the Board has to approve curriculums is that the materials be relevant to court reporting. In some instances the court reporter Board members may assist with curriculum content.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

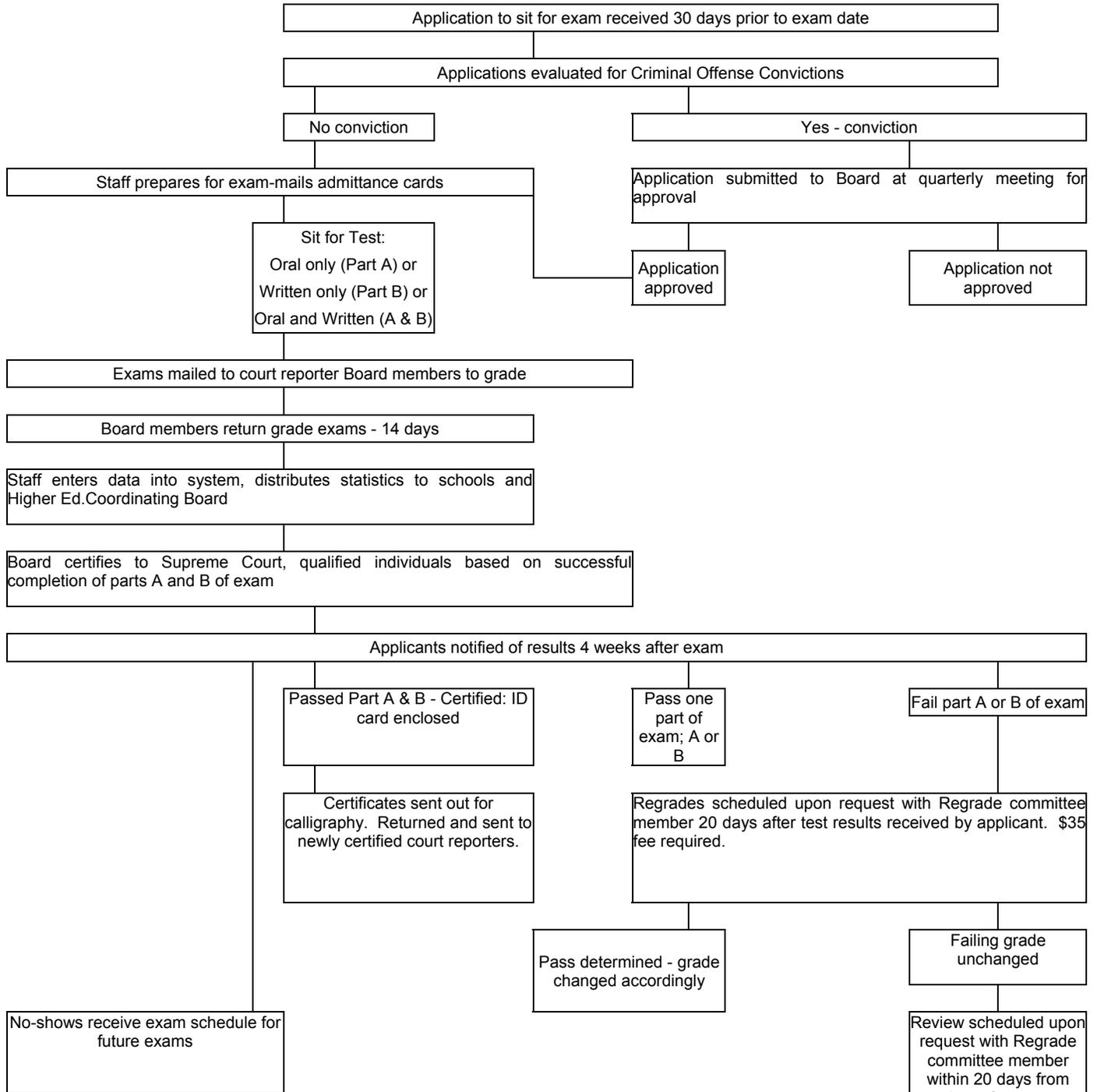
Please see Exhibit A (below): The Board does not have any field offices and is not required to travel for this program at this time.

Self-Evaluation Report

Court Reporters Certification Board

Exhibit A:

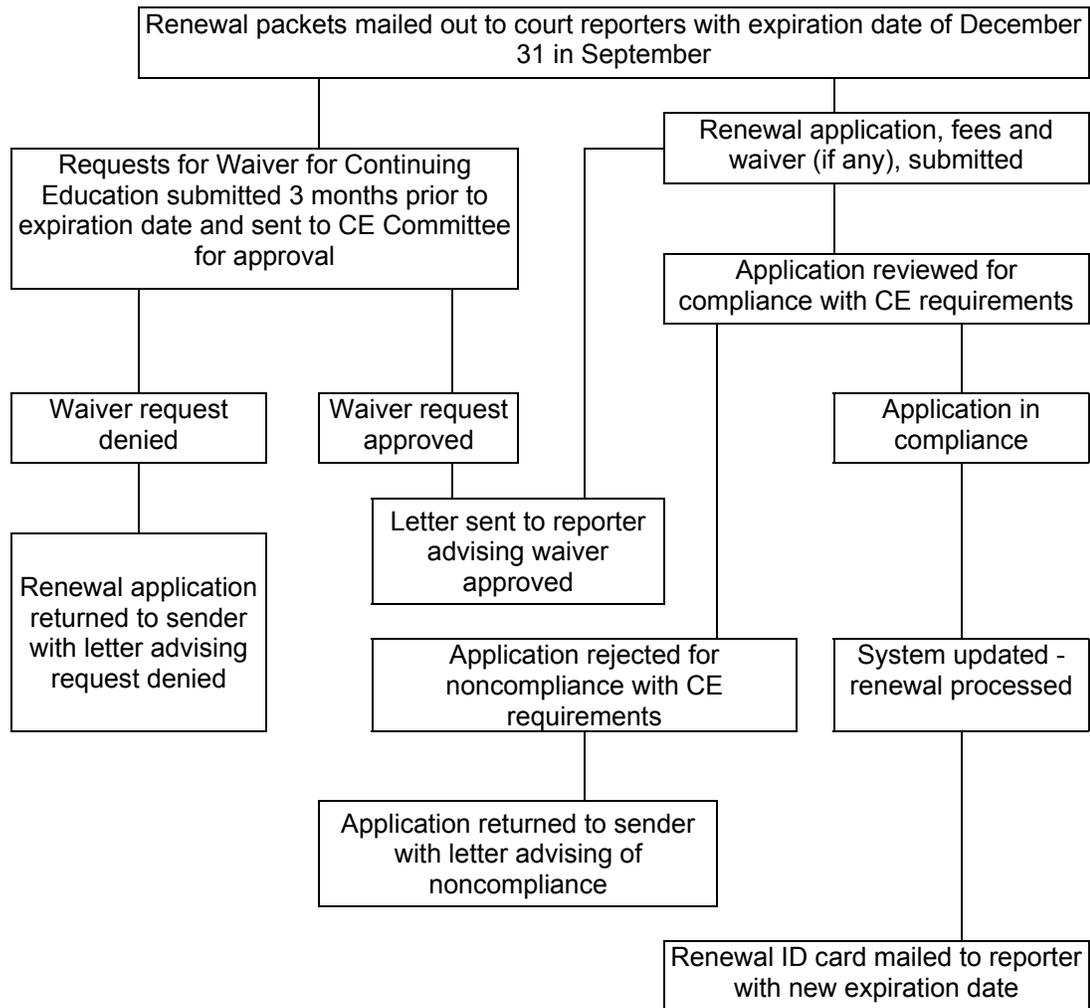
ADMINISTRATION OF EXAMINATION AND CERTIFICATION



* The Board does not deny applicants convicted of a criminal offense the right to sit for the exam PRIOR to their application being submitted for approval to the Board. However, a signed acknowledgement is required from the applicant that they understand the Board may NOT approve their application, even if they pass the exam.



PROCESS FOR RENEWAL OF CERTIFICATION



<p>G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.</p>
<p>N/A</p>
<p>H. Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).</p>

The funding source for the Court Reporters Certification Board is the General Revenue Fund. Costs associated with new legislation, if funded, are paid from appropriations riders contingent on requirement that the Board must generate additional revenues to cover additional costs. Additional appropriations requested by the Board, if approved by the legislature, are contingent on the Board generating additional revenues to cover any additional funding requested. As a revenue agency, the Board is limited to revenue collections of fees and is appropriated approximately one-third of the total revenues the agency generates for the state for agency operations.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Funds appropriated in the 77th session are necessary for the agency to continue operations and meet its legislative mandates with the volume of legislation that has been passed since 1995. It was apparent from the deficiency grants received from the Governor’s office in 2000-01, that the level of funding had to catch up with the volume of legislation that has been passed since 1995 which impacted staffing levels and operations. The employee turnover the agency experienced in fiscal year 2000 was another indication that the third newly created position, not filled until the third quarter of that year, when the executive director resigned, was necessary to carry out the increasing number of responsibilities the agency had assumed. The current level of funding is sufficient to continue the current level of service for this program.

However, management has some concerns about the level of service being provided and/or controls in place in some areas. As there was a complete turnover in staff last year, management and staff continue to identify these areas and address them within the budget constraints of the agency. In the future, additional funding may be required to hire additional staff, maintain competitive salary levels, contract for professional services, such as writing the oral skills test and additional programming for the database application, and for increased operating expenses. The following areas of concern that have been identified are as follows:

Examinations: Historically, the oral skills tests were written in batches and then reused and/or reworked over a period of time to minimize costs. The test writer of many years retired when the new administration came on board in late 2000. A new test writer was eventually contracted with in 2001. To maintain the integrity of the exam and taking into consideration the use of computers at the exam sites since 1999, management feels it is necessary to contract for new exams to use in the oral skills test. Although a concentrated effort is made by proctors to ensure exams are not copied on computer files and

taken out of the exam site, the possibility does exist. In the future there may be a need to increase funding to provide this level of service.

Currently, background checks are not required on individuals applying to sit for the exam. Applicants who volunteer information relating to conviction of a criminal offense, are subject to approval by the Board before they can be certified to the Supreme Court. In the future the Board is looking at requiring fingerprint submissions from all applicants to sit for the exam. The cost of this service, most likely will be passed on to the consumer in the form of a fee increase. However, there will be other indirect costs, that may tax agency personnel and other resources and may result in requests to increase funding to provide this service.

Continuing Education Required for Renewal of Court Reporter Certifications: This function was first implemented in 1998 and has been evolving. Ten hours of continuing education is required for court reporters to renew their certification every two years.

CONTROL ISSUE: Historically, the agency has not required and audited backup, such as course transcripts from sponsors, during the heaviest part of the renewal period, prior to the December 31 expiration date. The agency receives approximately 1600 renewal applications a year. Management currently seeks to tighten controls in this area, require and audit continuing education backup for ALL renewal applications, however, staff limitations hamper these efforts.

LEVEL OF SERVICE: Currently the agency does not have the database capability to track a court reporter's continuing education and provide this information to the court reporter. The agency relies on the court reporter and the Texas Court Reporters Association and the National Court Reporters Association to perform this task. However, not all court reporters are members of an association. Again staff limitations are a consideration as are technology needs.

Curriculums and Court Reporting Schools: Although curriculums are approved, no visits to schools are officially made by the Board to observe students in the training environment, and to ensure they are using the approved curriculum. That is not to say Board members do not have occasion to visit the schools, however, visits are not made to conduct official state business. One area of interest is, on-line training, as opposed to classroom instruction, offered to students in some schools. There has been concern as to whether "speed building" can be accomplished on-line, where a student is required to stay on-line for a period of time with the intention that the student is practicing. The Statement of Proficiency, at a 95% pass rate, is a requirement to sit for the oral skills test so one could take the position, that in itself ensures a student is prepared to sit for the test. However, other issues may become apparent from the state's perspective during a visit. It appears this was done at first but due to budget constraints visits to schools were discontinued. Increased funding for travel for Board members and possibly staff considerations would be necessary to assume this responsibility.

OTHER CONSIDERATIONS: SB 1223, Since court reporting firms now fall under agency jurisdiction as do individual court reporters, in the future there may be a requirement for owners of court reporting firms to also be subject to continuing education requirements in order to renew their registrations, which will increase the workload for staff and technology needs.

HB 2735 relating to the certification and licensing of court interpreters, passed in the 77th session, designates the Commission on the Deaf and Hard of Hearing as the rulemaking authority governing services received by hearing impaired individuals. However, Section 57.021(d) states,

"The commission may maintain a list of persons certified by the Court Reporters Certification

Board as specialists in real-time captioning and, on request, may send the list to a person or court.”

The Board does not currently certify “specialists in real-time captioning”. The Texas Court Reporters Association administers the Communication-Access RealTime (CART) exam. This may be an error in the legislation, however, should this responsibility fall to the Board, additional expense would be incurred for professional contracting services to write and dictate the oral skills test and to program the database. Staff responsibilities and miscellaneous operating expenses would also increase.

Historically, the agency is appropriated approximately one-third of the total revenue the agency generates for the state, to fund agency operations. As a self supporting revenue agency, the Board is generally required to generate additional revenues in order to receive additional funding to carry out its functions. The Supreme Court and the Board have made a conscious effort through the years to minimize fee increases as history shows. Renewal fees were increased in 1998 to support continuing education, and exam fees in 2000 to support increased operating expenses. However, these increases were not sufficient to avoid the necessity for deficiency grants to continue agency operations in 2000-01. To meet revenue requirements for additional funding appropriated for 2002-03, the Supreme Court and the Board will again review fees. The Board is continuously challenged to balance revenues against funding needs as the state and the nation endeavor to keep pace with the public need and demand for services. The concern of management is that in the future a saturation point will be reached whereby licensees/examinees cannot absorb another fee increase. The Board will be challenged in the future to come up with creative ways in which to generate additional revenues, if needed. For now, court reporter related fees in Texas have remained relatively stable and are lower in comparison than with other states who renew annually, rather than every two years, and assess higher fees.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Court reporter associations have programs that provide similar services relating to exams. The Texas Court Reporters Association (TCRA) administers the Communication-Access RealTime (CART) exam to court reporters who usually are already certified, but who seek to increase their skill level and/or provide additional services, such as court reporting for the hearing impaired. The National Court Reporters Association (NCRA) administers court reporter exams at the national level. One difference between the state and the national oral skills test, is that the NCRA allows the test to be taken in legs, which means of the three five minute legs required, Literary at 180 wpm, Jury Charge at 200 wpm, and Question and Answer at 225 wpm, the student only has to retest on those legs that were not passed. The state currently requires all three legs to be passed at one sitting. Another difference is the Sit Out Rule, currently in effect for the state. This rule is from the Supreme Court’s Standards and Rules for Court Reporters and requires students who have failed three exams in a row to sit out every other exam from that point forward. Both are currently under review by the Board and the Supreme Court.

Two other agencies also provide approvals on court reporter curriculums as follows; 1) The Texas Workforce Commission approves curriculums for proprietary schools, 2) The Higher Education Coordinating Board approves curriculums for public schools.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

There is no indication that the program is being duplicated and/or is in conflict with any of the programs listed in Question J. The Texas Court Reporters Association administers the CART exam, which the Board does not, and the National Court Reporters Association administers their exam at a national level, not a state level. Historically, the Board has followed many of the same policies and

procedures that the NCRA follows. The Board continuously addresses the concerns of the agency's customer base and works with the Supreme Court in that regard.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

N/A

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The Board certifies to the Supreme Court individuals who are qualified to practice court reporting in the State of Texas, based on successful completion of the examination. Regulation is needed to protect the public and ensure high standards of service in the court reporting profession. An accurate timely record of legal proceedings is imperative to the judicial function as people's fates are determined in this forum. The court reporter also benefits from the program. The training leading up to the successful completion of the exam and eventually, certification, equips them to enter the workforce.

To renew their certification every two years, ten hours of continuing education, relevant to court reporting, is required with appropriate fees. The continuing education requirement ensures court reporters are current on issues relating to the court reporting profession, in areas such as ethics, and maintain impeccable standards of conduct and professionalism.

When non-compliance with the program is identified, the Board office immediately notifies the individual and their judge, if appropriate. An order to Cease and Desist the practice of court reporting, effective immediately, goes out from the agency. The agency has the authority to seek an injunction or file a complaint against a person who is not certified by the Supreme Court in the district court of the county in which that person resides pursuant to Chapter 52, Section 52.021(g).

Procedures for handling consumer/public complaints are addressed under the Complaint function, to follow.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency’s practices.

Court Reporters Certification Board (Examination and Certification) Exhibit 14: Statistics on Program – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of students sitting for oral skills test	339	305
Number of students sitting for written exam	244	159
Average pass rate on oral skills test	36%	27%
Average pass rate on written test	78%	65%
Number of new licenses issued (upon successful completion of oral skills test AND written test)	122	74
Average licensing cost per individual license issued	17.30	32.09
Number of individual licenses renewed	1581	1221
Total number of entities regulated by the agency	1	1

A. Please complete the following chart.

Court Reporters Certification Board Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Complaint Function
Location/Division	Austin, TX
Contact Name	Michele L. Henricks
Number of Budgeted FTEs, FY 2000	3.0
Number of Actual FTEs as of August 31, 2000	2.0

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The key service of this function is to provide for grievance procedures relating to complaints filed against certified court reporters for alleged misconduct. Disciplinary actions by the Board can include reprimands, continuing education, suspension of certification and revocation of certification. The Board is also given the authority to seek an injunction or file a complaint against an individual not certified by the Supreme Court. Effective September 1, 2001, pursuant to SB 1223, the Board will also have jurisdiction over court reporting firms. This function is mandated by statute and directly tied to the agency’s mission.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The program was created in August 1977, SB 586, under the provisions of Article 2324b, V.T.C.S. to establish a means by which the public can file a complaint against a court reporter. In 1985, Articles 2321 to 2324b are repealed and re-enacted in Title 2, Judicial Branch, Chapter 52 of the Texas Government Code. The Board also operates under the Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The intent to protect the public and hold court reporters accountable for their actions remains unchanged through time. Disciplinary actions were expanded through legislation passed through the years, to include reprimands and suspension of certification in 1983 in addition to revocation of certification established in 1977.

In 1978, two complaints were filed against court reporters. Heightened awareness of this function by the public has resulted in a 44% increase in complaints filed in the last five years, from 27 complaints filed in 1996-97 to 41 complaints filed in 2000-01. Of the forty-one complaints filed in 2000-01, 4% were determined to be non-jurisdictional, 82% were dismissed by the Board at preliminary reviews (no violation of the law occurred) and 14% were set for formal hearings by the Board.

In 2002-03, the Board's responsibilities will expand to include registration renewals and complaints for court reporting firms, pursuant to SB 1223.

The Board has received invitations to speak at various functions to share information relating to the misconduct of court reporters and other matters.

The mission for this function is ongoing.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

This complaint function serves the public, members of the profession and related legal and judicial entities.

The only requirement is to complete the appropriate complaint forms.

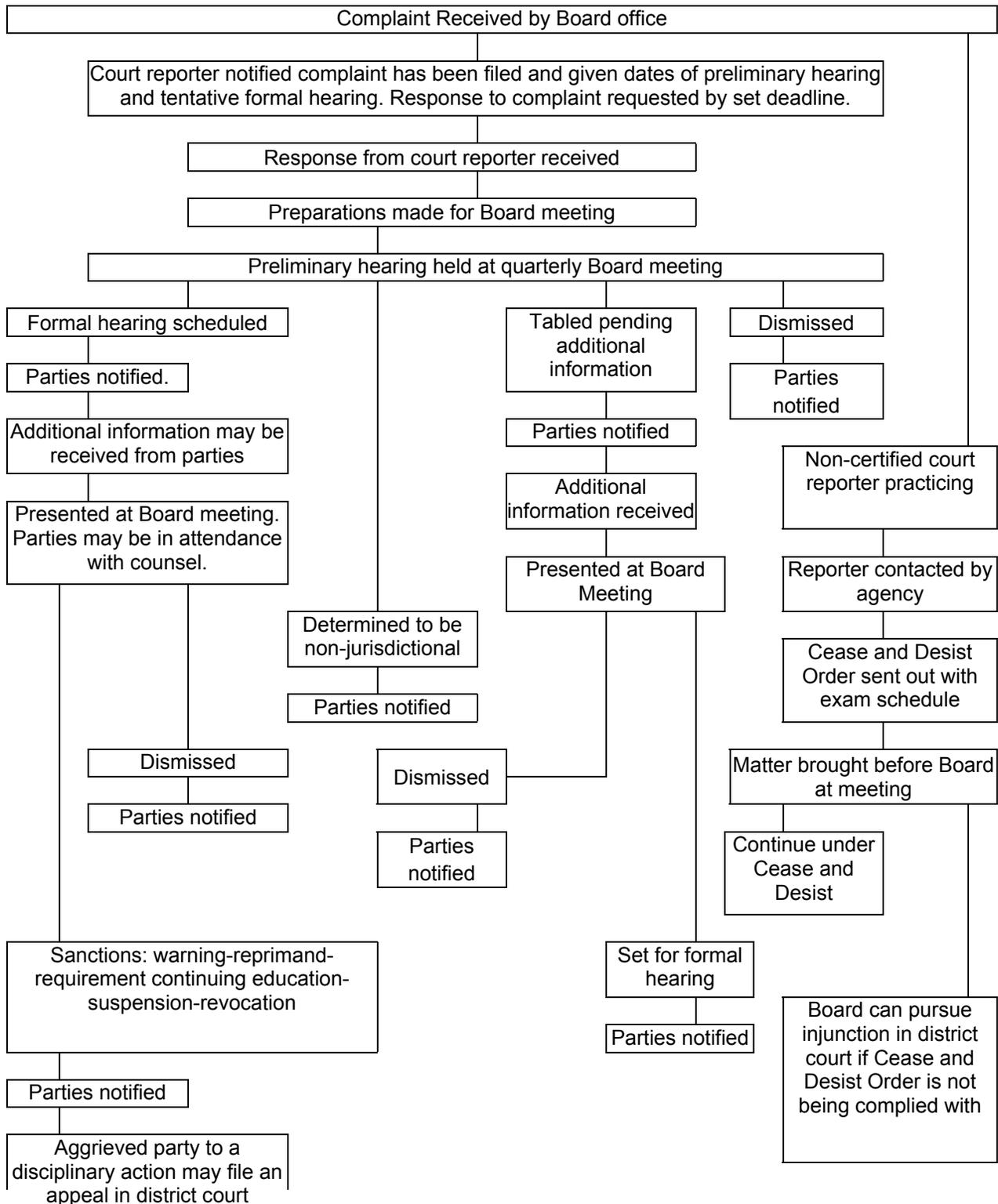
F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Please see Exhibit E (below): The Board does not have any field offices; however, Board members and staff may be required to travel throughout the state to attend mediations and/or hearings in district courts.

If-Evaluation Report

Court Reporters Certification Board

Exhibit E: COMPLAINT FUNCTION
Can only be resolved at quarterly meetings of the Board



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The Board is required by law to comply with the Open Meetings Act. All proceedings and any sanctions issued as a result are a matter of public record.

G.	If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.
	Not applicable.
H.	Identify all funding sources and amounts for the program, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The funding source for the Court Reporters Certification Board is the General Revenue Fund. Costs associated with new legislation, if funded, are paid from appropriations riders contingent on the requirement that the Board must generate additional revenues to cover additional costs. Additional appropriations requested by the Board, if approved by the legislature, are contingent on the Board generating additional revenues to cover any additional funding requested. As a revenue agency, the Board is limited to revenue collections of fees and is appropriated approximately one-third of the total revenues the agency generates for the state for agency operations.

I.	Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.
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Funds appropriated in the 77th legislative session brings the agency up to a level of funding that is necessary for the agency to continue operations and meet its legislative mandates. It was apparent from the deficiency grants received from the Governor’s office in 2000-01, that the level of funding had to catch up with the volume of legislation that had passed since 1995 which impacted staffing levels and operations. The employee turnover the agency experienced in fiscal year 2000 was another indication that the third newly created position, not filled until the third quarter of that year, when the executive director resigned, was necessary to carry out the increasing number of responsibilities the agency had assumed. The current level of funding is sufficient to continue the current level of service for this function.

However, as stated in item D., within the last five years the agency has experienced a 44% increase in the number of complaints filed due to a heightened awareness of this function by the public. This increase has taxed staff and operating resources. Pursuant to SB 1223, effective September 1, 2001, court reporting firms will also fall under the Board’s authority, and the impact on staff and other available resources may lead the agency to address this impact in the next legislative session. The complaint function is now basically a manual operation. Word processing software is used to record filed complaints and prepare correspondence. To track the function and generate statistics electronically, utilizing the same database on which exam data resides, will require additional funding. This function is subject to the Open Records Act. If there is a vexatious litigant or a high profile case, agency staff and resources are burdened by numerous requests for information that can span a number of years. As the function steps up its level of activity, Board members may be required to travel more frequently to attend

hearings and mediations in district courts in counties in which aggrieved parties reside. Travel expenses will increase accordingly. Services that may be rendered by the State Office of Administrative Hearings and/or mediating services will also result in additional expense and a need to request additional funding. Approximately 90% of the complaints that go before the Board are dismissed at preliminary hearings. A provision to allow some complaints to be dismissed administratively, within specific guidelines as set forth by the Board and approved by the Supreme Court, would free up the Board to address other matters and complaints that cannot be dismissed administratively. This change in procedures would allow the agency to improve performance measures relating to complaints. For example, the efficiency measure, *Average Time for Complaint Resolution* was at 140 days in fiscal year 2000, exceeding the target of 120 days. This is due to the fact that action on complaints can only occur at quarterly Board meetings. Costs incurred to provide fifteen copies of complaint materials to distribute at Board meetings, could be significantly reduced if this provision was implemented. This change would require an additional staff member.

Historically, the agency is appropriated approximately one-third of the total revenue the agency generates for the state, to fund agency operations. As a self supporting revenue agency, the Board is generally required to generate additional revenues in order to receive additional funding to carry out its functions. The Supreme Court and the Board have made a conscious effort through the years to minimize fee increases as history shows. Renewal fees were increased in 1998 to support continuing education, and exam fees in 2000 to support increased operating expenses. However, these increases were not sufficient to avoid the necessity for deficiency grants to continue agency operations in 2000-01. To meet revenue requirements for additional funding appropriated for 2002-03, the Supreme Court and the Board will again review fees. The Board is continuously challenged to balance revenues against funding needs as the state and the nation endeavor to keep pace with the public need and demand for services. The concern of management is that in the future a saturation point will be reached whereby licensees/examinees cannot absorb another fee increase. The Board will be challenged in the future to come up with creative ways in which to generate additional revenues, if needed. For now, court reporter related fees in Texas have remained relatively stable and lower in comparison than with other states who renew annually, rather than every two years, and assess higher fees.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no other programs that provide this function.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency's customers.

N/A

L. Please provide any additional information needed to gain a preliminary understanding of the program.

N/A

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Please see section M., under the program Examination and Certification, for a description relating to certification of court reporters and registration of court reporting firms.

The public has the right to seek remedial action for misconduct by a court reporter that may occur when services are provided to the consumer. The Board has a statutory mandate to provide a forum in which complaints against court reporters can be heard and disciplinary action taken if the Board deems such action appropriate for the offense. Violations to the law as set forth in Chapter 52, Section 52.029, Texas Government Code, and fourteen rules of unprofessional conduct, listed in Section IV, of the *Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court*, provide the guidelines in which the Board operates in these matters.

The public may file a complaint against a court reporter alleging misconduct by filing a complaint on the appropriate form with the Board. Staff prepares correspondence to notify the court reporter that a complaint has been filed against them and requests a response to the complaint be filed. In that correspondence a tentative date is set should the complaint go to a formal hearing. The complaint is first heard by the Board at a preliminary hearing at the next quarterly meeting of the Board. At that time the Board may decide to; 1) Dismiss the complaint 2) table the complaint until the next Board meeting, pending receipt of additional information from either party, or 3) sets the complaint for a formal hearing. After the preliminary hearing, staff notifies parties accordingly. Usually the parties involved do not attend the preliminary hearing but will attend the formal hearing, if held. At the formal hearing the Board hears any testimony and may make inquiries of parties present. The parties may be represented by counsel. If the complainant is incarcerated, the Board's liaison from the Attorney General's office presents evidence on behalf of that individual. Following the hearing, the Board will; 1) dismiss the complaint or 2) determine what disciplinary action should be taken. Disciplinary action can include a reprimand, requirement for continuing education, suspension of certification or revocation of certification. Effective September 1, 2001, pursuant to SB 1223, Court reporting firms will also fall under the Board's jurisdiction in this process.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

Court Reporters Certification Board (Complaint Function) Exhibit 14: Complaints Against Regulated Entities – Fiscal Years 1999 and 2000		
	FY 1999*	FY 2000**
Number of complaints received	18	18
Number of complaints resolved in 1999	15	17
Number of complaints dropped/found to be without merit	14	17
Number of sanctions	3	0
Number of complaints pending from prior years	3	2
Average time period for resolution of a complaint(#days)	140***	143***
Number of entities inspected or audited by the agency	1	1
Total number of entities regulated by the agency	1	1

***Of the 18 complaints received in fiscal year 1999, one was withdrawn and two certifications were revoked. Two complaints were resolved in fiscal year 2000; one complaint was dismissed and one certification was suspended.**

**** Of the 18 complaints received, one was withdrawn**

***** Complaints can only be resolved at quarterly Board meetings**

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

Revocation of Certification for Individuals that are Incompetent and Unfit to Practice

The Board is the only entity that provides the public/consumer with the possibility of seeking redress when an infraction occurs. Historically and now, having the authority to revoke a court reporter's certification, in addition to administering a competency test, was a primary reason for the Board's existence. An individual who engages in professional misconduct and/or is incompetent can be prohibited from practicing. Since 1999 two court reporter certifications were revoked. However, one was appealed and a decision was then made to suspend the certification subject to conditions as set forth in the mediation settlement agreement, should the individual ever desire to practice in the state of Texas again.

The types of disciplinary actions imposed have expanded through time to include reprimands, suspensions and continuing education. The Board has realized a 44% increase in complaints filed in the last five years. Effective September 1, 2001, pursuant to SB 1223, court reporting firms will also fall under the Board's jurisdiction in this regard, providing a more equitable situation between individual court reporters and firms.

During this process the Board may also indirectly discover other issues and concerns that befall court reporters and others with whom the court reporter interacts. Additionally, the complaint function provides a mechanism through which a court reporter is reminded that they are accountable to the public for their actions and thereby encourages them to educate themselves in these matters, pushing them to maintain the highest standards in their chosen profession.

Establish Uniform Standards for Certification in the State

A two part exam, consisting of a written exam and an oral skills test were created in 1977 to ensure individuals engaged in the practice of court reporting, are competent and equipped with the basic skills and knowledge to provide quality service to the public and the courts.

Continuing education requirements, first introduced in 1995, ensures court reporters stay current on issues relating to their profession as well as expand and reinforce their knowledge base. In so doing the public and the courts are assured of the highest quality of service. Approximately 3,500 court reporters have been certified through the program to date.

Registration of Court Reporting Firms

The expansion of the Board's jurisdiction to include court reporting firms ensures that all entities engaged in the practice of court reporting, individuals and businesses, are held accountable for their actions. The initial legislation passed in the 75th session was an attempt to level the playing field when the Board only had jurisdiction over individual court reporters.

Establish Statewide Standards for Unprofessional Conduct of Court Reporters

At the Board's direction, standards for professional misconduct apply statewide. Texas is a state of enormous diversity. Various regions engage in different practices and procedures. Statewide regulation assists in diminishing the number and scope of the differences that exist and provide a more equitable process for everyone all across the state. The diversity of the Board members, professional and cultural, ensures maximum efforts are made to deliver equitable treatment on all matters that come before the Board. Statewide standards for unprofessional conduct require reporters to take heed of their responsibility as a public servant and officer of the court. Effective September 1, 2001, these standards also apply to court reporting firms. The enabling statute also authorizes the Board to seek injunctions against individuals practicing without a license.

Continuing education, first implemented as a requirement for renewal of certification in 1998, plays a major role in keeping reporters informed on ethics and other matters related to their profession.

Provide Curriculumms

Through distribution of a standard curriculum to all schools throughout the state, all students, regardless of the region in which they attend school, are provided with common training materials to assist them in acquiring the skills and knowledge needed to pass the state exam. No funding was provided for this responsibility in 1993, so Voluntary Task Force members met a total of five times and contributed their expertise to adopt a core curriculum for use in court reporting schools. Court Reporter Board members revise and approve curriculumms as necessary.

Provide Uniform Format Manual for Statewide Use

This monumental task was accomplished in April 1999, again at the direction of a task force who contributed their expertise to the end product. A detailed manual, adopted by the Supreme Court, was produced which set forth guidelines for a common format for court reporters to use in preparing transcripts and related documents. Since the manual was introduced, a more user friendly, readable document was produced that was consistent from court reporter to court reporter. Anyone required to review court reporter prepared documents were able to do so in a more efficient and expedient manner. The Board is currently considering revisions to the current manual on issues that have surfaced since the manual was distributed.

Integration of Technology at the Exam Site

Computers were successfully integrated at the exam site for the first time in October 1999. Prior to that time, manual and electric typewriters were used to type transcripts from the oral dictation taken down at the test. High performance software, specifically geared to court reporting, enables students and also practicing court reporters to operate at a higher performance level as they strive to improve the quality of service to the public/consumer.

Information Resource for the Public

This is an additional service provided by the Board to the general public, students, court reporters and court reporting schools. The turnaround period for responses are usually within one or two business days from receipt of request for information. During peak periods; around the quarterly exams, renewal expiration dates and quarterly Board meetings, staff can field up to 20-30 inquiries per day. Due to the public's heightened awareness of the complaint function and the implementation of continuing education in 1998, staff frequently fields questions to educate the public about requirements and procedures in these matters. The Board and the court reporting schools share a common goal, to certify new court reporters. In an effort to achieve that goal, the Board provides exam statistics and information on other exam related issues to the schools on a regular basis. Comments on curriculumms and the uniform format manual are received by staff and forwarded to the Board members for their consideration.

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

Performance measures, prepared quarterly, provide a means by which the agency can monitor its effectiveness in achieving agency objectives and goals. Examples are as follows:

Measure: Number of New Licenses Issued to Individuals

This measure reports the number of certifications issued to previously uncertified individuals during the reporting period. The criteria to be certified to the Supreme Court for licensure, is the successful completion of the two-part state examination; (1) a manual oral skills test and (2) a written test.

An analysis of this measure through time, shows a decline in attendance at the exam site. The number of students certified dropped from 122 in 1999 to 74 in 2000. Further analysis of historical data shows the number of students applying to sit for the exam has decreased 54% in the last ten years, 17% in the last two years. One of the contributing factors to the decline is due in large part to other occupations that have evolved over the last decade, such as in the area of technology, providing more career choices for individuals entering the workforce. Although many factors are not within the agency's control, the agency does focus on those that are. A high anxiety level, due to the nature of the manual skills test, where speed and accuracy are required, is often a barrier for students to perform successfully. At the exam site, the agency strives to provide a test environment that is conducive to the unique requirements of the court reporters exam. A large area is needed to accommodate all the equipment the students bring to the exam with them; stenograph machines, typewriters, computers and printers. Excellent acoustics and sound system are required for the oral dictation test. The integrity of the exam is of utmost importance to the agency. The agency has contracted with an individual court reporter to prepare the oral skills test, whose background includes preparing skills tests at the national level and also serving as a chief examiner at national test sites. The written test is generated from the agency's database test bank. With these things in place, students are given every opportunity to take and pass the state exam which will mutually benefit themselves and the state. Pass rates are analyzed to see if they are in-line with the pass rates of other states and the nation.

The exam pass rates are generally between 20% to 30%, which is comparable to other states and the national average. The Board works closely with court reporting schools, preparing and approving training curriculums and sharing information on preparing students to sit for the exam. The agency also works with the national and state court reporter associations to share information on a regular basis and promote high standards in the profession. The associations sponsor most of the continuing education courses required for renewal of state certifications.

A future goal of the agency is to work with schools, associations and the public to disseminate information to individuals preparing to enter the workforce on court reporting as a possible vocation. The court reporter's role is fundamental to the judicial process.

Staff and Testing Committee Board members report to the full Board where decisions are made on policy matters regarding the exam.

Measure: Average Time (days) for Complaint Resolution

This measure reports how long it takes to dispose of a complaint from the time the complaint is filed to the time final action is taken by the Board.

Analysis of this measure alerts the Board to any backlogs that may be occurring in the processing of complaints. The Board makes a concerted effort to resolve complaints in a timely manner. Staff endeavors to expedite proceedings in any way possible on an administrative front, such as setting deadlines for information to be received by the Board office. If a backlog does occur, the Board will schedule additional time at Board meetings to handle all the cases presented to them. There may be an occasion where a special meeting of the Board is called to handle a complaint that has been pending for an extended period of time. Due to severe budget constraints, this only occurs when there are extenuating circumstances. A major factor that contributes to excessive periods of time to resolve complaints, is that cases can only be handled at quarterly Board meetings. This timeframe motivates parties involved in the complaint to send information timely in order to be assured the matter will be handled by the Board at the next regularly scheduled meeting.

The Board continues to explore ways to attain and possibly exceed the targets established in the performance measures.

C. What are the agency's biggest opportunities for improvement?

Exploring ways to increase attendance at the exam and at the same time increase the pass rate of the oral skills test while maintaining the integrity of the exam. This accomplishment would provide more certified court reporters for the state. Although training and preparation for the test resides with the court reporting schools, the Board continues to evaluate possibilities that may be within the agency's control.

The agency seeks to improve performance within existing performance measures or have them revised to reflect more realistic goals for the agency.

Seek to be proactive and responsive to public demand, when a rule has outlived its usefulness. An example is the Sit Out Rule which requires an individual to sit out every other exam after failing three consecutive exams. This rule was put into effect years before to alleviate overcrowding at the exam site and it was thought, students could use the time to prepare more thoroughly for the exam. The exam site is no longer overcrowded. The Board has recently recommended to the Supreme Court that the Sit Out Rule be eliminated. Elimination of this rule will expand the window of opportunity for students to pass the exam and increase attendance at the exam site.

D. How does the agency ensure its functions do not duplicate those of other entities?

The Board endeavors to network with external entities and in that way keeps informed as to any possibilities of duplication of functions. New legislation impacting areas related to agency concerns and/or responsibilities are reviewed and analyzed to ensure which entity is to assume the responsibility of implementation. At the point that a matter may not fall under the Board's jurisdiction, the Board may turn the matter over to another authority if appropriate.

E. Are there any other entities that could perform any of the agency's functions?

There are no other entities that regulate court reporters and court reporting firms in the state of Texas.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

The agency distributes customer satisfaction surveys at the exam site and with renewal application packets mailed annually. The exam site surveys are reviewed and discussed by staff and Board members who assist in proctoring the exam. Staff discusses and implements changes for the next exam that have been deemed to improve agency performance. Survey results are then compiled and filed with exam statistics. Renewal survey results are compiled when received and changes that will improve agency performance, and are within the scope of management's authority to change, are implemented when possible. Other changes that may be suggested and require a decision by the Board, are put on the agenda for the next quarterly Board meeting. The customer service survey for the year 2000 had a positive response rate of 96% overall in satisfied customers broken out as follows; 80% "Excellent" and 16% "Good". The Board continues to be committed to that end. One comment that continuously surfaced at that time was the unavailability of a website for the Board. The State Library had stopped hosting websites for small agencies. Since then the Board found a new host and trained staff to maintain the agency website. The agency continues to update and utilize this vehicle to provide information to the public.

Performance measures also serve as an indicator of customer satisfaction by reporting various information relating to utilization of services by the public.

Suggestions and comments sent to the agency by phone, e-mail and correspondence are also given the same attention as surveys by the Board.

G. Describe the agency's process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

Complaints filed against the agency are usually regarding the exam or a ruling of the Board in a complaint matter. The Board makes its determination in complaint matters based on standard Rules of unprofessional conduct as set forth in chapter 52 of the Texas Government Code and section IV. of the Standards and Rules of the Supreme Court. Correspondence is usually sent to the agency, Board members, the Supreme Court and/or legislators. The executive director reviews, discusses with staff for their input and drafts a response, if the complaint can be handled administratively. If the matter requires the Board's attention, the correspondence is set as an agenda item at the next quarterly Board meeting for discussion and direction to staff on what agency action is required. If a lawsuit is filed against the agency to appeal a decision made by the Board, the Attorney General's Office assists the Board in this regard.

The agency responds to all complaints received. If the matter requires investigation, the party who filed the complaint is advised at that time and at the time a decision is reached.

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.

Court Reporters Certification Board Exhibit 15: Complaints Against the Agency – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of complaints received (Lawsuit filed by court reporter in response to disciplinary action by Board)	1	0
Number of complaints resolved	0	1
Number of complaints dropped/found to be without merit	N/A	N/A
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	249 days	N/A

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

The Board was determined, as a state agency in the judicial branch, to be subject to the Texas Public Information Act.

The agency has assigned the duty of Public Information Officer to the Director of Administration. The agency requires requests be submitted in writing. Once the request is received, the agency responds within ten days, as required by law, by locating records responsive to the request and providing copies. If the volume of records would put an undue burden on the agency to provide copies, the requestor is advised as to a time when the records would be available for review.

It is a policy of the agency to deny requests received from incarcerated individuals pursuant to Section 552.028, Public Information Act, Request for Information from Incarcerated Individual.

J. Please fill in the following chart with information that is as current and up-to-date as possible:

Court Reporters Certification Board Exhibit 16: Contacts		
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)		
Group or Association Name/ Contact Person	Address	Telephone Number Fax Number E-mail Address
N/A		

INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)		
Group or Association Name/ Contact Person	Address	Telephone Number Fax Number E-mail Address
National Court Reporters Assn.	8224 Old Courthouse Road Vienna, VA 22182-3808	(800)272-6272 (703)556-6291
Texas Court Reporters Association Janet Morrow, Executive Director	P.O. Box 40429 Austin, Texas 78704-0429	(512)462-3650 (512)440-8683
LIAISONS AT OTHER STATE AGENCIES (with which the agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)		
Agency Name/ Relationship/ Contact Person	Address	Telephone Number Fax Number E-mail Address
Texas Supreme Court/Chief Justice Thomas Phillips	Tom C. Clark Building 205 W. 14 th Street Austin, Texas 78701	(512)463-1316
Legislative Budget Board/Tina Beck	Robert E. Johnson Bldg. 1501 N. Congress, 5 th Floor Austin, Texas 78701	(512)463-7504 (512)475-2902
Governor's Office of Budget and Planning/David Reisman	State Insurance Bldg. 1100 San Jacinto, Room 4.300 Austin, Texas 78701	(512)463-1958 (512)463-1880
Office of the Attorney General/ Asst. Atty. General Frank Knapp, Jr.	Clements Bldg. 12 th Floor Austin, Texas 78701	(512)475-4195 (512)320-0167
Comptroller of Public Accounts/Linda Yarbrough	LBJ Building 111 E. 17 th Street Austin, Texas 78774	(512)305-9860 (512)475-0527

VIII. 77th Legislative Session Chart

Fill in the chart below or attach information if it is already available in an agency-developed format. In addition to summarizing the key provisions, please provide the intent of the legislation. For example, if a bill establishes a new regulatory program, please explain why the new program is necessary (e.g., to address specific health and safety concerns, or to meet federal mandates). For bills that did not pass, please briefly explain the issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See [Exhibit 17 Example](#).

Court Reporters Certification Board Exhibit 17: 77th Legislative Session Chart		
Legislation Enacted in the 77th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
SB 1223	Senator Royce West	Provides statutory authority for the Board to regulate court reporting firms in the same manner as individual court reporters. Expanded on SB 646 passed in 1997, which provided for registration of court reporting firms with the Board.
SB 645	Senator Florence Shapiro	Establishes an electronic system for all occupational license transactions to eliminate paper based system that is expensive and labor intensive. There are increasing demands by the public for this service. The Department of Information Resources is to administer the program. The initial group of licensing agencies are to utilize the electronic system by September 1, 2002.
SB 187	Senator Eliot Shapleigh	Creates a 15 member Texas Online Authority to implement a common electronic infrastructure for licensing agencies to transact business relating to issuance of licenses, complaints against licensees and authorizes agencies to charge fees to recover costs for using the system. Licensing agencies are required to consider using the project for specified services on the Internet. The initial group of licensing agencies are permitted to utilize the system by September 1, 2002.
SB 1458	Senator Robert L. Duncan	Creates electronic services for the public and establishes management office in the Department of Information Resources (DIR) to oversee electronic projects. Oversight by DIR includes coordination of efforts among agencies to reduce technology expenditures and eliminate duplication when possible.
HB 609	Representative Scott Hochberg	Extends internal audit requirement to include all agencies, small and mid-size agencies regardless of amount of budget or size of staff. An internal auditor is to be appointed by January 1, 2002 and annual reports are to be submitted by October 31, 2002.
Legislation Not Passed in the 77th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
HB 2772	Representative Norma Chavez	Makes use of Texas Online as a web based portal mandatory for all state agencies. Would not allow agencies to use their own website to transact business related to licensing. The intent is ease of filing for the public through a common state website for all licensing transactions. The bill was left pending in committee 03/26/2001.

IX. Policy Issues

A. Brief Description of Issue

Should the Board require fingerprint submissions with all applications requests to sit for the court reporter exam?

B. Discussion

The Board must approve applications of individuals who have been convicted of a criminal offense. Currently, applicants volunteer this information on their application forms. Sometimes the Board requires additional information from the applicant before they can make a decision, and the matter is tabled until the next quarterly Board meeting pending additional information from the applicant. The applicant may be waiting on the Board's decision to start court reporting school or sit for the exam. Additionally, there may be applicants who are not providing this information voluntarily. The Board is currently considering criminal background checks on every applicant through fingerprint submissions at the time of application.

C. Possible Solutions and Impact

Recommendation 1: Require fingerprint submission with every new application to sit for the court reporter exam.

Impact: This would ensure the public is protected against individuals who may have issues of moral turpitude. Although the cost most likely will be passed on to the consumer, there will be an impact on staff resources.

A. Brief Description of Issue

Should the exam be administered in cities other than Austin throughout the state? What entities should be contacted to determine the need for service and in what areas? What facilities and resources are available to administer the exam and at what cost to the state? Who would administer the exam?

B. Discussion

A needs analysis would have to be done to ascertain if this expansion of testing services is needed and if it would be cost effective. Court reporting schools could be contacted, although they too serve metropolitan areas. The National Court Reporters Association (NCRA) already conducts some tests in Texas outside of the Austin Area. NCRA would be a resource. Court reporter Board members that are headquartered in different areas of the state may be able to proctor exams in their areas IF their schedule allows. Staff would probably have to travel to the exam sites. Adequate facilities with equipment would have to be provided at the site.

C. Possible Solutions and Impact

Recommendation: Conduct a needs analysis by contacting court reporting schools and the National Court Reporters Association to see if the need for services justifies the cost and if it is even feasible.

Impact: This would give the Board more of a "presence" across the state and provide better customer service for students who may have difficulty in traveling to Austin to take the exam. If there is a significant need for tests to be administered across the state, it could possibly improve performance measures for the agency, increasing attendance at exams and ultimately the number of individuals certified. If the Board were to entertain this level of service, there would be a definite need for additional

funding and personnel to carry out this responsibility.

A. Brief Description of Issue

Should the agency be required to track continuing education and provide this information for court reporters?

B. Discussion

Effective in 1998, ten hours of continuing education was required to renew certification. The agency only reviews and confirms that continuing education for that specific two year renewal period has been met. It is the responsibility of the court reporter to track their continuing education. If continuing education is a condition of a disciplinary action, it cannot be applied to the continuing education requirement for renewals. If continuing education is completed after the December 31 expiration date, within the 120 day grace period, that too cannot be applied to the continuing education requirements for the following two year renewal period. The Texas Court Reporters Association (TCRA) and the National Court Reporters Association (NCRA) track continuing education for association members who complete courses sponsored by these associations. Court Reporters often “assume” this information is automatically provided to the agency, which it is not. Lack of information on continuing education delays the renewal of a court reporter’s certification. This is an additional service that the agency could provide to certified court reporters. It would provide the agency with a means by which to check court reporters completing continuing education as a condition of a disciplinary action or within the 120 day grace period, from January 1 through April 30, do not apply that continuing education to the ten hour requirement for renewal of certification.

With the passage of SB 645 relating to licensing using electronic systems, the continuing education function is going to have to be separated from the renewal function in the future anyway, as continuing education documentation will not be able to be submitted electronically with the renewal application form. The agency sees the evaluation of continuing education as a separate function in the future that may require a separate fee to support the costs of administering this function.

C. Possible Solutions and Impact

Recommendation: Provide a tracking service for continuing education for all certified court reporters.

Impact: This would mean an additional workload and would require additional staff, a database application and other resources.

A. Brief Description of Issue

Should owners of court reporting firms that are not certified court reporters, be required to take continuing education?

B. Discussion

Continuing education covers many subjects related to court reporting, including areas of misconduct and ethics. It is imperative for firm owners to be educated on these subjects to properly address issues and concerns that may affect their firm. Effective September 1, 2001, court reporting firms fall under the Board's jurisdiction in complaint matters.

C. Possible Solutions and Impact

Recommendation: Require court reporter firm owners, that are not certified court reporters, to complete ten hours of continuing education in order to renew firm registrations every two years.

Impact: To make firm owners, who are not certified court reporters, cognizant of issues that may surface in the court reporting realm. This requirement will assure support of management to maintain the same high standards in the profession that individual court reporters adhere to. This is consistent with the intent of SB 1223, which provides for more equitable treatment between individual court reporters and firms.

A. Brief Description of Issue

Should certification renewal expiration dates be staggered?

B. Discussion

Chapter 52.026 (b) of the Texas Government Code establishes the certification renewal expiration date of December 31 for individual court reporters based on a two year renewal cycle.

SB 1223, Section 52.026, effective September 1, 2001, establishes December 31 as the registration renewal date for court reporting firms based on a two year renewal cycle.

SB 586, 1977, establishes a two year renewal cycle for individual court reporters. SB 565, 1983 establishes a December 31 expiration date based on a two year renewal cycle for individual court reporters.

The number of certified reporters in the state have increased considerably since 1977. Approximately 1500-1600 renewals are processed annually. Over 1000 renewals are received and processed in November and December of every year. The rest are processed from January 1 through April 30, within the 120 day grace period. Agency staff is burdened with an excessive workload during the November through January timeframe. Adding to that burden are the continuing education requirements for renewals, implemented in 1998. Staff must now audit every renewal application for compliance with continuing education requirements. The quarterly court reporters exam and the Board meeting are scheduled in January. Registrations for court reporting firms will also expire December 31, effective September 1, 2001, adding approximately 150 registration renewals to the workload.

C. Possible Solutions and Impact

Recommendation 1: Remove statutory provisions mandating a December 31 renewal expiration date, and grant the Board, subject to approval by the Supreme Court, the authority to establish renewal expiration dates for court reporters and firms.

Impact: This recommendation would provide the Board more flexibility to establish renewal dates on a staggered basis, using the initial certification date or date of birth for expiration dates for individual court reporters, and initial registration dates for firms. This will serve to equalize the workload throughout the year related to the renewal function, providing for more efficient performance by staff. Revisions to the database application and training on application for staff would be a definite cost factor. However, part of this cost would be offset by the savings in overtime paid to staff during that three month crunch period.

Recommendation 2: Remove statutory provisions mandating a two year renewal cycle, and grant the Board, subject to approval by the Supreme Court, the authority to establish the length of time in a renewal cycle.

Impact: This recommendation would provide the Board more flexibility to establish time periods of renewal cycles which tie directly to revenue flows.

A. Brief Description of Issue

Should specific categories of complaints have a provision to be dismissed administratively?

B. Discussion

The complaint process is mandated by statute. Complaints can only be addressed at quarterly Board meetings, therefore, may not be resolved timely. The agency frequently does not meet its performance measure in this regard. Currently, a maximum of three formal hearings can be scheduled for a quarterly Board meeting. With the increase in complaints filed, and jurisdiction over court reporting firms effective September 1, 2001, the Board may be taxed to dispose of complaints in a timely fashion.

C. Possible Solutions and Impact

Recommendation: Revise statutory provisions to provide for specific categories of complaints to be dismissed administratively, within specific guidelines as set forth by the Board, and approved by the Supreme Court.

Impact: This would effectively decrease the time it takes to resolve certain types of complaints and free up the Board's time to address those matters that require their attention. This responsibility would require additional funding and staff. Customer service would be improved. The agency would see an improvement in the performance measure reporting number of days to resolve a complaint.

A. Brief Description of Issue

Should the Board have an investigation and enforcement arm within the agency?

B. Discussion

The complaint function is mandated by statute. The Board has three administrative staff members to carry out the agency's responsibilities. Effective September 1, 2001, the agency's FTE cap will increase to 3.5 FTE's. The part-time position will be an accountant to handle the business support function assumed by the Office of Court Administration in 2000-01.

The Board shares a liaison at the Attorney General's Office with other Boards and Commissions. Board members meet quarterly to handle complaints and other matters scheduled in the interims between meetings. Board members will sometimes table a complaint in order to receive additional information from parties involved. Agency staff is often taxed to coordinate complaints for Board meetings and prepare related correspondence with all their other duties. The complaint function has increased 44% over the last five years. Court reporting firms will fall under the Board's jurisdiction effective September 1, 2001. There are approximately 300 firms currently registered with the agency.

C. Possible Solutions and Impact

Recommendation: Establish an investigation and enforcement arm within the agency.

Impact: This recommendation would provide for a more effective means to evaluate and investigate complaints prior to the complaint being brought before the Board. This would effectively decrease the time it takes to resolve certain types of complaints and free up the Board's time to address those matters that require their attention. This responsibility would require additional funding and staff. Customer service would improve. The agency would see an improvement in the performance measure reporting the number of days to resolve a complaint.

A. Brief Description of Issue

Should court "recorders" or "transcriptionists" be regulated?

B. Discussion

Court reporters and court reporting firms are regulated by statute. In some courts, tape recorders are used to record legal proceedings in lieu of a court reporter. After the proceeding, court "recorders" or transcriptionists, who may or may not be certified court reporters, take down in writing the taped recording and prepare a transcript. These types of records are not certified. Concerns have been voiced that there is no accountability in this area.

C. Possible Solutions and Impact

Recommendation: Require records transcribed from a taped recording be certified. Regulate court recorders and/or transcriptionists who may not be certified and make them subject to the same laws, rules, policies and procedures as certified court reporters and firms.

Impact: This recommendation will apply consistently high standards across the board when preparing a transcript or record, regardless of how the record was initially recorded. Accountability issues are

addressed to protect the public. Customer service is improved. There is more equitable treatment among all individuals engaging in court reporter related duties. Depending on the number of recorders or transcriptionists currently practicing that would fall under the Board's jurisdiction, available resources may be taxed to handle this additional responsibility.

A. Brief Description of Issue

Should a reimbursement fund be established to reimburse court reporters who provide Services at no charge for indigent individuals?

B. Discussion

The Court Reporters Board of California manages a Transcript Reimbursement Fund for the purpose of reimbursing court reporters who provide services at no charge for indigent individuals. The fund amount is approximately \$300,000 for a base of 8,000 certified court reporters, and is paid for by additional fees received from court reporters specifically to fund this program. The court reporters themselves came up with this suggestion and lobbied the California legislature to pass the legislation. Indigent individuals are required to be represented by counsel or legal aid in order for the court reporter to be reimbursed from this fund, to eliminate frivolous actions.

C. Possible Solutions and Impact

Recommendation: Perform a needs assessment to ascertain whether this type of program is beneficial for court reporters in Texas and move forward to establish a similar program, to be managed by the Board, subject to approval by the Supreme Court, if it is determined that one should exist. Fees received from court reporters would be deposited into the fund to be used specifically for reimbursement of transcript fees for services provided by court reporters to indigent individuals at no charge. The requirement that the indigent individual be represented by counsel or legal aid for the court reporter to be eligible to receive reimbursement from the agency should apply.

Impact: This recommendation would provide for improved customer service to the court reporting community of Texas and to the indigent population in Texas. Additional funding and staff would be required for this responsibility.

X. Comments

Please provide any additional information needed to gain a preliminary understanding of the agency.

FISCAL YEARS 2000 – 2001:

Michele L. Henricks, the Executive Director, started employment with the Board June 12, 2000. During that time the Board experienced a complete turnover in staff. New management has made a concerted effort to stabilize the agency while meeting legislative deadlines throughout the year.

To provide a brief history of the agency, prior to 1998 the Board was authorized for 2.5 FTEs. Staff was comprised of (1) an executive director, (2) an administrative assistant, and (3) a part-time accountant. In fiscal year 1998-99, the Board was authorized for 3.0 FTEs, however continued to operate with 2.5

FTEs due to budget constraints. At a July 1999 Board meeting, the executive director of fourteen years submitted her resignation. The number of increasing responsibilities placed on the agency since 1992 with the limited staffing and funding available were reviewed. It was decided to transfer the part-time accountant with the function to the Office of Court Administration effective September 1, 1999, with the funding to remain at the Board. This action resulted in freeing up the third full-time position to help ease the burgeoning workload, however, only half the position was funded. Deficiency grants in the amount of \$26,000 per year were granted by the Governor's office in fiscal years 2000-01, which allowed the agency to continue operations. The Board requested an exceptional item in 2002-03 to bring the function back in-house with funding for a part-time accountant, increasing the agency's FTE count from 3.0 to 3.5 in 2002-03. The Office of Court Administration provided accounting services for the Board in 2000-01 at no charge and were seeking to be reimbursed if services were provided in the next biennium.

ATTACHMENTS

Please submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Please label each attachment with its number (e.g., Attachment 1).

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute. If the enabling statute is too burdensome to attach, explain and list the citation of the statute.

Attachment #1: Chapter 52, Texas Government Code

2. A **copy** of each annual report published by the agency from FY 1997 - 2001. **N/A**
3. A **copy** of each internal or external newsletter published by the agency from FY 2000 - 2001. **N/A**
4. A **list** of publications and brochures describing the agency. **N/A**
5. A **list** of studies that the agency is required to do by legislation or riders adopted in the 77th Legislative Session. **N/A**

Attachments Relating to Policymaking Structure

6. Biographical information (e.g., education, employment, affiliations, honors) or resumes of all policymaking body members. See [Attachment 6 Example](#) to link directly to the example.

Attachment #2: Resumes of policymaking body members.

7. A **copy** of the agency's most recent rules, or an explanation that the rules are too burdensome to attach.

Attachment #3: Standards and Rules for Certification of Certified Shorthand Reporters as Promulgated by the Supreme Court of Texas

Attachments Relating to Funding

8. A **copy** of the agency's Legislative Appropriations Request for FY 2002-2003.

Attachment #4: Legislative Appropriations Request for FY 2002-2003

9. A **copy** of each annual financial report from FY 1998 - 2000.

Attachment #5: Annual Financial Reports

10. A **copy** of each operating budget from FY 1999 - 2000.

Attachment #6: Operating Budgets

Attachments Relating to Organization

11. An organizational chart of the agency that includes major divisions and programs, and that shows the number of FTEs in each division or program.

Attachment #7: Organizational chart of agency

12. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations. **N/A**

Attachments Relating to Agency Performance Evaluation

13. A **copy** of each quarterly performance report completed by the agency in FY 1999 - 2001.

Attachment #8: Quarterly Performance Reports

14. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions. **N/A**
15. A **copy** of the agency's current internal audit plan. **N/A**
16. A **list** of internal audit reports from FY 1997 - 2001 completed by or in progress at the agency. **N/A**
17. A **list** of State Auditor reports from FY 1997 - 2001 that relate to the agency or any of its functions. **N/A**
18. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim. **N/A**
19. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions. **N/A**

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