



1 officers who report legal proceedings than they are for the  
2 judicial officers and other persons whose responsibilities are  
3 integral to the fair and impartial administration of justice.

4 (b) The provisions described in this section apply to court  
5 reporting services performed in this state that are:

6 (1) Provided by a court reporter, business, entity or firm,  
7 wherever based, in connection with a court or other legal  
8 proceeding commenced or maintained in this state;

9 (2) Provided by a court reporter, business, entity or firm  
10 based in this state in connection with a court or other legal  
11 proceeding that is commenced or maintained in a foreign  
12 jurisdiction; and

13 (3) Provided by a court reporter, business, entity or firm  
14 based in this state whether the parties appear in person or by  
15 remote means.

16 (c) Court reporters, businesses, entities or firms providing  
17 or arranging for court reporting services are subject to the  
18 provisions of this section even if the businesses, entities or  
19 firms are not subject to registration or other regulatory oversight  
20 in the state.

21 (d) A legal proceeding may not be reported by:

22 (1) An individual court reporter or court reporter associated  
23 with a business, entity or firm with a contractual relationship  
24 with a party or an attorney, representative, agent or insurer of a

1 party;

2 (2) An individual who engages in a prohibited action as  
3 defined in subsection (f) of this section;

4 (3) A party to the action;

5 (4) A relative, employee or attorney of one of the parties;

6 (5) Someone with a financial interest in the action or its  
7 outcome; or

8 (6) A relative, employee or attorney of someone with a  
9 financial interest in the action or its outcome.

10 (e) A legal proceeding includes, but is not limited to, the  
11 following:

12 (1) A court proceeding;

13 (2) A deposition;

14 (3) An administrative hearing;

15 (4) An arbitration hearing;

16 (5) Examinations under oath; and

17 (6) Sworn statements.

18 (f) In order to preserve the court reporter's impartiality,  
19 court reporters or businesses, entities or firms that provide or  
20 arrange for court reporting services may not engage in any of the  
21 following:

22 (1) Enter into an oral or written contractual agreement for  
23 more than one case, action, or proceeding with an attorney, party  
24 to an action, insurance company, third-party administrator or

1 other person or entity that has a financial interest in the case,  
2 action, or proceeding.

3 (2) Give an economic or other advantage to a party, a party's  
4 attorney, representative, agent, insurer or employee without  
5 offering it to all parties. This includes failing to offer  
6 comparable services, including price or credit terms, to all  
7 parties or otherwise requiring the court reporter or entity  
8 providing court reporting services to provide financial terms or  
9 other services that are not offered at the same time and on the  
10 same terms to all other parties in the legal proceeding. Different  
11 credit terms can be offered based on payment experience and credit  
12 worthiness.

13 (3) Base the compensation for the court reporting services on  
14 the outcome of the proceeding or otherwise giving the court  
15 reporter or court reporting business, entity or firm a financial  
16 interest in the action. Court reporters or businesses, entities or  
17 firms providing or arranging for court reporting services may not  
18 offer or provide court reporting services where payment for those  
19 services will be made contingent on the outcome of the action.

20 (4) Enter into an agreement for court reporting services that  
21 restricts the noticing attorney from using the court reporter or  
22 entity providing court reporting services of the attorney's  
23 choosing including a court reporter or business, entity or firm  
24 providing or arranging for court reporter services on any list of

1 preferred providers of court reporting services that is maintained  
2 by a person, business, entity or firm that has entered into an oral  
3 or written contractual agreement for more than one case, action or  
4 proceeding with an attorney, party to an action, insurance company,  
5 third-party administrator or other person or entity that has a  
6 financial interest in the case, action, or proceeding.

7 (5) Allow the format, content or body of the transcript as  
8 submitted by the court reporter to be manipulated in a manner that  
9 increases the cost of the transcript.

10 (g) (1) At any time during or following the conclusion of a  
11 legal proceeding, an attorney or a party to that proceeding has the  
12 right to an itemized statement of all rates and charges for all  
13 services that have been or will be provided by the court reporter  
14 or business, entity or firm providing or arranging for court  
15 reporting services to any party to the litigation.

16 (2) Information on prices, terms and conditions shall be made  
17 available in sufficient time prior to the commencement of the  
18 proceeding which will allow all parties to have the opportunity to  
19 effectively negotiate for any changes necessary to ensure that  
20 comparable terms and conditions will be made available to all  
21 parties.

22 (3) Upon request, the West Virginia Court Reporters  
23 Association shall also be provided with an itemized invoice of all  
24 rates and charges for services that have been provided.

1       (4) In order to prevent the shifting of costs from one party  
2 to another party, the page rate charged for a copy of the  
3 transcript may not exceed fifty percent of the page rate charged  
4 for the original transcript of the legal proceeding.

5       (h) The provisions of this legislation may not be waived by  
6 disclosure, agreement, stipulation or any other means for any  
7 reason.

8       (i) Governmental entities may, if required by law, obtain  
9 court reporting services on a long-term basis through competitive  
10 bidding.

11       (j) Penalties for violations of these provisions include any  
12 or all of the following:

13       (1) The transcript of the legal proceeding shall be deemed  
14 void and ineligible for admission into a court or for use or  
15 submission in any legal or administrative proceeding; and

16       (2) A court reporter, business, entity or firm that provides  
17 or arranges for court reporting services which willfully violate  
18 these prohibitions is subject to a fine or sanction as follows:

19       (A) The fine for a first offense shall be no less than \$5,000.

20       (B) The fine for each subsequent violation shall be increased  
21 by an additional \$2,500 per violation.

22       (C) Fines or sanctions shall be administered by the West  
23 Virginia Court Reporters Association which shall also have  
24 jurisdiction over businesses, entities or firms that provide or

1 arrange for court reporting services that violate these  
2 prohibitions even if such businesses, entities or firms are not  
3 subject to registration or other regulatory oversight in the state.

4 (3) The court reporter or business, entity or firm providing  
5 or arranging for court reporter services is subject to disciplinary  
6 proceedings before the West Virginia Court Reporters Association.  
7 Potential penalties include, but are not limited to, suspension or  
8 revocation of the license, registration, or certificate of the firm  
9 and/or the court reporter, business, entity or firm. If businesses,  
10 entities or firms providing or arranging court reporting services  
11 are not subject to registration or other regulatory oversight in  
12 the state, they may still be suspended or barred from doing  
13 business for violating the provisions of this legislation.

14 (4) The West Virginia Court Reporters Association has the  
15 jurisdiction and authority to administer the penalty provisions of  
16 this section and otherwise enforce this legislation.

17 (k) If the complaint is against a local court reporter,  
18 business, entity or firm in connection with a court or other legal  
19 proceeding pending in a foreign jurisdiction, the complaint may be  
20 filed with the Attorney General or other appropriate governmental  
21 authority in this state.

22 (l) Complaints alleging violation of these provisions may be  
23 filed by any person with knowledge of the offense or by the West  
24 Virginia Court Reporters Association or Attorney General on its own

1 initiative.

2       (m) The West Virginia Court Reporters Association shall  
3 publicly disclose the final action taken and also issue periodic  
4 reports indicating the number and nature of complaints received and  
5 the disposition thereof.

6       (n) This legislation is applicable to all court reporters and  
7 to businesses, entities or firms that provide or arrange for court  
8 reporting services provided on or after July 1, 2013.

NOTE: The purpose of this bill is to codify ethical standards for court reporters and entities providing court reporter services, to provide for its administration and to establish penalties and sanctions for violations.

This section is new; therefore, it has been completely underscored.