

Section 1: Introduction

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Section 1: Introduction

Chapter 1: Role of the Court Reporter/Recorder

As used in this manual, **the term reporter means** a shorthand reporter, stenomask reporter, or a voice writer. **The term recorder means** an electronic recorder.

The court reporter or recorder is an integral part of the justice system. As such, she or he is subject to the requirements of Michigan Court Rules, Michigan statutes, and this manual. **This applies to all court reporters and recorders, whether official, per diem, or freelance.**

The court reporter or recorder makes and maintains the verbatim permanent record of all proceedings. That permanent record must be a complete and accurate record. To perform this function the reporter or recorder must be competent, punctual, and willing to work long hours.

The skills of a reporter or recorder include the ability to report or log accurately and quickly; proficiency at transcribing; and expertise at spelling, punctuation, grammar, neatness, speed, and organization.

Chapter 2: Conduct of the Court Reporter/Recorder

The reporter or recorder must be impartial, patient, dignified, and courteous and should conform personal conduct to high professional and personal standards. The reporter or recorder should be a respected citizen of good moral character and complete trustworthiness.

A. Code of Conduct

When working in the capacity of an official court reporter or official court recorder, the reporter or recorder is an officer of the court and part of the court staff. He or she is subject to the same high standards of conduct above reproach, fidelity, and diligence that apply to the judge. (Code of Judicial Conduct, Canon 3[B][2]) He or she should always recognize that an independent and honorable court is indispensable to justice in our system. The judicial system is for the benefit of the litigant and the public, not the court or its staff. (Code of Judicial Conduct, Canon 1)

As is stated in *The State Trial Judge's Book*, published under the sponsorship of the National Conference of State Trial Judges, the justice system requires that the reporter or recorder understands:

1. That the reporter or recorder of the court must reflect credit upon the court, the judge, and their profession, and that this extends to his/her personal, as well as official life.
2. That communications between the reporter or recorder and the judge are to be highly confidential.
3. That the reporter or recorder must respect the justice system at all times.

4. That the reporter or recorder should be punctual and efficient.
5. That the reporter or recorder should not give advice to anyone concerning any matter in the court or which could end up in court.
6. That the reporter or recorder should never purport to speak or act for the judge where judicial matters are involved.
7. That, unless specifically authorized, the reporter or recorder should never exercise the court's discretion, as in excusing jurors or setting hearings.
8. That the reporter or recorder should not discuss the merits of any case.
9. That the reporter or recorder should be careful not to leave the impression with anyone that s/he could or would "talk to the judge" about a case or that s/he knows "what the judge is going to do."
10. That the reporter or recorder should not express an opinion as to how a case should be decided or what verdict a jury will return. In other words, s/he should not take sides in any proceeding.
11. When working in the court, the reporter or recorder should not permit anyone to dictate anything into the record out of the judge's presence or without the judge's knowledge.
12. That the reporter or recorder should never improperly interpose himself or herself between the judge and others.
13. That the reporter or recorder must not neglect the work of the court in order to perform outside work.
14. If the reporter or recorder is an attorney, she or he is not to practice law in the court served as an official court reporter or official court recorder.
15. That the court reporter or recorder maintain notes and records, stenographic tapes, or discs in accordance with law and the *Michigan Trial Court Case File Management Standards*.
18. That if the reporter's or recorder's employment is terminated, she or he will promptly transcribe and deliver all notes, records, and completed transcripts as requested.

(National Conference of State Trial Judges Book Revision Committee, *The State Trial Judge's Book* [St. Paul: West Publishing Co, 2nd ed, 1969], pp 11-12)

As an officer of the court, the reporter or recorder should always recognize that an independent and honorable court is indispensable to justice in our system. The judicial system is for the benefit of the litigant and public, not the court or its staff. (Code of Judicial Conduct, Canon 1)

B. Guidelines for Professional Practice

Common sense, professional courtesy, statutes and court rules should guide reporters and recorders in applying these guidelines.

In making a record, the reporter or recorder should:

1. Accept only those assignments when their level of competence will result in the preparation of an accurate transcript. One should remove himself or herself from an assignment when one believes his or her abilities are inadequate, recommending or assigning another person if such person has the competence required for such assignment.
2. Prepare the record in accordance with transcript preparation guidelines established by statute, court rule, local custom and usage and this manual.
3. Notify, whenever possible, the parties engaging the reporter or recorder if a substitute reporter or recorder will be assigned.
4. Make timely delivery of transcripts, meet promised delivery dates, and make notification of delays.
5. Strive to become and remain proficient in his or her professional skills.
6. Keep abreast of current literature, technological advances and developments, and participate in continuing-education programs and professional organizations.
7. Cooperate with the bench and bar for improvement of the administration of justice.
8. Cooperate with qualified legal assistance organizations providing free legal services to the indigent as part of a commitment to the principle that legal services should be available to all. Such participation should be in accordance with the basic tenets of the profession: impartiality, competence, and integrity.

C. Guidelines for Professional Ethics

A reporter or recorder shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services 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 reporter or recorder shall disclose that 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, oral or written, entrusted to the reporter or recorder by any of the parties in a proceeding.

5. Be truthful and accurate when making public statements or when advertising qualifications or the services provided.
6. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with anyone.
7. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with a litigation, or to the representatives or agents of any of the foregoing, except for items that do not exceed \$100 in the aggregate per recipient each year or pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.
9. Maintain the integrity of the reporting/recording profession, and avoid being identified with controversies that would reflect negatively on the justice system.
10. Abide by the Constitution and the laws of the United States and the state of Michigan.

(The National Court Reporters Association Code of Professional Ethics and National Stenomask Verbatim Reporters Association Member Handbook)

Chapter 3: Conflict of Interest

A court reporter, court recorder, stenomask reporter, or owner of a court reporting firm shall not provide or arrange to provide court reporting or recording services if he or she is a relative, employee, attorney, or counsel of any of the parties, or is a relative or employee of an attorney or counsel of any of the parties, without disclosing that familial relationship. ([MCL 600.1490\[2\]](#) and [MCR 2.304\[C\]](#))

Chapter 4: Associations

Below are links to associations of importance to the court reporter/recorder. You should become familiar with these resources.

Michigan Association of Professional Court Reporters: <http://www.mapcr.org>.

Michigan Electronic Court Reporters Association: <http://www.mecra.info>.

National Court Reporters Association: <http://www.ncraonline.org/>.

The American Association of Electronic Recorders and Transcribers: <http://www.aaert.org>.