

PROFESSIONAL AND OCCUPATIONAL STANDARDS

B. A current certificate holder shall:

- 1. be fair and impartial toward each participant in all aspects of reported proceedings, treat all parties equally, and always offer comparable services and prices to all parties in a proceeding;
- 2. be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Certificate Holder shall timely disclose said conflict or potential conflict to all parties in the proceeding or take the action(s) necessary for extraction from said conflict or potential conflict;
- 3. guard against not only the fact but the appearance of impropriety;
- 4. preserve the confidentiality and ensure the security of information, written, entrusted to the Certificate Holder by any of the parties in a proceeding;
- 5. be truthful and accurate when making public statements or when advertising the Certificate Holder's qualifications or the services provided;
- 6. refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations;
- 7. determine fees independently, except when established by statute or court order, entering into no unlawful agreements with others, whether for services or charges;
- 8. deliver requested transcripts of testimony timely to all parties on the same day. Delivery shall be by hand, if reasonable, or by proper posting if hand delivery is not reasonable;
- 9. refrain from giving, directly or indirectly, any gift, incentive, reward, or anything of value to attorneys, clients, witnesses, insurance company personnel or any other persons or entities associated with (the) litigation, or to the representatives or agents of any of the foregoing, except for:
  - a. items that do not exceed \$100 in the aggregate per recipient each year; or
  - b. pro bono services as defined by the National Court Reporters Association Guidelines for Professional Practice or by applicable state and/or local laws, rule, and regulations;
- 10. abide by the applicable nation/state/local laws and court rules and the rules promulgated by the Louisiana Board of Examiners of Certified Shorthand Reporters.

C. When a deposition is taken, an original transcript must be produced by the reporter in a prompt manner and delivered to the noticing attorney, in satisfaction of the attorney's duty to serve as custodian of the records and in order to assure full compliance with the reporter's statutory and ethical obligations.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2553(A), 37:2554 and 37:2557(A).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 25:1215 (July 1999), amended by the

Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2421 (November 2007), LR 37:318 (January 2011).

**§1303. Employment Relationship with Court Reporting Firm**

A. Application and Scope. This Rule protects the integrity, independence, and impartiality of court reporters in their relationships with court reporting firms, as defined in R.S. 37:2555(G) that are doing business in Louisiana.

B. Safe Harbor. A licensed Louisiana court reporter may accept employment from a court reporting firm and shall not be considered an "employee" for purposes of *Code of Civil Procedure* article 1434 upon furnishing to the board a certification, on a form approved by the board, from an authorized and knowledgeable officer of the court reporting firm that the firm has no prohibited employment or contractual relationship, direct or indirect, under *Code of Civil Procedure* article 1434 with a party litigant in the matter for which the reporter was retained to provide services. The reporter must file with the board a copy of the certification within 30 days after the date of the deposition. The reporter shall obtain and maintain, for a minimum of three years, the schedule of all charges and other disclosures, which shall be obtained by the reporter concurrently with the original certification from the court reporting firm. Upon request, the reporter shall provide to the board a copy of the schedule of all charges and other disclosures. The Louisiana court reporter shall immediately notify the board, in writing, if a safe harbor request was made upon a court reporting firm and the firm refused or failed to provide the requested certification or the schedule of all charges and other disclosures. The reporter shall include the name of the court reporting firm and the date the request was made.

C. Certification by Court Reporting Firm. Upon request by a licensed Louisiana court reporter, a court reporting firm doing business in Louisiana shall provide a certification on forms adopted by the board and executed by affidavit from an authorized and knowledgeable officer of the firm, attesting that the firm has no prohibited employment or contractual relationship, direct or indirect, under *Code of Civil Procedure* article 1434 with a party litigant in the matter for which the reporter was retained to provide services.

D. The court reporting firm and the court reporter shall immediately inform the board of any change in relationships or actual knowledge of any relationships, direct or indirect, that are at variance with representations made in the certification by the court reporting firm.

E. Certification Affidavit of Court Reporting Firm

**CERTIFICATION AFFIDAVIT OF COURT REPORTING FIRM**

STATE OF \_\_\_\_\_  
PARISH OR COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, duly qualified to take acknowledgments and administer oaths within the state and locality inscribed above, personally appeared

("Affiant"), who is representing  
 a \_\_\_\_\_ [state] corporation [or limited liability  
 company or other form of business organization] that is doing  
 business in Louisiana as a court reporting firm as defined by  
 Acts 2014, No. 839 (hereinafter, "Court Reporting Firm").  
 The physical address of the entity's principal place of business  
 is \_\_\_\_\_ [street and suite number, if any]  
 in \_\_\_\_\_ [city], State of  
 \_\_\_\_\_, Zip \_\_\_\_\_, Telephone: ( \_\_\_\_\_ )  
 \_\_\_\_\_, Email \_\_\_\_\_.

After being duly sworn, Affiant did attest as follows:

6. Affiant is a knowledgeable representative who is authorized to act on behalf of the Court Reporting Firm in executing this Certification Affidavit.

7. The Court Reporting Firm has engaged a Louisiana licensed court reporter to perform court reporting services in connection with the deposition(s) of \_\_\_\_\_ [identify by name each deponent covered by this certification] to be taken in the following proceeding: \_\_\_\_\_ vs. \_\_\_\_\_, pending in the \_\_\_\_\_ Court under number \_\_\_\_\_.

8. Affiant certifies, after performing due diligence, that the Court Reporting Firm has no prohibited employment or contractual relationship, direct or indirect, under Louisiana Code of Civil Procedure Article 1434 with a party litigant in the matter for which the court reporter's services have been engaged. Affiant further acknowledges affiant's duty to provide information and will provide information promptly to the Louisiana Board of Examiners of Certified Shorthand Reporters (hereinafter, "CSR Board") regarding any change in these relationships or in Affiant's knowledge of these relationships.

9. Affiant attaches hereto the schedule of all charges and other disclosures that the court reporter must have available at the time of taking the deposition.

10. Affiant further states that Affiant is familiar with the nature of an oath and with penalties as provided by applicable state laws for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that Affiant

has read and understands the full facts and content of this Affidavit.

SIGNATURE OF AFFIANT: \_\_\_\_\_

Sworn before me this me this \_\_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_\_

\_\_\_\_\_  
 Notary Public  
 Print name:  
 My commission expires:

Each Firm Certification Affidavit must be filed with the CSR Board by the court reporter within 30 days of the date of the deposition. The filing does not need to include the schedule of charges.

**I, a Louisiana Licensed Court Reporter, hereby submit this certification affidavit via \_\_\_\_\_ [facsimile/e-mail] within 30 days of the date of the depositions to which this certification applies and acknowledge my obligation to maintain the schedule for a minimum of three years. I further certify that I have received the required schedule of all charges and other disclosures from the Court Reporting Firm in connection with this certification.**

\_\_\_\_\_  
 Signature Date

\_\_\_\_\_  
 Printed Name LA CCR NO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2557(B), R.S. 37:2555(G), and R.S. 37:2556(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 41:335 (February 2015).