

TENNESSEE BOARD OF COURT REPORTING

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OFFICIAL Meeting Minutes

Friday, June 17, 2011

Meeting Minutes Teleconference

I. Executive Session

Executive Session called to order at 9:03 a.m. EST (8:03 a.m. CST).

Present were:

Jimmie Jane McConnell, Chairperson
Ginger Truesdel, Secretary
Sheila Staggs, Board Member
Judge Martin, Board Member
John Green, Board Member
Earl Houston
Aaron Conklin, AOC

II. Call to Order

The meeting of the Tennessee Board of Court Reporting was called to order at 9:27 a.m. EST (8:27 a.m. CST) by Chairperson Jimmie Jane McConnell via teleconference.

The following were in attendance:

Jimmie Jane McConnell, Chairperson
Ginger Truesdel, Secretary
Sheila Staggs, Board Member
Judge Martin, Board Member
John Green, Board Member
Earl Houston, Board Member
Aaron Conklin, AOC
Debbie Hayes, AOC

Others present at the Offices of the AOC in Nashville:

Trish Smith
Don Baltimore
Terri Campbell

III. Approval of minutes from last meeting

Motion made by John Green to approve the minutes from the last meeting.
Motion seconded by Sheila Staggs
No discussion. Vote taken and motion passed unanimously.

IV. Old Business

Review and Decision on License Request:

Debbie reported there was no new information from the court reporter except she is now a Notary.

Discussion was had on the request for a license.

Sheila Staggs made a motion to deny the request for a license.

John Green seconded the motion.

No further discussion. Vote taken and motion passed unanimously.

Report on new laws and/or amendments:

Aaron Conklin gave the report.

Senate Bill 1197/HB 0827:

Aaron reported: The Bill dealt with the court reporter licensure issue for one individual only. They amended it basically to tighten up the language to say:

“Any person, who graduates during the year 2000 from an accredited college located in the state with a major in office systems technology concentrating in court reporting, upon payment of the licensure fee determined by the board, shall be automatically granted a license pursuant to this part, and thereby may practice as a court reporter.”

So they narrowed that language to specifically apply to this person.

It requires that all applications be received by July 1, 2011. The Senate drafted the amendment stated above and they passed the Bill as amended. The House deferred the Bill until 2012, so it is not law as it is not applicable at this point.

Chairperson McConnell stated that they also added an amendment about deleting the grandfathering section, which was going to be dead in the water anyway come the 1st of July.

Don Baltimore added the House sponsor had changed, Representative Windle has dropped off the Bill and Julia Hurley from Lenoir city has taken over as House sponsor.

Senate Bill 0350/HB 1638:

Aaron reported it adds a new section of T.C.A. that addresses the requirements that a verbatim record of a criminal court reporting in felony matters be made requiring that in such cases a defendant be entitled to a court reporter designated by a judge or before a licensed court reporter. In his conversation with Senator Beavers, who sponsored the Bill, her intention was to maintain the status quo as it exists in criminal courts.

Chairperson McConnell added “Under Title 40.”

Aaron stated “it appears to do just that, and so the effect is there is no effect.”

Chairperson McConnell added “And that was signed by the Governor already.”

Senate Bill 10225/HB 671:

Aaron reported this Bill would extend the sunset to TBCR to June 30, 2014. The Bill passed the House as it was drafted, which just extended it to '14. On April 4th of 2011, the Bill passed the Senate with an amendment added on April 25th. The House did not pass the amended Bill, but rather the Senate recalled the Bill. So its current status is that it has passed the House, it has passed the Senate in two different forms.

Aaron reported typically what you would have in that situation is it is put on a message calendar and either one House would agree with the other chamber and they would settle on one form of the Bill or they would go to a conference committee to come up with a solution. They just decided to sit on it until next year. What that does, essentially, is as of June 30th, it puts the Board into wind-down. This is not an unusual thing in state government at all. The wind-down means you exist for one year beyond your sunset date and that year is to wind down the business of the Board. It continues to operate as it operated previously and the Board would then cease to terminate June 30 of '12 if there were no movement on the legislation.

Chairperson McConnell stated there was also an amendment on there that pertain to how the Board appointments will be made.

Aaron stated the amendment the Senate put on is really kind of the issue. What you have is a disagreement between the Senate Governor Ops Chair, Bo Watson, and the House Governor Ops Chair, Jim Cobb, on how these types of amendments should be worded. This is an amendment that the Senate had actually for the last few years tried to put on boards and commissions that come up for sunset, and their intent is to take away what they call special interest appointments, which would be where any group sends nominations to the governor, from which the governor shall choose.

In other words, if TCRA sent a list of nominees, then the governor would have to choose from that list of nominees.

This Board is a little different because when it was originally written, you already had that atmosphere over in the Senate. So it was written to say in making court reporter appointments to the Board, the governor shall receive, but not be bound by recommendations from interested court reporter groups including, but not limited to Tennessee Court Reporter Association.

The new language would change that to read a list of qualified nominees may be submitted to the governor. In making court reporter appointments to the Board, the governor shall consult with interested court reporter groups including, but not limited to the Tennessee Court Reporters Association, to determine qualified personnel to fill the positions.

Aaron stated in his mind this is not a change because there is no current requirement that the governor be bound by any nominations that are sent to him from any group. The new language doesn't change that, it leaves you in the same situation where the governor can still receive nominations and actually make it a little stronger, he shall consult with them. So it maybe puts a little stronger requirement that the governor does receive nominations from that group, but he is still not bound by them.

However, because there is philosophical disagreement between the two Chamber Chairs, this Board and a number of other boards have kind of been caught and deferred until next year to determine what kind of agreement can be made about that.

Aaron stated this sunset bill essentially is being treated the same as several other sunset bills. Aaron stated he had a call from Representative Cobb, who chairs the House Governor Operations Committee, and he assured Aaron there was no problem with seeing this Board continue; that it truly is a matter of what this amendment should look like, if it should be on there, and he understood that this Board already doesn't have those types of guaranteed nomination appointments that other boards that they are trying to address.

Chairperson McConnell asked Don Baltimore if he had anything to add.

Don Baltimore stated that yesterday he was at the Board of Architectural Engineering Examiners, and they are in the same boat, and they have been assured that they, too, will be extended next year. Also, the personality differences between the House Government Operations Chairman and the Senate Government Operations Chairman may be resolved. The Government Operations Chair in the Senate, Bo Watson, is taking Senator Jamie Woodson's place as Speak Pro Tem. There will be a new speaker of the Senate Government Operations Committee.

Don Baltimore also stated we have been promised, all of these agencies, that this will be resolved and don't worry, everything will be done, it's just how it is going to be extended.

Report and Recommendation from subcommittee on question of fraudulent misrepresentation of TBCR approval:

Earl Houston stated we need to table it for our open meeting in September.

Chairperson McConnell stated we would table that discussion for our open meeting in September.

Report and recommendation from subcommittee on stipulation page:

Judge Martin stated considering this in open session makes more sense.

John Green was in agreement with Judge Martin.

Chairperson McConnell stated we would table that discussion for our open meeting in September.

Aaron stated if the subcommittees wanted to get together before the September meeting, to let him know and he could make those arrangements.

Complaints and Mr. John Barry's appointment as disciplinary counsel:

Chairperson McConnell stated if we have a possible complaint presented to us, we will be monitoring and finding out how that proceeds and at that time we will address that.

Aaron added that we have no complaints received presently.

FAQs recently updated – Debbie provide copy:

Chairperson McConnell commented on the FAQs recently updated on our website per Debbie Hayes. Also, TCRA has done an excellent job posting the questions that are posed to them as the State association.

V. New Business

Certificates for LCR license

Discussion was had about certificate. Aaron stated certificates were sent.

Licensure stamp feasibility:

Discussion was had about using some kind of stamp similar to the notary stamp.

Aaron stated to regulate what is required to go on a stamp we would need a rule.

Chairperson McConnell asked if you could do a recommendation.

Aaron stated if you do a recommendation, it is not binding. He also stated whether you require a stamp or don't require one, if you put regulations on what needs to be included is a regulation.

Further discussion was had. Sheila Staggs asked if we need a motion to adopt recommendations. Aaron stated he was uncomfortable with this and he wanted to do more research on whether or not this would require a rule, but stated if we want to do a motion that encompasses what we think would need to be included in that, that would be appropriate.

Judge Martin stated until we make a determination of what to do and put something in our minutes, he would rather wait until we have a clear sense of what Aaron believes we should do before we take any action.

Sheila Staggs stated maybe we should table this until September.

Request fiscal/accounting report to be provided to Board at September meeting

Chairperson McConnell requested that the Board be provided a financial accounting at the September meeting for the past year.

Aaron stated those will be provided. He stated the fiscal year closes June 30th and they will be able to close the books fairly quickly, so that should come out well before September.

Discussion on posting complaints and resolutions

Chairperson McConnell stated it has been suggested that maybe the Board do this.

Discussion was had about this and the confidentiality of the complaints.

Aaron stated that this Board is a statutory “beast” and is subject to the Open Records law. Aaron stated he would do a little more research into it.

Chairperson McConnell asked if there was a legislative type change in the law and we can also make a rule change in that, would that protect the individual? Aaron stated a statutory change certainly would, it might be tough to get. Chairperson McConnell stated it might be something we need to think of next year if any other changes come up in our licensure, and asked Aaron to see if he can find us a statutory exemption.

Discussion on request for CE rule change

Debbie reported on an e-mail from a court reporter, who had taken a semester of English, and was disappointed that her semester of English would only give her five hours towards her requirement for continuing education.

Discussion was had on this issue.

Aaron stated it was something we should definitely look into and see if we could come up with a better way to handle this.

Chairperson McConnell stated that we are probably going to be looking at several rule changes and we might as well look at them all at one time and have a public meeting.

Discussion was had about providing this reporter a waiver for her credits. Judge Martin stated he did not want to get into waivers, he prefers that our regulations be clear and everyone can read them and understand them.

Chairperson McConnell stated we will look at this further in our September meeting and with other suggestions we receive on possible changes in our rules and try to get something started from there.

Discussion was had on upcoming meeting in Nashville on September 23rd.

VI. Adjournment

Motion was made by John Green.
Motion was seconded by Sheila Staggs.
Motion passed.

The regular meeting of TBCR was adjourned at 10:25 a.m.

Minutes submitted by Ginger Truesdel, Secretary