

1 TITLE 5. APPEAL AND ERROR

2  
3 CHAPTER 6. Certiorari and Appeals to Appellate Courts Generally

4  
5 5-6-41. Preparation of record for appeal; reporting of evidence and other matter; when narrative  
6 form used.

7  
8 (a) In all felony cases, the transcript of trial proceedings and evidence, and proceedings shall be  
9 ~~reported either taken down and prepared transcribed~~ by a court reporter as provided in Code  
10 Section 17-8-5 or as otherwise provided by law, ~~or recorded via a digital recording system as~~  
11 provided for by the Rules of the Board of Court Reporting and by any applicable uniform  
12 rules~~Uniform Rules of Superior Court.~~

13  
14 (b) In all misdemeanor cases, the trial judge may, in the judge's discretion, require the reporting  
15 and transcribing of the trial proceedings and evidence and proceedings by a court reporter on  
16 terms prescribed by the trial judge, or in the alternative, may require the recording of  
17 proceedings by a digital recording system as provided for by the Rules of the Board of Court  
18 Reporting and the any applicable uniform rules.

19  
20 (c) In all civil cases tried in the superior and city courts and in any other court, the judgments of  
21 which are subject to review by the Supreme Court or the Court of Appeals, the trial judge thereof  
22 may require the parties to have the trial proceedings and evidence reported by a court reporter  
23 or recorded by a digital recording system as provided for by the Rules of the Board of Court  
24 Reporting and any applicable uniform rules, the costs thereof to be borne equally between them;  
25 and, where an appeal is taken which draws in question the transcript of the evidence and  
26 proceedings, it shall be the duty of the appellant to have the transcript prepared at the appellant's  
27 expense by a certified court reporter or a certified transcriptionist. Where it is determined that  
28 the parties, or either of them, are financially unable to pay the costs of reporting or transcribing,  
29 the judge may, in the judge's discretion, authorize trial of the case unreported; and, when it  
30 becomes necessary for a transcript of the evidence and proceedings to be prepared, it shall be  
31 the duty of the moving party to prepare the transcript from recollection or otherwise.

32  
33 (d) Where a trial in any civil or criminal case is ~~reported taken down~~ by a court reporter or  
34 recorded by a digital recording system as provided for by Rules of the Board of Court Reporting,  
35 all motions, colloquies, objections, rulings, evidence, whether admitted or stricken on objection  
36 or otherwise, copies or summaries of all documentary evidence, the charge of the court, and all  
37 other proceedings which may be called in question on appeal or other posttrial procedure shall  
38 be reported; and, where the report is transcribed, all such matters shall be included in the written  
39 transcript, it being the intention of this article that all these matters appear in the record. Where  
40 matters occur which were not reported, such as objections to oral argument, misconduct of the  
41 jury, or other like instances, the court, upon motion of either party, shall require that a transcript  
42 of these matters be made and included as a part of the record. The transcript of proceedings shall  
43 not be reduced to narrative form unless by agreement of counsel; but, where the trial is not  
44 reported or the transcript of the proceedings for any other reason is not available and the  
45 evidence is prepared from recollection, it may be prepared in narrative form.

47 (e) Where a civil or criminal trial is ~~reported~~ taken down by a certified court reporter or recorded  
48 via a digital recording system as provided for by the Rules of the Board of Court Reporting and  
49 the evidence and proceedings are transcribed, the certified court reporter or certified  
50 transcriptionist shall complete the transcript and file the original and one copy thereof with the  
51 clerk of the trial court, together with the court reporter's certificate attesting to the correctness  
52 thereof. In criminal cases where the accused was convicted of a capital felony, an additional  
53 digital or paper copy shall be filed for sent to the Attorney General, for which the court reporter  
54 shall receive compensation from the Department of Law as provided by law. The original  
55 transcript shall be transmitted to the appellate court as a part of the record on appeal; and one  
56 copy will be retained in the trial court, both as referred to in Code Section 5-6-43. Upon filing  
57 by the reporter or transcriptionist, the transcript shall become a part of the record in the case and  
58 need not be approved by the trial judge.

59  
60  
61 TITLE 15. COURTS

62  
63 CHAPTER 5. Administration of Courts of Record Generally

64  
65 15-5-21 Promulgation of rules and regulations providing for fees of court reporters and for  
66 form and style of transcripts.

67  
68 (a) The Judicial Council shall promulgate rules and regulations which shall:

69 (1) Provide for and set the fees to be charged by all ~~official~~ court reporters in this state for  
70 attending any court or judicial proceeding other than federal court, taking stenographic notes, and  
71 recording the evidence;

72 (2) Provide for and set the fees to be charged by all ~~official~~ court reporters in this state for  
73 furnishing transcripts of the evidence and for other proceedings furnished by ~~the official~~ court  
74 reporters in all civil and criminal cases in this state;

75 (3) Provide for a minimum per diem fee for ~~official~~ court reporters in this state for attending any  
76 court or judicial proceeding other than federal court, which fee may be supplemented by the  
77 various counties within the circuits to which the court reporters are assigned; and

78 (4) Provide for the form and style of the transcripts, which shall be uniform throughout the state.  
79

80 (b) The Judicial Council shall amend its rules and regulations providing for and setting the fees  
81 to be charged by all ~~official~~ court reporters whenever the council shall deem it necessary and  
82 proper.

83  
84 (c) This Code section shall not apply to those court reporters ~~taking and furnishing transcripts of~~  
85 ~~depositions or~~ taking and furnishing transcripts of nonjudicial functions, or to any hearing held  
86 pursuant to Title 29 and Title 37 outside of a courthouse setting. ~~nor to any independent contracts~~  
87 of any reporters. The Judicial Council may not promulgate rules limiting fees to be charged for  
88 the takedown of or for the original transcript of a deposition.

89  
90 (d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section shall  
91 not become effective unless that council provides to the chairperson of the Judiciary Committee  
92 of the House of Representatives, the chairperson of the Judiciary, Non-civil Committee of the  
93 House of Representatives, the chairperson of the Judiciary Committee of the Senate, and the

94 chairperson of the Special Judiciary Committee of the Senate, at least 30 days prior to the date  
95 that the council intends to adopt such rule or regulation, written notice which includes an exact  
96 copy of the proposed rule or regulation and the intended date of its adoption. ~~After July 1, 1986,~~  
97 ~~no rule or regulation adopted by the Judicial Council pursuant to this Code section shall be valid~~  
98 ~~unless adopted in conformity with this subsection.~~ A proceeding to contest any rule or regulation  
99 on the grounds of noncompliance with this subsection must be commenced within two years from  
100 the effective date of the rule or regulation.

101  
102  
103 TITLE 15. COURTS

104  
105 CHAPTER 6. Superior Courts

106  
107 § 15-6-11. Electronic filing

108  
109 (B) No electronic filing service provider shall charge a fee pursuant to this paragraph for the  
110 filing of:

- 111  
112 (i) Pleadings or documents filed by the Department of Law, the Office of Legislative Counsel,  
113 the Office of the Secretary of State, a district attorney in his or her official capacity, ~~or~~ a  
114 public defender in his or her official capacity, or a certified court reporter or certified  
115 transcriptionist in his or her official capacity; or  
116 (ii) Pleadings or documents filed on behalf of municipal corporations or county governments; or  
117 (iii) Leave of absence or conflict notices filed pursuant to the Uniform Rules for the Superior  
118 Courts.

119  
120  
121 TITLE 15. COURTS

122  
123 CHAPTER 11. Juvenile Code

124  
125 15-11-17. Hearings; full and complete records of all words during proceedings; sitting as  
126 juvenile court judge.

127  
128 (a) All hearings under this chapter shall be conducted by the court without a jury. Any hearing  
129 may be adjourned from time to time within the discretion of the court.

130 (b) Except as otherwise provided, all hearings shall be conducted in accordance with Title 24.  
131 Proceedings shall be recorded by stenographic notes or by a digital recording system as provided  
132 for by the Rules of the Board of Court Reporting, and must be ~~electronic, mechanical, or other~~  
133 appropriate means capable of accurately capturing a ~~full and complete~~ verbatim record of all  
134 words spoken during the proceedings.

135  
136  
137 TITLE 15. COURTS

138  
139 CHAPTER 14. Court Reporters, Article 1. General Provisions

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15-14-1. Appointment; removal; oath of office; duties; use of digital recording systems.

~~The~~ A superior court judge of the superior courts shall have power to may, as a matter of right, appoint and, at their pleasure, ~~to~~ remove a court reporter, as defined in Article 2 of this chapter, for the courts of their respective circuits. The court reporter, before entering on the duties of the court reporter's office, shall be duly sworn in open court to perform faithfully all the duties required of the court reporter by law. It shall be the court reporter's duty to attend all courts in the circuit for which such court reporter is appointed and, when directed by the judge, to record exactly and truly or take stenographic notes of the testimony and proceedings in the case ~~tried~~, except the arguments of counsel. Certified court reporters taking down court proceedings who are retained by a party, or by the court as independent contractors, are acting ex officio as official court reporters. Any court reporter taking down a court proceeding, regardless of how the reporter was retained and what person or entity is paying for the reporting of the case, is bound by the Judicial Council's fee schedules.

Further, a judge of any class of trial court, including but not limited to, superior court, state court, probate courts, magistrate court, recorder's court, juvenile court, business court, and municipal courts, may, as a matter of right, utilize a digital recording system to report proceedings, as provided by the Rules of the Board of Court Reporting, any applicable uniform rules, and any other applicable Georgia law.

A digital recording system utilized by any trial court, including but not limited to, superior court, state court, probate court, magistrate court, recorder's court, juvenile court, business court, and municipal court, to record a court proceeding in lieu of a certified court reporter must comply with the Rules of the Board of Court Reporting and any applicable uniform rules.

Any digital recording system intended to function in lieu of a certified court reporter to record proceedings must designate a certified digital operator for their system. This requirement is satisfied when the certified digital operator identifies which courtrooms they are serving during the certification process.

15-14-5. Duty to transcribe evidence; certificate to transcript; presumption as to correctness; transcription of records of digital recording systems.

(a) Where a court reporter takes down a court proceeding or deposition, it shall be the duty of each court reporter to transcribe the evidence and other proceedings of which he or she has taken notes as provided by law whenever requested so to do by counsel for any party to such case and upon being paid the legal fees for such transcripts. The reporter, upon delivering the transcript to such counsel or upon filing it with the clerk of court, shall affix thereto a certificate signed by him reciting that the transcript is true, complete, and correct. Subject only to the right of the trial judge to change or require the correction of the transcript, the transcript so certified shall be presumed to be true, complete, and correct.

(b) Where a court proceeding has been recorded via a digital recording system operated by a

186 certified digital operator as provided for by the Rules of the Board of Court Reporting, upon  
187 receipt of a request for a transcript of the court proceeding by a party or by the court, it shall be  
188 the duty of the digital operator to provide the files containing the record of the proceeding to a  
189 certified transcriptionist chosen by the requesting party or by the court in accordance with the  
190 Rules of the Board of Court Reporting. The operator shall include a certification in a form as  
191 promulgated by the Board of Court Reporting certifying that they have operated the digital  
192 recording system in compliance with Board Rules and have transmitted the files to a certified  
193 transcriptionist.

194  
195 (c) Once the certified transcriptionist receives the files, it shall be the duty of the transcriptionist  
196 to transcribe the files completely and accurately in accordance with the Rules of the Board of  
197 Court Reporting. The transcriptionist, upon delivering the transcript to the requesting party or  
198 upon filing it with the clerk, shall affix thereto a signed certificate reciting that the transcript is  
199 true, complete, and correct. The transcriptionist shall also attach the digital operator’s certificate  
200 to the transcript. Subject only to the right of the trial judge to change or require the correction of  
201 the transcript, the transcript so certified shall be presumed to be true, complete, and correct.

202  
203  
204 TITLE 15. COURTS

205  
206 CHAPTER 14. Court Reporters, Article 2. Training and Certification<sup>1</sup>

207  
208 15–14–21. Declaration of Purpose.

209  
210 It is declared by the General Assembly that ~~the practice of court reporting~~ the recording of court  
211 proceedings and the creation of transcripts thereof carries important responsibilities in connection  
212 with the administration of justice, both in and out of the courts; that court reporters are officers  
213 of the courts; and that the right to define and regulate the recording of court proceedings and  
214 creation of transcripts thereof, including but not limited to the practice of court reporting, belongs  
215 naturally and logically to the judicial branch of the state government.

216  
217 Therefore, in recognition of these principles, the purpose of this article is to act in aid of the  
218 judiciary so as to ensure the reliability and accuracy of verbatim transcripts of court proceedings  
219 and of depositions, as well as to ensure minimum proficiency in the practice of court reporting,  
220 by recognizing and conferring jurisdiction upon the Judicial Council of Georgia to define and  
221 regulate the practice of court reporting and the use of digital recording systems.

222  
223  
224 15–14–22. Definitions.

- 225  
226 As used in this article, the term:
- 227 (1) “Board” means the Board of Court Reporting of the Judicial Council.
  - 228 (2) “Certified court reporter” means any person certified by the Board of Court Reporting ~~under~~  
229 ~~this article~~ to practice verbatim court reporting.
  - 230 (3) “Certified digital operator” means any person certified by the Board of Court Reporting to

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<sup>1</sup> This is the Court Reporting Act.

231 operate a digital recording system as defined in paragraph (7) of this Code section.

232 (4) “Certified transcriptionist” means any person certified by the Board of Court Reporting to  
233 create a transcript of a court proceeding from digital records created using a digital recording  
234 system. Any person holding a C.C.R. certificate as defined by this Article as of [EFFECTIVE  
235 DATE OF STATUTE] shall be granted a certificate as a certified transcriptionist.

236 ~~(5) “Court reporter” means any person who is engaged in the practice of court reporting as~~  
237 ~~defined in paragraph (6) of this Code section, as a profession as defined in this article. The term~~  
238 ~~“court reporter” shall include not only those who actually report judicial proceedings in courts~~  
239 ~~but also those who make verbatim records as defined in paragraph (4) of this Code section.~~

240 ~~(6) “Court reporting” means the act of taking down a proceeding or deposition as defined in~~  
241 ~~paragraph (10) of this Code section, the making of a verbatim record. Court reporting shall be~~  
242 ~~practiced by means of manual shorthand, machine shorthand, closed microphone voice dictation~~  
243 ~~silencer, or by other means of personal verbatim reporting as provided by the Rules of the Board~~  
244 ~~of Court Reporting. of any testimony given under oath before, or for submission to, any court,~~  
245 ~~referee, or court examiner or any board, commission, or other body created by statute, or by the~~  
246 ~~Constitution of this state or in any other proceeding where a verbatim record is required. The~~  
247 ~~taking of a deposition is the making of a verbatim record as defined in this article. The practice~~  
248 ~~of court reporting shall not include the operation of a digital recording system as defined in this~~  
249 ~~code section.~~

250 (7) “Digital Recording System” means any method for creating an electronic audio or audiovisual  
251 recording of a court proceeding for the purpose of creating a verbatim transcript. (8) “Digital  
252 Operator” means any person responsible for the operation of a digital recording system.

253 (9) “Transcriptionist” means any person who creates the transcript of a court proceeding or  
254 deposition.

255 (10) “Take down” means the act of making stenographic notes of a proceeding or deposition,  
256 including but not limited to, testimony, evidence, and argument of counsel, for the purpose of  
257 creating a verbatim transcript. The use of a closed microphone voice dictation silencer constitutes  
258 the act of making stenographic notes. The act of operating a digital recording system or other  
259 electronic recording device does not constitute the act of taking down a proceeding.

260  
261

262 15–14–23. Judicial Council of Georgia; Agency of Judicial Branch.

263

264 The Judicial Council of Georgia, as created by Article 2 of Chapter 5 of this title, is declared to  
265 be an agency of the judicial branch of the state government for the purpose of defining and  
266 regulating the practice of court reporting, the use of digital recording systems in the courts, and  
267 the creation of transcripts of court proceedings and depositions in this state.

268

269

270 15–14–24. Board of Court Reporting of the Judicial Council, Creation, Name, Membership,  
271 Appointment, Qualifications, Terms, Vacancies, Removal.

272

273 (a) The Judicial Council shall ~~There is established~~ a board which shall be known and designated  
274 as the “Board of Court Reporting of the Judicial Council.” The board shall be created in  
275 accordance with the Judicial Council’s by-laws regarding the creation of standing committees  
276 and shall function as a standing committee of the Judicial Council. It shall be composed of ~~nine~~  
277 fifteen members, five members to be certified court reporters, two members to be representatives

278 from the State Bar of Georgia, and ~~two~~ eight members to be from the judiciary, one to be a  
279 Supreme Court Justice, one to be a judge of the Court of Appeals, one to be a superior court judge,  
280 ~~and~~ one to be a state court judge, one to be a juvenile court judge, one to be a probate court judge,  
281 one to be a magistrate court judge, and one to be a municipal court judge, each of whom shall  
282 have not less than five years' experience in their respective professions. ~~The board shall be~~  
283 ~~appointed by the Judicial Council. The term of office shall be two years, and the Judicial Council~~  
284 ~~shall fill vacancies on the board.~~

285

286 15-14-26. Organization of Board, Rules and Regulations.

287

288 (a) The board shall each year elect from its members a chairperson, who shall be a member of the  
289 judiciary, and whose term shall be for ~~one~~ two years, and who shall serve during the period for  
290 which elected and until a successor shall be elected.

291 (b) The board shall make any and all necessary rules and regulations to carry out this article, but  
292 the rules and regulations shall be subject to review by the Judicial Council and approval by the  
293 Supreme Court.

294 (c) The board shall make and publish such statewide minimum standards and rules as it deems  
295 necessary that provide for the qualifications of court reporters, digital operators, and  
296 transcriptionists.

297 (d) The board shall make and publish such statewide minimum standards and rules as it deems  
298 necessary that shall provide requirements for digital recording systems sufficient to ensure that  
299 the recording of proceedings for the purpose of making a verbatim transcript will be conducted  
300 reliably and accurately. The Councils of the classes of ~~trial~~ court, and the judge of business court,  
301 are empowered to create additional standards for digital recording systems, however, the they  
302 may not create any rules that result in lesser standards than those promulgated by the Board.

303

304

305 15-14-28. Court Reporters, Digital Operators, and Transcriptionists Must be Certified.

306

307 (a) No person shall engage in the practice of ~~verbatim~~ court reporting in this state unless the  
308 person is the holder of a certificate as a certified court reporter or is the holder of a temporary  
309 permit issued under this article.

310

311 (b) No person shall act as the digital operator of a digital recording system in this state unless the  
312 person is the holder of a certificate as a certified digital operator as provided by this article.

313

314 (c) No person shall transcribe a court proceeding unless the person is certified by the Board of  
315 Court Reporting as a certified transcriptionist.

316

317

318 15-14-29. Board of Court Reporting to Certify Court Reporters, Digital Operators, and  
319 Transcriptionists ~~Issuance of Certificate, Qualifications for Certification; Exemption from Taking~~  
320 ~~Examination; Individuals with Disabilities~~

321

322 The qualifications of certified court reporters, certified digital operators, and certified  
323 transcriptionists shall be those established by the Board of Court Reporting.

324  
325 (a) ~~Upon receipt of appropriate application and fees, the board shall grant a certificate as a~~  
326 ~~certified court reporter to any person who:~~  
327 ~~(1) Has attained the age of 18 years;~~  
328 ~~(2) (2) Is of good moral character;~~  
329 ~~(3) Is a graduate of a high school or has had an equivalent education; and~~  
330 ~~(4) Has, except as provided in subsection (b) of this Code section, successfully passed an~~  
331 ~~examination in verbatim court reporting as prescribed in Code Section 15-14-30.~~  
332 (b) ~~Any person who has attained the age of 18 years and is of good moral character, who submits~~  
333 ~~to the board an affidavit under oath that the court reporter was actively and continuously, for one~~  
334 ~~year preceding March 20, 1974, principally engaged as a court reporter, shall be exempt from~~  
335 ~~taking an examination and shall be granted a certificate as a certified court reporter.~~  
336 (c)(1) ~~Reasonable accommodation shall be provided to any qualified individual with a disability~~  
337 ~~who applies to take the examination who meets the essential eligibility requirements for the~~  
338 ~~examination and provides acceptable documentation of a disability, unless the provision of such~~  
339 ~~accommodation would impose an undue hardship on the board.~~  
340 (2) ~~Reasonable accommodation shall be provided to any qualified individual with a disability~~  
341 ~~who applies for certification who meets the essential eligibility requirements for certification and~~  
342 ~~provides acceptable documentation of a disability, unless the provision of such accommodation~~  
343 ~~would impose an undue hardship on the board or the certification of the individual would pose a~~  
344 ~~direct threat to the health, welfare, or safety of residents of this state.~~  
345 (3) ~~The term "disability," as used in paragraphs (1) and (2) of this subsection, means a physical~~  
346 ~~or mental impairment that substantially limits one or more major life activities of such individual,~~  
347 ~~a record of such an impairment, or being regarded as having such an impairment.<sup>2</sup>~~  
348  
349

350 15-14-30. Application Procedures Examination of Applicants, Fee, Scope of Examination  
351

352 ~~Every person desiring to commence the practice of court reporting become certified by the Board~~  
353 ~~of Court Reporting in this state shall file an application for testing with the board upon such form~~  
354 ~~as shall be adopted and prescribed by the board. At the time of making an application the applicant~~  
355 ~~shall deposit with the board an application examination fee to be determined by the board.~~  
356 ~~Examinations shall be conducted as often as may be necessary, as determined by the board,~~  
357 ~~provided that examinations must be conducted at least once annually. Applicants shall be notified~~  
358 ~~by mail of the holding of such examinations no later than ten days before the date upon which the~~  
359 ~~examinations are to be given. Examinations shall be conducted and graded according to rules and~~  
360 ~~regulations prescribed by the board.~~  
361

362  
363 15-14-31. Renewal of Certificate.  
364

365 ~~Every certified court reporter, digital operator, and transcriptionist who continues in the active~~  
366 ~~practice of verbatim court reporting their respective duties shall annually renew their certificate~~  
367 ~~in accordance with rules promulgated by the Board of Court Reporting on or before April 1~~

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<sup>2</sup> The current version of this section was enacted prior to the enactment of the federal Americans with Disabilities Act (ADA) and is no longer necessary in light of it.



368 following the date of issuance of the certificate under which the court reporter is then entitled to  
369 practice, upon the payment of a fee established by the board. Every certificate which has not been  
370 renewed on April 1 shall expire on that date of that year and shall result in the suspension of the  
371 court reporter's right to practice under this article. Reinstatement shall be as provided by the rules  
372 of the board, which suspension shall not be terminated until all delinquent fees have been paid  
373 or the court reporter has requalified by testing. After a period to be determined by the board, a  
374 suspended certificate will be automatically revoked and may not be reinstated without meeting  
375 current certification requirements.

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378 15-14-32. Certified Court Reporter, Corporation and Firm Name; Regulations  
379

380 (a) Any person who has received from the board a certificate as provided for in this article as a  
381 certified court reporter shall be known and styled as a certified court reporter and shall be  
382 authorized to practice as such in this state and to use such title or the abbreviation "C.C.R." in  
383 so doing. No other person, firm, or corporation, all of the members of which have not received  
384 such certificate, shall assume the title of certified court reporter, the abbreviation "C.C.R.," or  
385 any other words or abbreviations tending to indicate that the person, firm, or corporation so  
386 using the same is a certified court reporter.

387  
388 (b) Any person who has received from the board a certificate as a certified transcriptionist shall  
389 be known and styled as a certified transcriptionist and shall be authorized to practice as such in  
390 this state and to use such title or the abbreviation "C.T." in so doing. No other person, firm, or  
391 corporation, all of the members of which have not received such certificate, shall assume the  
392 title of certified transcriptionist, the abbreviation "C.T.," or any other words or abbreviations  
393 tending to indicate that the person, firm, or corporation so using the same is a certified  
394 transcriptionist.

395  
396 (c) Any person who has received from the board a certificate as a certified digital operator shall  
397 be known and styled as a certified digital operator and shall be authorized to practice as such in  
398 this state and to use such title or the abbreviation "C.D.O." in so doing. No other person, firm,  
399 or corporation, all of the members of which have not received such certificate, shall assume the  
400 title of certified transcriptionist, the abbreviation "C.D.O.," or any other words or abbreviations  
401 tending to indicate that the person, firm, or corporation so using the same is a certified digital  
402 operator.

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404  
405 15-14-33. Refusal to Grant or Revocation of Certificate or Temporary Permit  
406

407 (a) The board shall have the authority to refuse to grant a certificate or temporary permit to an  
408 applicant therefor or to revoke the certificate or temporary permit of a person or to discipline a  
409 person, and the board shall promulgate rules to effectuate this section. ~~, upon a finding by a~~  
410 ~~majority of the entire board that the licensee or applicant has:~~

411 ~~(1) Failed to demonstrate the qualifications or standards for a certificate or temporary permit~~  
412 ~~contained in this article or under the rules or regulations of the board. It shall be incumbent upon~~  
413 ~~the applicant to demonstrate to the satisfaction of the board that all the requirements for the~~

414 issuance of a certificate or temporary permit have been met, and, if the board is not satisfied as  
415 to the applicant's qualifications, it may deny a certificate or temporary permit without a prior  
416 hearing; provided, however, that the applicant shall be allowed to appear before the board if  
417 desired;

418 ~~(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice~~  
419 ~~of court reporting or on any document connected therewith; practiced fraud or deceit or~~  
420 ~~intentionally made any false statements in obtaining a certificate or temporary permit to practice~~  
421 ~~court reporting; or made a false statement or deceptive registration with the board; Been convicted~~  
422 ~~of any felony or of any crime involving moral turpitude in the courts of this state or any other~~  
423 ~~state, territory, or country or in the courts of the United States. As used in this paragraph and~~  
424 ~~paragraph (4) of this subsection, the term "felony" shall include any offense which, if committed~~  
425 ~~in this state, would be deemed a felony without regard to its designation elsewhere; and, as used~~  
426 ~~in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of~~  
427 ~~guilty, regardless of whether an appeal of the conviction has been sought;~~

428 ~~(4) Been arrested, charged, and sentenced for the commission of any felony or any crime~~  
429 ~~involving moral turpitude, where:~~

430 ~~(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or~~  
431 ~~(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge,~~  
432 ~~except with respect to a plea of nolo contendere. The order entered pursuant to the provisions of~~  
433 ~~Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender~~  
434 ~~treatment shall be conclusive evidence of arrest and sentencing for such crime;~~

435 ~~(6) (5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended,~~  
436 ~~or annulled by any lawful licensing authority other than the board; or had other disciplinary action~~  
437 ~~taken against the licensee or the applicant by any such lawful licensing authority other than the~~  
438 ~~board; or was denied a certificate by any such lawful licensing authority other than the board,~~  
439 ~~pursuant to disciplinary proceedings; or was refused the renewal of a certificate or temporary~~  
440 ~~permit by any such lawful licensing authority other than the board, pursuant to disciplinary~~  
441 ~~proceedings; Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious~~  
442 ~~conduct or practice harmful to the public, which conduct or practice materially affects the fitness~~  
443 ~~of the licensee or applicant to practice as a court reporter, or of a nature likely to jeopardize the~~  
444 ~~interest of the public, which conduct or practice need not have resulted in actual injury to any~~  
445 ~~person or be directly related to the practice of court reporting but shows that the licensee or~~  
446 ~~applicant has committed any act or omission which is indicative of bad moral character or~~  
447 ~~untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to~~  
448 ~~conform to, the minimal reasonable standards of acceptable and prevailing practice of court~~  
449 ~~reporting;~~

450 ~~(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages~~  
451 ~~any unlicensed person or any licensee whose certificate or temporary permit has been suspended~~  
452 ~~or revoked by the board to practice as a court reporter or to practice outside the scope of any~~  
453 ~~disciplinary limitation placed upon the licensee by the board;~~

454 ~~(8) Violated a statute, law, or any rule or regulation of this state, any other state, the board, the~~  
455 ~~United States, or any other lawful authority without regard to whether the violation is criminally~~  
456 ~~punishable, which statute, law, or rule or regulation relates to or in part regulates the practice of~~  
457 ~~court reporting, when the licensee or applicant knows or should know that such action is violative~~  
458 ~~of such statute, law, or rule, or violated a lawful order of the board previously entered by the~~  
459 ~~board in a disciplinary hearing, consent decree, or certificate or temporary permit reinstatement;~~

460 ~~(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside~~

461 this state. Any such adjudication shall automatically suspend the certificate or temporary permit  
462 of any such person and shall prevent the reissuance or renewal of any certificate or temporary  
463 permit so suspended for as long as the adjudication of incompetence is in effect;

464 ~~(10) Displayed an inability to practice as a court reporter with reasonable skill or has become~~  
465 ~~unable to practice as a court reporter with reasonable skill by reason of illness or use of alcohol,~~  
466 ~~drugs, narcotics, chemicals, or any other type of material;~~

467 ~~(11) Violated the provisions of subsection (c) or (d) of Code Section 9-11-28; or (12) Violated~~  
468 ~~the provisions of Code Section 15-14-37.~~

469 (b) For purposes of this Code section, the board may obtain through subpoena upon reasonable  
470 grounds any and all records relating to the mental or physical condition of a licensee or applicant,  
471 and such records shall be admissible in any hearing before the board.

472 (c) When the board finds that any person is unqualified to be granted a certificate or temporary  
473 permit or finds that any person should be disciplined pursuant to subsection (a) of this Code  
474 section or the laws, rules, or regulations relating to court reporting, the board may take any one  
475 or more of the following actions:

476 (1) Refuse to grant or renew a certificate or temporary permit to an applicant;

477 (2) Administer a public or private reprimand, but a private reprimand shall not be  
478 disclosed to any person except the licensee;

479 (3) Suspend any certificate or temporary permit for a definite period or for an indefinite  
480 period in connection with any condition which may be attached to the restoration of said  
481 license;

482 (4) Limit or restrict any certificate or temporary permit as the board deems necessary for  
483 the protection of the public;

484 (5) Revoke any certificate or temporary permit;

485 (6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or  
486 licensee's submission to such care, counseling, or treatment as the board may direct;

487 ~~(7) Impose a requirement to pass the state certification test; or~~

488 ~~(78) Require monetary adjustment in a fee dispute involving an official court reporter; or.~~

489 (8) Any other action the board deems necessary to carry out its duties in this article.

490 (d) In addition to and in conjunction with the actions described in subsection (c) of this Code  
491 section, the board may make a finding adverse to the licensee or applicant but withhold imposition  
492 of judgment and penalty or it may impose the judgment and penalty but suspend enforcement  
493 thereof and place the licensee on probation, which probation may be vacated upon noncompliance  
494 with such reasonable terms as the board may impose.

495 (e) Any disciplinary action of the board may be appealed by the aggrieved person to the Judicial  
496 Council, which shall have the power to review the determination by the board. Initial judicial  
497 review of the final decision of the Judicial Council shall be had solely in the superior courts of  
498 the county of domicile of the board. Appeals may be heard by an ad hoc Judicial Council  
499 Committee consisting of three members, two of whom shall be judges, appointed by the Chair of  
500 the Judicial Council.

501 (f) In its discretion, the board may reinstate a certificate or temporary permit which has been  
502 revoked or issue a certificate or temporary permit which has been denied or refused, following  
503 such procedures as the board may prescribe by rule; and, as a condition thereof, it may impose  
504 any disciplinary or corrective method provided in this Code section or any other laws relating to  
505 court reporting.

506 ~~(g)(1)~~ The board is vested with the power and authority to make, or cause to be made through  
507 employees or agents of the board, such investigations the board may deem necessary or proper

508 for the enforcement of the provisions of this Code section and the laws relating to court reporting.  
509 Any person properly conducting an investigation on behalf of the board shall have access to and  
510 may examine any writing, document, or other material relating to the fitness of any licensee or  
511 applicant. The board or its appointed representative may issue subpoenas to compel access to any  
512 writing, document, or other material upon a determination that reasonable grounds exist for the  
513 belief that a violation of this Code section or any other law relating to the practice of court  
514 reporting may have taken place.

515 ~~(2) The results of all investigations initiated by the board shall be reported solely to the board  
516 and the records of such investigations shall be kept for the board by the Administrative Office of  
517 the Courts, with the board retaining the right to have access at any time to such records. No part  
518 of any such records shall be released, except to the board for any purpose other than a hearing  
519 before the board, nor shall such records be subject to subpoena; provided, however, that the board  
520 shall be authorized to release such records to another enforcement agency or lawful licensing  
521 authority.~~

522 ~~(3) If a licensee is the subject of a board inquiry, all records relating to any person who receives  
523 services rendered by that licensee in the capacity as licensee shall be admissible at any hearing  
524 held to determine whether a violation of this article has taken place, regardless of any statutory  
525 privilege; provided, however, that any documentary evidence relating to a person who received  
526 those services shall be reviewed in camera and shall not be disclosed to the public.~~

527 ~~(4) The board shall have the authority to exclude all persons during its deliberations on  
528 disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or  
529 applicant and the legal counsel of that licensee or applicant.~~

530 (h) A person, firm, corporation, association, authority, or other entity shall be immune from civil  
531 and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant  
532 which violate the provisions of subsection (a) of this Code section or any other provision of law  
533 relating to a licensee's or applicant's fitness to practice as a court reporter or for initiating or  
534 conducting proceedings against such licensee or applicant, if such report is made or action is  
535 taken in good faith, without fraud or malice. Any person who testifies or who makes a  
536 recommendation to the board in the nature of peer review, in good faith, without fraud or malice,  
537 in any proceeding involving the provisions of subsection (a) of this Code section or any other law  
538 relating to a licensee's or applicant's fitness to practice as a court reporter shall be immune from  
539 civil and criminal liability for so testifying.

540 ~~(i) If any licensee or applicant after at least 30 days' notice fails to appear at any hearing, the  
541 board may proceed to hear the evidence against such licensee or applicant and take action as if  
542 such licensee or applicant had been present. A notice of hearing, initial or recommended decision,  
543 or final decision of the board in a disciplinary proceeding shall be served personally upon the  
544 licensee or applicant or served by certified mail or statutory overnight delivery, return receipt  
545 requested, to the last known address of record with the board. If such material is served  
546 by certified mail or statutory overnight delivery and is returned marked "unclaimed" or  
547 "refused" or is otherwise undeliverable and if the licensee or applicant cannot, after diligent effort,  
548 be located, the director of the Administrative Office of the Courts shall be deemed to be the agent  
549 for service for such licensee or applicant for purposes of this Code section, and service upon the  
550 director of the Administrative Office of the Courts shall be deemed to be service upon the licensee  
551 or applicant.~~

552 ~~(j) The voluntary surrender of a certificate or temporary permit or the failure to renew a certificate  
553 or temporary permit by the end of an established penalty period shall have the same effect as a~~

554 ~~revocation of said certificate or temporary permit, subject to reinstatement in the discretion of the~~  
555 ~~board. The board may restore and reissue a certificate or temporary permit to practice under the~~  
556 ~~law relating to that board and, as a condition thereof, may impose any disciplinary sanction~~  
557 ~~provided by this Code section or the law relating to that board.~~

558 (ik) Regulation by the board shall not exempt court reporting from regulation pursuant to any  
559 other applicable law.

560

561

562 15-14-36. Violations Relating to Court Reporting.

563

564 Any person who:

565

566 (1) Represents himself or herself as having received a certificate or temporary permit as provided  
567 for in this article, whether as a court reporter, digital operator, or certified transcriptionist, without  
568 having received a certificate or temporary permit;

569 (2) Continues to practice as a court reporter, digital operator, or transcriptionist in this state or  
570 uses any title or abbreviation indicating he or she is a certified court reporter, certified digital  
571 operator, or certified transcriptionist, after his or her certificate has been revoked; or

572 (3) Violates any provision of this article or of subsection (c) ~~or (d)~~ of Code Section 9-11-28.

573

574 shall be guilty of a misdemeanor. Each day of the offense is a separate misdemeanor.

575

576

577 TITLE 17. CRIMINAL PROCEDURE.

578

579 CHAPTER 5. Searches and seizures.

580

581 17-5-55. Custody of property; evidence in criminal cases.

582

583 (a) In all criminal cases, ~~the court shall designate either the clerk of court or any other officer of~~  
584 ~~the court designated by the court the court reporter, or any other officer of the court to shall~~ be  
585 the custodian of any property that is introduced into evidence during the pendency of the case.  
586 Property introduced into evidence shall be identified or tagged with an exhibit number. After  
587 verdict and judgment has been entered in any criminal case, the ~~person who has custody of the~~  
588 ~~physical evidence introduced in the case~~ clerk shall inventory the evidence and create an evidence  
589 log within 30 days of the entry of the judgment.

590

591

592 TITLE 17. CRIMINAL PROCEDURE.

593

594 CHAPTER 8. Trial.

595

596 17-8-5. Stenographic notes; ~~entry of testimony on minutes of court; transcript or brief;~~  
597 requirement of backup recording

598

599 (a) On the trial of all felonies the presiding judge shall have the testimony and evidence taken

600 down by certified court reporter or via a digital recording system operating in compliance with  
601 the rules of the Board of Court Reporting. ~~and, When a trial is being taken down by a court~~  
602 ~~reporter, when directed by the judge, the court reporter shall exactly and truly record or take~~  
603 ~~stenographic notes of the testimony and proceedings in the case, except the argument of counsel.~~  
604 ~~In the event of a verdict of guilty, if taken down by a court reporter, the testimony shall be entered~~  
605 ~~on the minutes of the court or in a book to be kept for that purpose the court reporter shall~~  
606 ~~transcribe the case and file the transcript with the clerk of court. In the event of a verdict of guilty,~~  
607 ~~where a trial was recorded via digital recording system, the digital operator shall transmit the~~  
608 ~~recording of the case to a certified transcriptionist for transcription. In the event that a sentence~~  
609 ~~of death is imposed, the transcript of the case shall be prepared within 90 days after the sentence~~  
610 ~~is imposed by the trial court. In all other felony cases, the transcript of the case shall be prepared~~  
611 ~~and filed within 120 days after the sentence is imposed by the trial court. Upon petition by the~~  
612 ~~court reporter or transcriptionist, the Chief Justice of the Supreme Court of Georgia may grant an~~  
613 ~~additional period of time for preparation of the transcript, such period not to exceed 60 days. The~~  
614 ~~requirement that a transcript be prepared within a certain period in cases in which a sentence of~~  
615 ~~death is imposed shall not inure to the benefit of a defendant. All pre-trial motions and hearings~~  
616 ~~in felony cases must be recorded and transcribed either via certified court reporter or by a digital~~  
617 ~~recording system operating in compliance with the Rules of the Board of Court Reporting and~~  
618 ~~any applicable uniform rules.~~

619 (b) In the event that a mistrial results from any cause in the trial of a defendant charged with the  
620 commission of a felony, the presiding judge may, in his discretion, either with or without any  
621 application of the defendant or state's counsel, order that a ~~brief of the~~ transcript of the testimony  
622 in the case be duly filed by the court reporter in the office of the clerk of the superior court in  
623 which the mistrial occurred. If the ~~brief or~~ transcript is ordered, it shall be the duty of the judge,  
624 in the order, to provide for the compensation of the reporter and for the transcript to be paid for  
625 as is provided by law for payment of transcripts in cases in which the law requires the testimony  
626 to be transcribed, at a rate not to exceed that provided in felony cases.  
627  
628

## 629 TITLE 9. CIVIL PRACTICE

### 630 CHAPTER 11. Civil Practice Act

#### 631 9-11-29.1. When depositions and discovery materials required to be filed with court.

632  
633 (a) Depositions and other discovery material otherwise required to be filed with the court under  
634 this chapter shall not be required to be so filed unless:

635 (1) Required by ~~local~~ uniform rule of court;

636 ...

637  
638 (c) When depositions and other discovery material are filed with the clerk of court as provided in  
639 subsection (a) of this Code section, the clerk of court shall retain such ~~original~~ documents and  
640 materials as provided for by the Judicial Council Records Retention Schedule and any other  
641 applicable record-keeping rule approved by the Supreme Court of Georgia. ~~until final disposition,~~

646 either by verdict or appeal, of the action in which such materials were filed. The clerk of court  
647 shall be authorized thereafter to destroy such materials upon microfilming or digitally imaging  
648 such materials and maintaining such materials in a manner that facilitates retrieval and  
649 reproduction, so long as the microfilm and digital images meet the standards established by the  
650 Division of Archives and History of the University System of Georgia; provided, however, that  
651 The clerk of court shall not be required to microfilm or digitally image retain depositions that are  
652 not used for evidentiary purposes during the trial of the issues of the case in which such  
653 depositions were filed.

654

655 9-11-30. Depositions upon oral examination.

656

657 (f) *Certification and filing by officer; inspection and copying of exhibits; copy of deposition.*

658 (1)(A) The officer shall certify that the witness was duly sworn by the officer and that the  
659 deposition is a true record of the testimony given by the witness. This certificate shall be in writing  
660 and accompany the record of the deposition. The officer shall then ~~securely seal the deposition in~~  
661 ~~an envelope marked with the title of the action, the court reporter certification number, and~~  
662 ~~“Deposition of (here insert name of witness)” and shall promptly file it the transcript~~ with the  
663 court in which the action is pending or deliver it to the party taking the deposition, as the case  
664 may be, in accordance with Code Section 9-11-29.1.

665 (B) Documents and things produced for inspection during the examination of the witness shall,  
666 upon the request of a party, be marked for identification and annexed to and returned with the  
667 deposition and may be inspected and copied by any party, except that the person producing the  
668 materials may substitute copies to be marked for identification, if he or she affords to all parties  
669 fair opportunity to verify the copies by comparison with the originals; and, if the person producing  
670 the materials requests their return, the officer shall mark them, give each party an opportunity to  
671 inspect and copy them, and return them to the person producing them, and the materials may then  
672 be used in the same manner as if annexed to and returned with the deposition. Any party may  
673 move for an order that the original be annexed to and returned with the deposition to the court,  
674 pending final disposition of the case.

675 (2) Upon payment of ~~reasonable~~ charges ~~therefor~~ as provided by the rules of the Board of Court  
676 Reporting, the officer shall furnish a copy of the deposition to any party or to the deponent.

677