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Directive #08-20

[Supersedes Directive #03-93]

[Questions or comments may be directed to the Appellate Division at 609-815-2950]

To: Hon. Carmen Messano, P.J.A.D.
Assignment Judges
Hon. Joseph Andresini, P.J.T.C.
Trial Court Administrators

From: Glenn A. Grant, J.A.D. 

Subject: Transcriber Policies: (1) Promulgation of Code of Professional Conduct for Certified Transcribers; (2) Integration in Updated Judiciary Transcriber Manual; and (3) Expansion of the Transcriber Certification Board

Date: February 7, 2020

The Supreme Court has approved a Code of Professional Conduct for Judiciary Certified Transcribers, which is effective immediately. This new Code of Conduct incorporates certain longstanding professional standards for individuals who prepare court transcripts while adding new ethical requirements. The Code of Conduct is included in the updated Judiciary Transcriber Manual as promulgated with this directive. In conjunction with these policies, the Court also has approved expansion of the Transcriber Certification Board and has established a more formal process for future appointments to that oversight body.

Background

In 1992, the Supreme Court Committee on Court Reporting issued recommendations intended to establish consistent standards for the independent contractors who prepare transcripts from electronically recorded court proceedings. Consistent with the Committee's recommendation, the Supreme Court in 1993 approved the establishment of (i) a formal process for certifying individuals to prepare court transcripts and (ii) a governing body to oversee the certification of transcribers and the regulation of transcript agencies.

Code of Professional Conduct for Judiciary Transcribers

This directive establishes a Code of Professional Conduct for Certified Transcribers. The new Code locates in one document existing professional requirements and sets ethical standards for the independent

contractors who serve as transcribers, consistent with Judiciary principles as modified for non-employees. The Code outlines the duties applicable to all transcribers (as well as supervising office managers and agency directors), including confidentiality requirements and other ethical imperatives. All transcribers providing services to the Judiciary must abide by these standards, which are incorporated in the Judiciary Transcriber Manual.

Judiciary Transcriber Manual

The qualifications and certification process for individuals seeking to produce transcripts of court proceedings and other court events are codified in a Transcriber Manual. This directive promulgates substantive and technical updates to the instructional and reference portions of the manual, in addition to the new Code of Professional Conduct.

Transcriber Certification Board

Since inception, the Transcriber Certification Board has been comprised of the Appellate Division Deputy Clerk, two administrative specialists from the Appellate Division Office of Administrative Services, and agency directors from different regions of New Jersey. Effective immediately, the Transcriber Certification Board also will include two members of the New Jersey Bar with experience in both trial court and appellate practice. All appointments to the Transcriber Certification Board will be approved by the Supreme Court.

Conclusion

Ensuring that digital transcripts are generated in a reliable and confidential manner is critical to the mission of the courts and to the public we serve. Further information on the Transcriber Certification Board and the Transcriber Manual with Code of Conduct for Certified Transcribers is available at <https://www.njcourts.gov/courts/appellate.html>.

Questions regarding this directive may be directed to Karen M. Carroll, Deputy Clerk for the Appellate Division, at Karen.Carroll@njcourts.gov or at 609-815-2950 ext. 54730.

Attachment

cc: Chief Justice Stuart Rabner
Hon. Jack Sabatino, P.J.A.D.
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Meryl Nadler, Counsel to the Administrative Director
Special Assistants to the Administrative Director
Vicinage ATCAs-Operation Division Managers



JUDICIARY TRANSCRIBER MANUAL

- **TRANSCRIBER CERTIFICATION PROCESS**
- **TRANSCRIBER CERTIFICATION BOARD**
- **CODE OF CONDUCT**

**[Approved by the Supreme Court –
Promulgated February 7, 2020]**

Prepared by:
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February 7, 2020

FOREWORD

The preparation of transcripts of judicial proceedings is a critical responsibility of the individuals charged with this task.

The Transcriber Certification Board is established to ensure that individuals preparing transcripts from electronically recorded proceedings meet the requirements set forth in New Jersey Statute 2B:7-4 and New Jersey Court Rule 2:5-3.

These standards are a result of research and discussions with the Transcribers Association of New Jersey, the Attorney General's Office, individual transcribing agencies, and the Appellate Division Office of Administrative Services.

February 7, 2020

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Introduction

Authority

New Jersey Court Rule 2:5-3(e) governs all aspects of transcript production, and provides that “The court reporter, clerk, or agency, as the case may be, shall promptly prepare or arrange for the preparation of the transcript in accordance with the standards fixed by the Administrative Director of the Courts.”

Administration

The Appellate Division Office of Administrative Services is responsible for the administration of those standards fixed by the Administrative Director of the Courts in accordance with Rule 2:5-3. The Administrative Director has established the standards enumerated in this booklet.

Transcript Preparation

Individuals who prepare transcripts from electronically recorded court proceedings are independent contractors and not employees of the Judiciary. They prepare transcripts of recordings of court proceedings (Municipal, Superior, Tax, Appellate and the Supreme Courts) as well as other court events (Task Forces, Conferences, etc.). The transcribing agency is responsible for preparation of transcripts and filing related paperwork as well as delivery.

Standards for Becoming a Certified Transcriber for the New Jersey Courts

Requirements

The individuals preparing transcripts must have a high school diploma or the equivalent.

A prospective transcriber whose application has been approved by the Office of Administrative Services must schedule an appointment for certification testing within one year from the date of their application approval. An applicant may take the test a maximum of three times. If an applicant does not pass the test after the third attempt, they will not be eligible to retake the test for two years from the date of their last test. The applicant will need to complete a new application to start a new certification process.

During the testing process applicants are required to prepare a transcript and take a written test that consists of transcript format questions, vocabulary, punctuation, word usage, and spelling.

If a prospective transcriber is successful in passing the certification test, the individual will receive a conditional six-month certification. During this six-month period, the prospective transcriber must submit 100 pages of transcripts for review by the Transcriber Certification Board before becoming fully certified.

A prospective transcriber is required to prepare a transcript on a computer or other electronic device with standard word processing software.

Transcripts must be produced in accordance with the transcript format detailed in the booklet "Transcript Format for Judicial Proceedings" dated November 20, 2019.

Definition of Terms

Agency Director (AD) – An individual who oversees a transcribing business but is not certified to prepare transcripts. The Agency Director must appoint a certified typist whose title is Office Manager/Transcriber to oversee the transcript production of electronically recorded proceedings prepared by certified typists.

Agency Director/Transcriber (AD/T) – An individual who is the principal owner of a transcribing business and is certified to prepare transcripts from electronically recorded proceedings. The Agency Director/Transcriber may also employ certified typists to work for their agency.

Office Manager/Transcriber (OM/T) – An individual who is appointed by either an AD or an AD/T to oversee all aspects of the transcript production. When employed by an AD, the OM/T must supervise training of certified typists for the agency as well as co-sign transcripts for typists in training.

Typist – An individual who is certified to prepare transcripts from electronically recorded proceedings and is employed by an Agency Director or an Agency Director/Transcriber.

Responsibilities of the Agency Director,

Agency Director/Transcriber or Office Manager/Transcriber

ADs, AD/Ts, OM/Ts and typists are responsible for the safekeeping of official court documents, many of which are confidential. Therefore, applicants are subject to a criminal records check.

The ADs, AD/Ts, and OM/Ts are responsible for the timely delivery of transcripts to the requesting party and the court. In addition, they must comply with all transcript monitoring procedures as required by the Appellate Division.

The Appellate Division's Office of Administrative Services will provide the courts with names of certified transcribing agencies but will not solicit work for any agency.

Each AD or AD/T is responsible for the action(s) of the OM/T and/or certified typist(s) in their employ.

Approval to operate an agency or to retain a typist certification can be revoked by the Transcriber Certification Board. Grounds for revocation are outlined on page 19.

Agency Director Certification

The prospective Agency Director must complete and return an application, available from the Appellate Division Office of Administrative Services, P.O. Box 968, Trenton, NJ 08625. The application will be reviewed by the Office of Administrative Services which will conduct a reference and background check of the applicant. A reference check may include personal, business and credit references.

If the application is not complete the applicant will be notified, in writing, of the deficiency. If the references and background checks are not satisfactory, the certification process will conclude, and the applicant will be notified in writing.

The applicant will be notified, in writing, of a satisfactory review of the application, references, and background checks. A copy of the standards for transcript monitoring and transcript preparation will be included with this notification. At this stage the approved Agency Director may designate an individual as their OM/T. Such individuals must complete the certification procedure to become a certified typist. The AD will receive an identification card that will contain a control number. This number will be used by the Appellate Division Office of Administrative Services for tracking purposes.

Agency Director/Transcriber and Office Manager/Transcriber Certification

The prospective AD/T and/or OM/T must complete and return an application, available from the Appellate Division Office of Administrative Services, P.O. Box 968, Trenton, NJ 08625. In the case of an OM/T, the AD would submit the required paperwork. The Office of Administrative Services staff will communicate with the AD until the OM/T is certified. The application will be reviewed by the Office of Administrative Services staff and a reference and background check will be conducted.

If the application is not complete, the applicant will be notified, in writing, of the deficiency. If the references and background checks are not satisfactory the certification process will conclude, and the applicant will be notified in writing. In the case of an OM/T, the AD will be notified.

The applicant will be notified, in writing, of a satisfactory review of the application, references and background checks. The notification will include a copy of the standards for transcript monitoring, a transcript format booklet and a study guide to prepare for the certification test. At this phase the prospective AD/T or OM/T has one year from the date of the approved application to schedule an appointment for transcript certification testing. The applicant must take a written test and prepare a transcript at the Office of Administrative Services, Trenton, New Jersey. The Office of Administrative Services will provide the test material and equipment. The test must be scheduled, by appointment, no later than 8:30 a.m. and must be handed in by 3:30 p.m., Monday - Thursday. On the day of the test, prospective transcribers must present a photo identification to the Office of Administrative Services staff member who will be administering the test. (For additional information, see also "Grounds For Refusal to Admit to Examination or Suspension or Revocation of Certification")

The OM/T and/or AD/T must obtain a grade of at least 95% on the written test and produce a verbatim transcript that conforms to the Transcript Format for Judicial Proceedings. Upon passing the certification test, the AD or AD/T will receive a letter within sixty days and an identification card containing a control number. The number will be used by the Office of Administrative Services for tracking purposes.

Prospective transcribers who are successful in passing the certification test will receive a conditional six-month certification. During this six-month period, the transcriber must prepare at least 100 pages of transcripts. A copy of each transcript produced during the period must be sent to the Office of Administrative Services for distribution to members of the Transcriber Certification Board on a rotating basis for review against the court recording. During the conditional certification the number received by the transcriber will be followed by the letters CC.

After receiving conditional certification, the transcriber will sign a form stating that if the minimum pages are not produced during the initial six months, the conditional certification will be revoked. The transcriber or agency may write to the Transcriber Certification Board requesting a six-month extension to this conditional certification based on a good faith effort to produce the

required number of pages. The Transcriber Certification Board will review this request and notify the transcribing agency of its decision. If the 100-page requirement is not met at the end of the additional six months, the Transcriber Certification Board will revoke the transcriber's conditional certification and the transcriber will need to reapply. No extensions will be granted after one year.

Upon approval, the AD/T must notify the courts of their name, address, and telephone number, and may begin to solicit work. The OM/T may now prepare transcripts and perform other transcript related duties required by the AD.

A prospective AD/T or OM/T who does not successfully complete the certification process will be notified in writing, with an explanation of why they were not approved. In the case of an OM/T, the AD will be notified.

An individual who is not approved may apply again, which will restart the testing process. Upon notification, a prospective transcriber may reschedule any portion of the test. However, prospective transcribers will be tested a maximum of three times on any one section of the test. If they do not pass the test after the third time, they must wait two years from the date of their third notification before retaking the test.

To ensure compliance with all of the standards for transcript production, the Appellate Division Office of Administrative Services will randomly contact an agency and request two months' transcripts to be forwarded to the Office of Administrative Services for review.

Typist Certification

The AD/T or OM/T must submit an application completed by the prospective typist, along with a letter from the agency. The Office of Administrative Services will communicate only with the AD, AD/T, or OM/T regarding their typist(s).

The application must be filed and approved by the Appellate Division Office of Administrative Services before the typist may begin typing court related transcripts. A study guide and Transcript Format booklet will be sent to the AD/T or OM/T for the typist. A training period may last up to one year. The AD/T or OM/T must sign and date the certification page and all relevant paperwork along with the signature of the prospective typist during the training period. By signing the certification page and related forms, the AD/T or OM/T certifies that the transcript was prepared under their supervision and conforms to the transcript standards and was carefully and thoroughly reviewed by the AD/T or OM/T.

Within one year from the date of the approved application, the AD/T or OM/T must request the Office of Administrative Services to schedule an appointment for transcript certification testing. The prospective typist must take a written test and prepare a transcript at the Office of Administrative Services, Trenton, New Jersey. Administrative Services will provide the test material and equipment. The test must be scheduled, by appointment, no later than 8:30 a.m. and handed in by 3:30 p.m., Monday - Thursday. On the day of the test, prospective typists must present a photo identification to an Office of Administrative Services' staff member who will be administering the test. For additional information, see also "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification."

The typist must obtain a minimum grade of 95 % on the written test and produce a verbatim transcript that conforms to the Transcript Format for Judicial Proceedings. Upon passing the certification test, the AD/T or OM/T will receive a letter of approval within sixty days. A typist identification card containing a control number will be included with the approval letter. This number will be used by the Office of Administrative Services for tracking purposes.

Prospective typists who are successful in passing the certification test will receive a conditional six-month certification. During this six-month period, the typist must prepare at least 100 pages of transcripts. A copy of each transcript produced during the period must be sent to the Office of Administrative Services for distribution to members of the Transcriber Certification Board on a rotating basis for review against the court recording. During the conditional certification the number received by the typist will be followed by the letter CC.

After receiving conditional certification, the typist will sign a form stating that if the minimum pages are not produced during the initial six months, the conditional certification will be revoked. The typist or agency may write to the Transcriber Certification Board requesting a six-month extension to this conditional certification based on a good faith effort to produce the required number of pages. The Transcriber Certification Board will review this request and notify the transcribing agency of its decision. If the 100-page requirement is not met at the end of the additional six months, the Transcriber Certification Board will revoke the typist's conditional

certification and the typist will need to reapply. No extensions will be granted after one year. If the requirements are met, the Transcriber Certification Board may meet with the transcriber prior to approving their certification.

Once the typist is certified, the identification card is valid until they terminate employment from the agency.

If the certification test is unacceptable, a letter of denial will be sent to the AD/T or OM/T with an explanation as to why the typist was not approved. Upon notification, a prospective typist may reschedule any portion of the test. However, prospective typists will be tested a maximum of three times on any one section of the test. If they do not pass the test after the third time, they must wait two years from the date of their third notification before retaking the test.

To ensure compliance with all of the standards for transcript production, the Office of Administrative Services will randomly contact an agency and request two months' transcripts to be forwarded to the Office of Administrative Services for review.

Identification Cards

A certified AD will receive an ivory-colored identification card with an alpha numeric I.D. The first letters will be "AD" to identify the individual as a certified Agency Director. Should the agency terminate producing transcripts for the Judiciary, or change ownership, the identification card must be returned to the Office of Administrative Services along with the cards of the OM/T and typists. The cards can then be reissued to a new agency at the written request of that agency after the agency is certified.

A certified AD/T will receive a grey-colored identification card with an alpha numeric I.D. The first letters will be "AD/T" to identify the individual as a certified Agency Director/Transcriber. Should the agency terminate producing transcripts for the Judiciary, or change ownership, the identification card must be returned to the Office of Administrative Services along with the cards of the typists. The cards can then be reissued to a new agency at the written request of that agency after the agency is certified.

A certified OM/T will receive a pink-colored identification card with an alpha numeric I.D. The first letters will be "OM/T" to identify the individual as a certified Office Manager/Transcriber. Should the OM/T terminate their employment with the agency the card must be returned to the Office of Administrative Services. When termination of an OM/T occurs, the agency has seven calendar days to appoint a new OM/T.

A certified typist will receive a light blue-colored identification card with an alpha numeric I.D. The first letters will be "T" to identify the individual as a certified Typist. Should the typist terminate his or her employment with the agency, the card must be returned to the Office of Administrative Services.

Testing Procedures

Testing will be conducted, by appointment, at the Appellate Division Office of Administrative Services, 25 Market Street, 5th Floor, North Wing, Monday - Thursday, between the hours of 8:30 a.m. - 3:30 p.m. All tests must be handed in by 3:30 p.m. All equipment and testing materials will be provided by the Office of Administrative Services.

On the day of the test, the prospective transcriber or typist must present a photo identification to the Office of Administrative Services staff member who will be administering the test. For additional information, see also "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification."

The transcript will be prepared on a Windows computer. The system only contains Microsoft word processing software.

The test consists of a written portion and the preparation of a transcript. Each part of the written test will be scored independently. A 95% score on each portion is required to pass. If the prospective transcriber or typist fails any one area of the test, they may retake that portion of the test after 30 days.

The written test will consist of:

- vocabulary (legal, medical, and other terms);
- transcript format;
- punctuation;
- word usage; and
- spelling.

Transcript preparation will require the test taker to produce a finished transcript of approximately 20 pages in length, which must include a cover page, index page, signed certification page, and other requirements set forth in the Transcript Format for Judicial Proceedings booklet.

A study packet will be provided. The packet will contain a Transcript Format for Judicial Proceedings booklet, a completed transcript, a vocabulary list, a grammar and punctuation exercise, and a list of reference books. The packet will be given to the prospective transcriber or typist after their application has been approved.

Non-Compliance Standards

An Agency Director, Agency Director/Transcriber, Office Manager/Transcriber or Typist who fails to comply with the standards for transcript production from electronically recorded court proceedings or court events, will be sanctioned by Appellate Division, Office of Administrative Services and/or the Transcriber Certification Board for deficiencies set forth in the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification." The following procedures will be used when reviewing complaints.

Complaints are to be filed with the Deputy Clerk, Appellate Division, Office of Administrative Services. Complaints filed with the Transcriber Certification Board will be referred to the Deputy Clerk, Appellate Division, Office of Administrative Services.

The Deputy Clerk, Appellate Division, Office of Administrative Services will contact the agency and advise them that a complaint was filed against their agency. The agency has ten days after receipt of the letter detailing the complaint to respond with written comments.

Generally, unless the matter represents a serious violation, the first act of non-compliance with the Transcript Format Booklet for Judicial Proceedings or Administrative Directives, Statutes, Court Rules, and policies will result in a written reprimand of the AD, AD/T, OM/T or typist. Corrected transcripts, if necessary, will be required to be prepared at no additional cost to the requesting party or court, with a copy sent to Office of Administrative Services to be placed on file.

If either (i) the Deputy Clerk, Administrative Services cannot resolve the matter, (ii) the infraction is serious, or (iii) the infraction reoccurs, the complaint will be referred to the Transcriber Certification Board for appropriate action that may include suspension, certification revocation, or other discipline pursuant to the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification."

The Transcriber Certification Board will review the matter to determine the appropriate action.

A second act of non-compliance or repeated violation of the Transcript Format Booklet for Judicial Proceedings or Administrative Directives or policies may result in suspension of the AD, AD/T, OM/T or typist by the Transcriber Certification Board pursuant to the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification." Corrected transcripts, if necessary, must be prepared at no additional cost to the requesting party or court, with a copy sent to Administrative Services to be placed on file. If a suspension occurs, the Office of Administrative Services will notify the AD, AD/T, or OM/T of the effective date of suspension via email, certified and regular mail. Court staff will also be notified of any agency suspension.

If after the first suspension, additional or similar infractions occur, the Transcriber Certification Board in its discretion may increase the length of the suspension, revoke the agency certification, or take other action as appropriate pursuant to the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification." Corrected transcripts, if necessary,

will be required to be prepared at no additional cost to the requesting party or court, with a copy sent to the Office of Administrative Services to be placed on file.

Depending on the severity of the complaint, certified transcribers who have three complaints filed against them, will be placed on probation for a period to be determined by the Transcriber Certification Board.

These statements do not constitute a contract. The Office of Administrative Services and the Transcriber Certification Board reserve the exclusive right to impose appropriate discipline in all cases.

These standards and procedures may be changed at any time with or without notice as approved by the Administrative Director.

Transcriber Certification Board

Selection, Terms, and Conditions of Membership

The Transcriber Certification Board was established May 1992 when the New Jersey Supreme Court approved the Supreme Court Committee On Court Reporting (Stenographic and Electronic) Recommendation #8.

Recommendation No. 8 The transcriber certification program should be made more rigorous and placed under the oversight of a certification board chaired by a judge or a high level administrator.

In accordance with the Supreme Court Report, the Transcriber Certification Board was established with input from the Transcribers Association of New Jersey, Agency Directors, Agency Directors/Transcribers, and Reporting Services, now known as the Appellate Division, Office of Administrative Services. The Transcriber Certification Board maintains rigorous standards for transcribers, develops continuing education programs, and stays up-to-date on the developments in transcriber technology. The Transcriber Certification Board consists of the following members:

- Appellate Division Deputy Clerk, Administrative Services
- Two (2) Administrative Specialists, Administrative Services
- Three (3) Agency Directors and/or Agency Directors/Transcribers (one from each section of the State - Northern, Central and Southern areas)
- Two (2) Members of the New Jersey Bar Association

The Agency Directors and/or Agency Director/Transcribers who will become members of the Transcriber Certification Board will be selected by the Judiciary to serve a three-year term. Proposed: The Supreme Court approves all appointments to the Transcriber Certification Board.

If a member of the Transcriber Certification Board, or its agency, has been the subject of a complaint filed for an infraction, recusal of the that member will be required during the review process.

Based on the seriousness of the infraction, the Transcriber Certification Board will decide whether the member will be permanently removed from the Transcriber Certification Board. The Transcriber Certification Board also may make policy recommendations to the Office of Administrative Services.

Transcriber Certification Board Indemnification

Public members of the Transcriber Certification Board are volunteers. According to a written opinion of the New Jersey Attorney General's Office, the volunteer members of the Transcriber Certification Board have a sufficient nexus with the State to be considered "State employees" for the purpose of the Tort Claims Act. Accordingly, and subject to the terms and limitations of the Act, they are entitled to a defense by the Attorney General and indemnification from the Tort Claims Fund to claims or suits brought against them arising from acts or omissions in the scope of their services as members of the Transcriber Certification Board.

Transcriber Certification Board Discipline Procedures

An Agency Director, Agency Director/Transcriber, Office Manager/Transcriber or Typist who fails to comply with the standards for transcript production from electronically recorded proceedings, will be sanctioned by the Office of Administrative Services and/or the Transcriber Certification Board for deficiencies set forth in the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification." The following procedures will be used when reviewing complaints.

Complaints are to be filed with the Deputy Clerk, Office of Administrative Services. Complaints filed with the Board will be referred to the Deputy Clerk, Office of Administrative Services.

The Deputy Clerk, Office of Administrative Services will contact the agency and advise them that a complaint was filed against their agency. The agency then has ten calendar days after receipt of the letter detailing the complaint to respond with written comments.

Generally, unless the matter represents a serious violation pursuant to "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification", the first act of non-compliance with the Transcript Format Booklet for Judicial Proceedings, Administrative Directives, statutes, court rules or policies will result in a written reprimand of the AD, AD/T, OM/T or typist. The Deputy Clerk, Administrative Services will handle the matter notifying the Transcriber Certification Board Members of the complaint and resolution. Corrected transcripts, if necessary, will be required to be prepared at no additional cost to the requesting party or court, with a copy sent to the Office of Administrative Services to be placed on file.

If the Deputy Clerk, Administrative Services cannot resolve the matter, the infraction is serious, or there is a second or subsequent act of non-compliance, the complaint will be referred to the Transcriber Certification Board for appropriate action which may include suspension, certification revocation, or other discipline pursuant to the "Grounds for Refusal to Admit to Examination or Suspension or Revocation of Certification."

The Transcriber Certification Board will review the matter, including any written response submitted by the transcriber, to determine the appropriate action.

The respondent may request an informal hearing before the Transcriber Certification Board. The informal hearing will not be on the record and the respondent may not be represented by an attorney or any other person except that, with the permission of the Transcriber Certification Board, a transcriber who is employed by an agency may be represented by the agency head. The Transcriber Certification Board may impose sanctions on the respondent at the hearing. The respondent may review any evidence that serves as the basis for potential sanctions, which may include revocation of their certification.

If the respondent is not willing to accept the sanctions imposed by the Transcriber Certification Board after an informal hearing, the respondent may request a formal hearing before the Board, which will be on the record. At the formal hearing the respondent may be represented by an attorney and may question any evidence and witnesses presented at the hearing. Testimony at the formal hearing need not be under oath. The respondent does not have the right to review any evidence, take any depositions or engage in any other discovery of evidence before the hearing. A Board decision reached after a formal hearing shall be final and is not subject to appeal to any court or agency.

At any formal hearing the Deputy Clerk, Office of Administrative Services and the Administrative Specialists, Administrative Services may present evidence to the Transcriber Certification Board. The Transcriber Certification Board may be represented by an attorney if it so chooses. Four members of the Board are required for a quorum for a formal hearing.

Grounds For Refusal To Admit To Examination Or Suspension Or Revocation Of Certification

The Transcriber Certification Board may refuse to admit a person to an examination or may refuse to issue certification or may suspend or revoke certification upon proof that the applicant or holder of certification:

- Has obtained authorization to sit for an examination through fraud, deception, or misrepresentation;
- Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- Has engaged in gross negligence, gross malpractice, or gross incompetence with respect to the standards set forth in the Transcript Format for Judicial Proceedings Booklet or Administrative Directives, statutes, court rules or policies regarding transcriber certification and production of court transcripts.
- Has engaged in repeated acts of negligence, malpractice, or incompetence with respect to the standards set forth in the Transcript Format for Judicial Proceedings Booklet or Administrative Directives, statutes, court rules or policies regarding transcriber certification and production of court transcripts.
- Has engaged in professional or occupational misconduct as may be determined by the Transcriber Certification Board;
- Has been convicted of any crime relating adversely to the activity regulated by the Transcriber Certification Board. For the purpose of this subsection a plea of guilty, non volt, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
- Has had his or her authority to engage in the activity regulated by the Transcriber Certification Board revoked or suspended by any other state, agency, or authority for reasons consistent with this section;
- Has violated or failed to comply with the provisions of any act or regulation administered by the Transcriber Certification Board.

CODE OF PROFESSIONAL CONDUCT FOR CERTIFIED TRANSCRIBERS

Approved by the New Jersey Supreme Court
Codified in Directive #08-20
Effective February 7, 2020

For further information, contact:

Office of Administrative Services
Appellate Division
P.O. Box 968
Trenton, N.J. 08625
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POLICY

The purpose of this Code is to maintain public confidence in the Judiciary by promoting its core values of independence, integrity, fairness, and quality service. The oversight of transcripts of judicial proceedings is a critical responsibility delegated to the Appellate Division, Office of Administrative Services pursuant to Administrative Directive #08-20.

SCOPE

This Code governs the professional duties of all transcribers providing any transcription service in any matter regarding the New Jersey Judiciary. Transcribers who perform Judiciary related responsibilities must agree to abide by the following Code of Professional Conduct for Certified Transcribers. For the purposes of this Code, the title "Transcriber" shall refer and apply to any Agency Director, Agency Director/Transcriber, Office Manager/Transcriber, or Typist. Each is defined in the Appellate Division manual entitled, "Standards For: Transcriber Certification Process/Transcriber Certification Board."

CANON 1: DUTIES

- A. **Knowledge base.** The Transcriber will comply with the Transcript Format for Judicial Proceedings and will adhere to its requirements. The Transcriber will stay apprised of new transcription technologies. As the technology used by the Judiciary changes, the Transcriber must comply with any new requirements established by the Judiciary.
- B. **Truthfulness.** The Transcriber will accurately and completely represent their testing credentials, training, and experience. The Transcriber will be truthful and accurate at all times, both in content of transcripts and in all interactions with Judiciary employees and ordering parties. The Transcriber will maintain the integrity of the transcription profession and the Judiciary by adhering to applicable Statutes, Court Rules, Administrative Directives and policies, as well as local, state, and federal laws.

- C. **Promptness.** The Transcriber will meet the required delivery dates set forth in the aforementioned transcriber manual. If the Transcriber cannot meet a delivery date, then a prompt request for an extension must be immediately made of the Appellate Division, Office of Administrative Services. The extension may be granted on a showing of good cause and may be denied for any reason—including chronic lateness or adverse effect on requesting party. The Transcriber will also notify all parties of any delay, whether anticipated or not.
- D. **Fees.** The Transcriber will charge fees for transcription only as established by law, N.J.S.A. 2B:7-4(a). The Transcriber will not provide any discounts. Such a discount may result in removal of the Transcriber from the list of approved transcript providers.
- E. **Approved typists.** The Transcriber will only allow typists who have been tested and approved by the Appellate Division, Office of Administrative Services, to type and prepare transcripts. All transcript certifications must be completed by the typist preparing the transcript.
- F. **Reporting.** Transcribers who discover anything that might impede full compliance with this Code will immediately report it to the Appellate Division, Office of Administrative Services. This includes any solicitation or effort by another to induce or encourage the Transcriber to violate any law, any provision of this Code, or any other Judiciary standard governing transcribers.

CANON 2: IMPARTIALITY & CONFLICT OF INTEREST

- A. **Impartiality.** The Transcriber will be fair and impartial to all participants in a proceeding.
- B. **Conflict of Interest.** The Transcriber will avoid any apparent conflict of interest, as well as any appearance of such conflict. This includes refusing to accept transcription work for any proceeding in which the Transcriber has an interest in the matter—whether actual or in appearance. When concerns over conflict of interest arise, the Transcriber will bring the issue to the Appellate Division, Office of Administrative Services.
- C. **Gifts prohibited.** The Transcriber will not solicit or reward Judiciary staff or transcript purchasers through the giving of gifts, or other items of value. No item, cash, service, or offers of hospitality (*i.e.*, use of a vacation home or party invitation) may be offered to Judiciary staff or transcript purchaser in exchange for the promise of future work, regardless of value.
- D. **Relationships.** The Transcriber will not transcribe any proceeding in which: (1) they are related to or have a close social or business relationship with a party, counsel for a party, witness, judiciary officer or employee; or, (2) they, their spouse, child, or any immediate family member, are party to the proceeding or have a financial interest or any other interest that would be affected by the proceeding. For the purposes of this Code, "immediate family" will include all members of the transcriber's household, as well as the following, whether related by marriage or by adoption: spouse or the substantial equivalent; child; foster child; brother; sister; parent; grandparent; grandchild; father-in-law; mother-in-law; sister-in-law; brother-in-law; son-in-law; daughter-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half-brother; half-sister; nephew; niece; aunt; uncle; or, children of an aunt or uncle.
- E. **Disclosure.** Transcribers will disclose any services they previously provided to any of the parties or attorneys in the matter, as well as anything else that might be construed as affecting their ability to serve impartially or as constituting a conflict of interest—even if by mere appearance of conflict. This disclosure should not include privileged or confidential information.
- F. **Contact.** Transcribers will not contact jurors, parties, witnesses, attorneys, or friends or relatives of any party, except as may be required for the discharge of duties.

CANON 3: CONFIDENTIALITY

- A. **Responsibility.** Transcribers must protect from unauthorized disclosure any and all confidential information or personal identifiers that are obtained during the transcription process as described more fully in this Canon.
- B. **Court proceedings.** The Transcriber will preserve the confidentiality of all information included in a court proceeding or court event. Many proceedings are deemed by Court Rule to be confidential, such as Grand Jury or certain proceedings concerning children or victims. Release of any information from a sealed case may result in liability and sanctions—including, but not limited to, removal from the Judiciary's list of certified transcribers and/or transcription agency.
- C. **Communications.** The Transcriber will not provide counsel, advice, or personal opinion on any case. The Transcriber will not publicly discuss, report, or offer an opinion concerning a court event that is being transcribed—even when that information is not privileged or required by law to be confidential.
- D. **Court record.** The Transcriber will ensure the security of any court record provided by Judiciary staff. The Transcriber will not share any audio file provided for transcription with any person or entity that is not authorized by the Judiciary or the Transcript Certification Board or with anyone outside of transcription agency. If at any time there is a question as to a person's or entity's certification, the Transcriber will contact the Appellate Division, Office of Administrative Services for verification.
- E. **Confidential Information.** The Transcriber will not disclose to any unauthorized person or entity, for any purpose, any confidential information acquired in the course of generating a transcript or acquired through unauthorized disclosure by another. Any confidential information obtained through transcription services will not be used for any personal, employment or contractual benefit.
- 1) "Confidential information" includes any information regarding pending matters that are not already a matter of public record and any information concerning the work product of any judge, law clerk, staff attorney, or other employee including, but not limited to notes, papers, discussions, and memoranda.
 - 2) "Confidential information" also includes any document, or information contained therein, of a court record excluded from public access, pursuant to Rule 1:38-3.
 - 3) "Confidential information" also includes any document, or information contained therein, of an administrative record excluded from public access, pursuant to Rule 1:38-5.
 - 4) "Confidential information" also includes any document, or information contained therein, of a court record sealed pursuant to Rule 1:38-11.
 - 5) "Confidential information" also includes any confidential personal identifier, pursuant to Rule 1:38-7.

6) "Entity" is any organization with a legal identity apart from its members or owners, whether profit or non-profit, public or private, including, but not limited to, any institution, company, corporation, partnership, governmental unit, university, estate, or trust.

F. **Confidential personal identifiers.** While producing the transcript, the Transcriber will replace any confidential personal identifier with 'XXX.' Confidential personal identifiers are set forth in Rule 1:38-7(a), and include social security number, driver's license number, vehicle plate number, insurance policy number, financial account number, credit card number, and military status information.

Court Rule 1:38 ("Public Access to Court Records and Administrative Records") is posted on the Judiciary's public website (njcourts.gov). In order to comply with this Code of Conduct, Transcribers should review the cited sections of Rule 1:38 and check for amendments to the rule.

Questions may be submitted to the Appellate Division, Office of Administrative Services, at 609-815-2950, extension 54730; or at AppellAdminServ.mbx@njcourts.gov