

*O.C.G.A. TITLE 15 Chapter 14*

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TITLE 15. COURTS  
CHAPTER 14. COURT REPORTERS

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O.C.G.A. TITLE 15 Chapter 14 (2008)

TITLE 15 Chapter 14 Note

CHAPTER NOTES

CROSS REFERENCES. --Authority of Judicial Council to promulgate rules and regulations relating to transcripts and to fees of court reporters, [§ 15-5-21](#).

[Title Note](#)

O.C.G.A. § 15-14-1

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ARTICLE 1. GENERAL PROVISIONS

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O.C.G.A. § 15-14-1 (2008)

§ 15-14-1. Power of superior court judges to appoint and remove; oath; duties

The judges of the superior courts shall have power to 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.

**HISTORY:** Ga. L. 1876, p. 133, § 1; Code 1882, § 4696(a); Penal Code 1895, § 810; Penal Code 1910, § 810; Code 1933, § 24-3101; Ga. L. 1993, p. 1315, § 6.

JUDICIAL DECISIONS

DENIAL OF REQUEST TO USE UNOFFICIAL REPORTER NOT UNCONSTITUTIONAL. -- Appellant was not deprived of appellant's constitutional rights to a fair trial though appellant was denied appellant's request to use an unofficial court reporter at appellant's expense. [Estep v. State, 129 Ga. App. 909, 201 S.E.2d 809 \(1973\)](#) (decided prior to 1993 amendment).

REPORTER BOUND TO OBEY JUDGE OF SUPERIOR COURT AS EMPLOYER. --Court reporter is, as to all of the reporter's official duties defined by statute, bound to obey the judge of the superior court, and is certainly, as to those duties, an employee of the judge. [Johnson v. United States Fid. & Guar. Co., 93 Ga. App. 336, 91 S.E.2d 779 \(1956\)](#).

REPORT OF ANOTHER CASE, DULY AUTHENTICATED BY STENOGRAPHER, is admissible to

prove testimony of witness. [Burnett v. State, 87 Ga. 622, 13 S.E. 552 \(1891\)](#) (decided prior to 1993 amendment).

IT IS DUTY OF REPORTER TO READ DISPUTED TESTIMONY to jury when directed by judge. [Green v. State, 122 Ga. 169, 50 S.E. 53 \(1905\)](#).

EXPENSE IN PRIVATE ACTION NOT ASSESSABLE AGAINST PUBLIC TREASURY. --Court could not assess costs against the public treasury in a civil case between private parties the expense of requiring the notes of the official stenographer to be written out for the benefit of the judge. [Macris v. Tspourses, 35 Ga. App. 671, 134 S.E. 621 \(1926\)](#) (decided prior to 1993 amendment).

ORDER OF JUDGE TO COMPENSATE OFFICIAL STENOGRAPHER becomes judgment by court of competent jurisdiction and, not being void on its face, cannot be collaterally attacked. [Walden v. Nichols, 204 Ga. 532, 50 S.E.2d 105 \(1948\)](#) (decided prior to 1993 amendment).

PRIVATE REPORTER MAY REFUSE TO FURNISH TRANSCRIPT TO OPPOSING PARTY. --If plaintiff agrees with reporter that the reporter should take notes on the testimony given on the trial of the case and that plaintiff alone will be responsible for the fees to be paid for such service, in which agreement the defendant expressly refuses to participate, and if the trial court makes no order respecting the reporting of the case, defendant cannot compel the reporter to transcribe the reporter's stenographic notes even though defendant offers to pay the entire cost of reporting the case and the cost of transcribing the case, and it is not error to refuse to order the reporter to furnish the defendant with a transcript of the evidence. [Harrington v. Harrington, 224 Ga. 305, 161 S.E.2d 862 \(1968\)](#).

If in a judicial hearing in connection with a civil action the court reporter transcribes testimony, not by direction of the court but by private agreement with one party in which the opposing party has expressly refused to participate, all costs of transcription having been paid by the former, the opposing party cannot thereafter compel the reporter to furnish that party with a copy of the transcript; evidentiary questions for which such a transcript is necessary on appeal cannot be decided by the Court of [Appeals. Nixdorf Enters., Inc. v. Bell, 127 Ga. App. 617, 194 S.E.2d 486 \(1972\)](#).

CITED in [Heard v. State, 210 Ga. 108, 78 S.E.2d 38 \(1953\)](#); [Giddings v. Starks, 240 Ga. 496, 241 S.E.2d 208 \(1978\)](#).

#### OPINIONS OF THE ATTORNEY GENERAL

SAME QUALIFIED PERSON MAY BE REPORTER AND SECRETARY. --Judge of superior court has authority to appoint reporter for the court and to employ secretary for the judge's office; there is nothing in the laws of Georgia which would prohibit the judge from appointing the same person to fill these two positions, provided that the person so appointed had the qualifications necessary for each position. 1974 Op. Att'y Gen. No. U74-1.

COURT REPORTER MAY NOT WORK FOR TWO COURTS. --Court reporter may not hold

simultaneous employment with State Board of Workers' Compensation and a superior court or state court, but the reporter may provide court reporting services to those courts provided the reporter's role is that of an independent contractor. 1983 Op. Att'y Gen. No. 83-56.

#### RESEARCH REFERENCES

AM. JUR. 2D. --[20 Am. Jur. 2d, Courts, § 1](#) et seq.

C.J.S. --21 C.J.S., Courts, § 136.

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*O.C.G.A. § 15-14-2*

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O.C.G.A. § 15-14-2 (2008)

§ 15-14-2. Power of city court judges to appoint; compensation

(a) The judges of the city courts of this state having concurrent jurisdiction with the superior courts of this state to try misdemeanor cases and to try civil cases where the amount involved exceeds \$500.00, where not otherwise specifically provided for by law, may appoint an official court reporter, as defined in Article 2 of this chapter, whose compensation for reporting criminal and civil cases and for attendance upon court shall be the same as provided by the Judicial Council pursuant to [Code Section 15-5-21](#). The court reporter reporting and transcribing civil cases shall be paid by the party or parties requesting the reporting or transcribing.

(b) This Code section shall not apply to the city courts of this state where provision has been made by law prior to February 13, 1950, for the appointment of the official reporters of city courts.

**HISTORY:** Ga. L. 1950, p. 149, §§ 1-3; Ga. L. 1993, p. 1315, § 6.

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O.C.G.A. § 15-14-3

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O.C.G.A. § 15-14-3 (2008)

§ 15-14-3. Power of division judges to appoint and remove; oath; duties

Each of the judges of the superior and city courts in all circuits where there may be more than one division, whether the same is civil or criminal, shall appoint and at such judge's pleasure remove a court reporter, as defined in Article 2 of this chapter, for such judge's respective division. 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. It shall be the court reporter's duty to attend all sessions of the court 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 argument of counsel.

**HISTORY:** Ga. L. 1876, p. 133, § 1; Code 1882, § 4696a; Ga. L. 1894, p. 53, § 1; Civil Code 1895, § 4446; Civil Code 1910, § 4984; Ga. L. 1914, p. 59, § 1; Code 1933, § 24-3102; Ga. L. 1993, p. 1315, § 6.

JUDICIAL DECISIONS

NO MANDATE THAT EVERY CIVIL CASE BE REPORTED. --It is not incumbent upon the trial judge to arrange for the official reporter to take down the evidence at an interlocutory hearing or a subsequent contempt hearing; the law does not mandate that every civil case be reported. [Savage v. Savage, 234 Ga. 853, 218 S.E.2d 568 \(1975\).](#)

COURT MUST MAKE REPORTER AVAILABLE WHEN DEFENDANT REQUESTS RECORDATION. -  
-When a defendant in a misdemeanor case asks that the case be recorded at the defendant's expense, the court must make sure that the court reporter is available to comply with the request. [Thompson v. State, 240 Ga. 296, 240 S.E.2d 87 \(1977\).](#)

DEFENDANT IN MISDEMEANOR CASE IS NOT REQUIRED TO MAKE ADVANCE ARRANGEMENTS for court reporter if the defendant desires the trial to be recorded. [Thompson v. State, 240 Ga. 296, 240 S.E.2d 87 \(1977\).](#)

REPORTER MUST ATTEND COURT SESSIONS. --"Long established practice" cannot relieve court reporter of statutory duty to attend court sessions. [Thompson v. State, 240 Ga. 296, 240 S.E.2d 87 \(1977\).](#)

ERROR TO OVERRULE MOTION FOR CONTINUANCE IF COURT REPORTER UNAVAILABLE. --It is error to overrule a motion for continuance if request for court reporter was made one day in advance but none was available on the day of the trial. [Massey v. State, 127 Ga. App. 638, 194 S.E.2d 582 \(1972\).](#)

CITED in [Giddings v. Starks, 240 Ga. 496, 241 S.E.2d 208 \(1978\).](#)

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O.C.G.A. § 15-14-4

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O.C.G.A. § 15-14-4 (2008)

§ 15-14-4. Additional court reporters; typists; equipment

(a) In all judicial circuits of this state in which nine or more superior court judges are provided by law, the judges of such circuits shall have the power to appoint, in addition to those court reporters already authorized by law, such additional court reporters as each judge deems necessary or proper to report and transcribe the proceedings of the court over which he presides, such court reporters to have the same qualifications and to be paid in the same manner as is provided by law.

(b) In addition thereto, each of the judges of such circuits shall have the power, with the approval of the county commissioners, to employ such typists as he may deem necessary or proper to aid in the recording or transcribing of the proceedings of the court; the compensation of the typists is declared to be an expense of court and payable out of the county treasury as such.

(c) In the aforesaid circuits each of the judges shall have the power to purchase such recording machines and equipment as he may deem necessary or proper to aid in the transaction of the business of the court and to order payment therefor out of the county treasury as an expense of court.

**HISTORY:** Ga. L. 1957, p. 373, § 1.

RESEARCH REFERENCES

C.J.S. --21 C.J.S., Courts, § 136.

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O.C.G.A. § 15-14-5

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O.C.G.A. § 15-14-5 (2008)

§ 15-14-5. Duty to transcribe; certificate

It shall be the duty of each court reporter to transcribe the evidence and other proceedings of which he 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, 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.

**HISTORY:** Ga. L. 1957, p. 224, § 9.

**NOTES:**

CROSS REFERENCES. --Further provisions regarding reporting, preparation, and disposition of transcripts of evidence and proceedings, [§ 5-6-41](#).

JUDICIAL DECISIONS

BURDEN IS ON DEFENDANT TO ARRANGE FOR A TRANSCRIPTION and to pay for the transcript. [Wigley v. State, 194 Ga. App. 7, 389 S.E.2d 769](#), cert. denied, [194 Ga. App. 913, 389 S.E.2d 769 \(1989\)](#).

DUTY OF DEFENSE COUNSEL. --It is the duty of defense counsel to note and except to any trial errors and to pursue a full transcription thereof if desired. Defense counsel's lack of diligence cannot be delegated as reversible error on the part of the trial court or court reporter on appeal. [Cagle v. State, 160 Ga. App. 803, 287 S.E.2d 660 \(1982\)](#).

SECTION INAPPLICABLE WHEN REPORTER NOT PAID. --This section is not applicable if the

record does not disclose that appellant paid or offered to pay the court reporter the legal fees for a transcript of the evidence. [Hair v. Chilton, 223 Ga. 632, 157 S.E.2d 290 \(1967\)](#) (see [O.C.G.A. § 15-14-5](#)).

PRIVATE REPORTER MAY REFUSE TO FURNISH TRANSCRIPT TO OPPOSING PARTY. --If plaintiff agrees with the reporter that the reporter should take notes on the testimony given on the trial of the case and that plaintiff alone will be responsible for the fees to be paid for such service in which agreement the defendant expressly refuses to participate, and if the trial court makes no order respecting the reporting of the case, defendant cannot compel the reporter to transcribe the reporter's stenographic notes even though defendant offers to pay the entire cost of reporting the case and the cost of transcribing the case, and it is not error to refuse to order the reporter to furnish the defendant with a transcript of the evidence. [Harrington v. Harrington, 224 Ga. 305, 161 S.E.2d 862 \(1968\)](#).

Plaintiff could not be compelled to authorize the court reporter to prepare a transcript for defendant after the plaintiff had agreed with the court reporter that the reporter should take notes on the testimony given on the trial of the case and that plaintiff alone would be responsible for the fees to be paid for such service, in which agreement defendant had expressly refused to participate. [Tow v. Reed, 180 Ga. App. 609, 349 S.E.2d 829 \(1986\)](#).

DUTIES OF OFFICIAL COURT REPORTER ARE SET BY LAW, not by private contract; no private agreement between reporter and one party can prejudice the right of the other party to have a transcript of the proceedings prepared. [Giddings v. Starks, 240 Ga. 496, 241 S.E.2d 208 \(1978\)](#).

MUST RULE AT START WHEN ONE PARTY REFUSES TO SHARE COSTS. --If one party in a court proceeding declines to share in the expenses of a trial transcript, the other party, in order to preclude the first from later requesting a copy of the transcript, must invoke a ruling of the trial judge at the beginning of the trial which states that the party's opponent has expressly refused to participate in the costs of reporting. [Giddings v. Starks, 240 Ga. 496, 241 S.E.2d 208 \(1978\)](#).

A trial court erred in a civil suit by denying an appealing plaintiff's motions for a trial transcript and for a new trial based on not having a transcript because a pretrial order did not qualify as an express ruling that the plaintiff expressly refused to pay for the costs of the transcript. Further, the pretrial order did not qualify as a ruling invoked at the commencement of the proceedings. [Moore v. Ctr. Court Sports & Fitness, LLC, 289 Ga. App. 596, 657 S.E.2d 548 \(2008\)](#).

NEW REPORTER TO BE APPOINTED WHEN ANOTHER INCAPABLE OF TRANSCRIBING. --If the defendant shows that the court reporter appointed by the trial court is incapable of transcribing the tapes of a felony trial, another court reporter should be appointed. [Wilson v. State, 246 Ga. 672, 273 S.E.2d 9 \(1980\)](#).

If defendant satisfactorily shows that, due to reporter's hearing disability, the corrected transcript is not true, complete, and correct, trial court errs in not granting motion to have another court reporter transcribe the tapes. [Wilson v. State, 246 Ga. 672, 273 S.E.2d 9 \(1980\)](#).

IF CORRECTNESS OF RECORD IS CALLED INTO QUESTION, matter is to be resolved by trial court. [Ross v. State, 245 Ga. 173, 263 S.E.2d 913 \(1980\).](#)

CITED in [Estep v. State, 129 Ga. App. 909, 201 S.E.2d 809 \(1973\)](#); [Reed v. State, 130 Ga. App. 659, 204 S.E.2d 335 \(1974\).](#)

#### OPINIONS OF THE ATTORNEY GENERAL

IF REPORTER DIES BEFORE COMPLETING TRANSCRIPT, another reporter may make the transcript and certify the transcript; such a transcript would be subject to the judge's power of correction. 1973 Op. Att'y Gen. No. U73-107.

#### RESEARCH REFERENCES

C.J.S. --77 C.J.S., Reports, § 6 et seq.

ALR. --Right to have reporter's notes read to jury, 50 ALR2d 176.

Court reporter's death or disability prior to transcribing notes as grounds for reversal or new trial, 57 ALR4th 1049.

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O.C.G.A. § 15-14-6

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O.C.G.A. § 15-14-6 (2008)

§ 15-14-6. Contingent expense and travel allowance; notification of appointments and removals

(a) The Council of Superior Court Judges of Georgia is authorized and directed to pay from the state treasury the sums specified in subsection (b) of this Code section as contingent expense and travel allowance to each duly appointed reporter for the superior courts in all judicial circuits of this state, such sum being in addition to the compensation of the superior court reporters provided by law.

(b) The amounts payable per month under this Code section to superior court reporters as contingent expense and travel allowance shall be as follows:

(1) For reporters of judicial circuits  
consisting of only one county..... \$ 80.00

(2) For reporters of judicial circuits  
consisting of two counties.....140.00

(3) For reporters of judicial circuits  
consisting of three counties.....200.00

(4) For reporters of judicial circuits  
consisting of four counties.....260.00

(5) For reporters of judicial circuits  
consisting of five counties.....320.00

(6) For reporters of judicial circuits  
consisting of six or more counties.....380.00

Any person who is a duly appointed reporter for the superior courts in more than one judicial circuit shall receive only one contingent expense and travel allowance, in the amount provided for the circuit consisting of the largest number of counties in which he or she is so appointed.

(c) The contingent expense and travel allowance provided by this Code section shall be paid from the appropriations made by the General Assembly for the cost of operating the superior courts. The duly appointed reporters are declared to be officers of the superior courts.

(d) Annually during the month of January the judge or chief judge of each judicial circuit shall certify to The Council of Superior Court Judges of Georgia the names and addresses of all persons duly appointed as reporters for the superior courts in the judicial circuit and shall thereafter notify the council of the removal of such persons from office or the appointment of additional persons as superior court reporters, together with the effective date of such removal or appointment.

(e) All laws enacted before April 5, 1961, applicable to any circuit or counties of this state and governing the compensation of court reporters therein shall remain in full force and effect.

**HISTORY:** Ga. L. 1961, p. 354, §§ 1-5; Ga. L. 1962, p. 60, § 1; Ga. L. 1971, p. 417, § 1; Ga. L. 1981, p. 619, § 1; Ga. L. 1993, p. 1402, § 10; [Ga. L. 2008, p. 577, § 6/SB 396](#).

**NOTES:**

THE 2008 AMENDMENT, effective July 1, 2008, in subsection (a), near the beginning substituted "Council of Superior Court Judges of Georgia" for "Department of Administrative Services"; in subsection (d), near the beginning substituted "The Council of Superior Court Judges of Georgia" for "the Department of Administrative Services" and substituted "council" for "department" near the end.

JUDICIAL DECISIONS

CITED in [State, Dep't of Admin. Servs. v. Pritchett, 160 Ga. App. 294, 287 S.E.2d 290 \(1981\)](#).

OPINIONS OF THE ATTORNEY GENERAL

COMPENSATION OF STATE COURT REPORTERS. --Because a state court serves a single county, state court reporters are to receive the amount prescribed by paragraph (b)(1) of [O.C.G.A. § 15-14-6](#) for reporters of judicial circuits consisting of one county only. 1981 Op. Att'y Gen. No. U81-24.

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*O.C.G.A. § 15-14-7*

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O.C.G.A. § 15-14-7 (2008)

§ 15-14-7. Destruction of notes; how authorized; petition; grounds; notice; order

(a) Upon petition, the judge of a superior court, city court, or any other court, the judgments of which are subject to review by the Supreme Court or the Court of Appeals, may authorize destruction of a court reporter's notes taken of the evidence and other proceedings in civil actions in that court, subject to this Code section.

(b) The court reporter or other person in whose custody the notes are kept shall file a written petition in the court in which the trial was conducted requesting an order authorizing destruction of notes taken during the trial. The petition shall specify the name of the court reporter, the name of the person in whose custody the notes are kept if other than the court reporter, the place at which the notes are kept, and the names and addresses of the parties to the action or, if the address of a party is unknown, the name and address of counsel to that party if such is known.

(c) The petition shall certify one of the following:

(1) That the action is a civil action in which no notice of appeal has been filed, that the court reporter has not been requested or ordered to transcribe the evidence and other proceedings, and that a period of not less than 37 months has elapsed since the last date upon which a notice of appeal in the action could have been filed; or

(2) That the action is one in which the court reporter has been requested or ordered pursuant to law to transcribe the evidence and other proceedings, that the record has been transcribed, and that a period of not less than 12 months has elapsed from the date upon which the remittitur from the appeal has been docketed in the trial court.

(d) When a petition for the destruction of notes is filed pursuant to this Code section, the

court shall cause due notice of the petition and the grounds therefor to be given to each party to the action or, if the address of a party is unknown, to the counsel to the party if such is known.

(e) Not less than 30 days after receipt of a petition pursuant to this Code section, the court shall authorize destruction of the specified notes unless such destruction, in the court's judgment, would impair the cause of justice or fairness in the action.

**HISTORY:** Ga. L. 1974, p. 410, §§ 1-4.

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O.C.G.A. TITLE 15 Chapter 14 Article 2 (2008)

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ARTICLE NOTES

OPINIONS OF THE ATTORNEY GENERAL

FEES COLLECTED BY BOARD NOT REQUIRED TO BE DEPOSITED IN STATE TREASURY. --  
Legislative characterization of court reporters as officers of the court indicates that the fees collected by the Board of Court Reporting of the Judicial Council are not required to be deposited in the state treasury. 1977 Op. Att'y Gen. No. U77-55.

FEES UNEXPENDED AT END OF FISCAL YEAR NOT SUBJECT TO APPROPRIATION LAPSE. --  
Since fees collected by Board of Court Reporting of the Judicial Council are not placed in the state treasury and are therefore not subject to the annual appropriations process in the same manner as funds drawn from the state treasury, nor are they referred to in the General Appropriations Act for fiscal year 1977 or 1978, those fees which are unexpended at the end of the fiscal year are not subject to appropriation lapse. 1978 Op. Att'y Gen. No. 78-68.

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*O.C.G.A. § 15-14-20*

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O.C.G.A. § 15-14-20 (2008)

§ 15-14-20. Short title

This article shall be known and may be cited as "The Georgia Court Reporting Act."

**HISTORY:** Ga. L. 1974, p. 345, § 1; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-21 (2008)

§ 15-14-21. Purpose

It is declared by the General Assembly that the practice of court reporting carries important responsibilities in connection with the administration of justice, both in and out of the courts; that court reporters are officers of the courts; and that the right to define and regulate the practice of court reporting belongs naturally and logically to the judicial branch of the state government. Therefore, in recognition of these principles, the purpose of this article is to act in aid of the judiciary so as to ensure minimum proficiency in the practice of court reporting by recognizing and conferring jurisdiction upon the Judicial Council of Georgia to define and regulate the practice of court reporting.

**HISTORY:** Ga. L. 1974, p. 345, § 2; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-22

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O.C.G.A. § 15-14-22 (2008)

§ 15-14-22. Definitions

As used in this article, the term:

- (1) "Board" means the Board of Court Reporting of the Judicial Council.
- (2) "Certified court reporter" means any person certified under this article to practice verbatim reporting.
- (3) "Court reporter" means any person who is engaged in the practice of court reporting as a profession as defined in this article. The term "court reporter" shall include not only those who actually report judicial proceedings in courts but also those who make verbatim records as defined in paragraph (4) of this Code section.
- (4) "Court reporting" means the making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or any board, commission, or other body created by statute, or by the Constitution of this state or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record as defined in this article.

**HISTORY:** Ga. L. 1974, p. 345, § 4; Ga. L. 1993, p. 1315, § 7.

OPINIONS OF THE ATTORNEY GENERAL

REGULATING VERBATIM COURT REPORTING IN FEDERAL JUDICIAL SYSTEM WITHIN STATE.  
--With the exception of official federal court reporters, the Board of Court Reporting of the

Judicial Council of Georgia has authority to regulate the practice of verbatim court reporting for use in the federal courts within the State of Georgia pursuant to [O.C.G.A. §§ 15-14-22](#) and [15-14-28](#). 1986 Op. Att'y Gen. No. 86-27.

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O.C.G.A. § 15-14-23 (2008)

§ 15-14-23. Judicial Council of Georgia as agency of judiciary for purposes of article

The Judicial Council of Georgia, as created by Article 2 of Chapter 5 of this title, is declared to be an agency of the judicial branch of the state government for the purpose of defining and regulating the practice of court reporting in this state.

**HISTORY:** Ga. L. 1974, p. 345, § 3; Ga. L. 1993, p. 1315, § 7.

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*O.C.G.A. § 15-14-24*

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O.C.G.A. § 15-14-24 (2008)

§ 15-14-24. Board of Court Reporting of Judicial Council; creation; composition; term; vacancies; removal

(a) There is established a board which shall be known and designated as the "Board of Court Reporting of the Judicial Council." It shall be composed of nine members, five members to be certified court reporters, two members to be representatives from the State Bar of Georgia, and two members to be from the judiciary, one to be a superior court judge and one to be a state court judge, each of whom shall have not less than five years' experience in their respective professions. The board shall be appointed by the Judicial Council. The term of office shall be two years, and the Judicial Council shall fill vacancies on the board.

(b) Any member of the board may be removed by the Judicial Council after a hearing at which the Judicial Council determines that there is cause for removal.

**HISTORY:** Ga. L. 1974, p. 345, § 5; Ga. L. 1993, p. 1315, § 7; Ga. L. 1999, p. 868, § 1.

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*O.C.G.A. § 15-14-25*

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O.C.G.A. § 15-14-25 (2008)

§ 15-14-25. Oath of office; filing; certificate of appointment

Immediately and before entering upon the duties of their office, the members of the board shall take the oath of office and shall file the same in the office of the Judicial Council. Upon receiving the oath of office, the Judicial Council shall issue to each member a certificate of appointment.

**HISTORY:** Ga. L. 1974, p. 345, § 6; Ga. L. 1993, p. 1315, § 7.

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*O.C.G.A. § 15-14-26*

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O.C.G.A. § 15-14-26 (2008)

§ 15-14-26. Chairperson; election; term; rules and regulations

The board shall each year elect from its members a chairperson, whose term shall be for one year, and who shall serve during the period for which elected and until a successor shall be elected. The board shall make all necessary rules and regulations to carry out this article, but the rules and regulations shall be subject to review by the Judicial Council.

**HISTORY:** Ga. L. 1974, p. 345, § 7; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-27 (2008)

§ 15-14-27. Administrative work as duty of Administrative Office of the Courts; director to serve as secretary of board

The administrative and staff work of the board shall be among the duties of the Administrative Office of the Courts created by [Code Section 15-5-22](#). The director of the Administrative Office of the Courts or a designee shall serve as secretary of the board and shall perform all duties which may be assigned by either the board or the Judicial Council to implement this article.

**HISTORY:** Ga. L. 1974, p. 345, § 18; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-28 (2008)

§ 15-14-28. Certificate required

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

**HISTORY:** Ga. L. 1974, p. 345, § 12; Ga. L. 1993, p. 1315, § 7.

OPINIONS OF THE ATTORNEY GENERAL

REGULATING VERBATIM COURT REPORTING IN FEDERAL JUDICIAL SYSTEM WITHIN STATE.  
--With the exception of official federal court reporters, the Board of Court Reporting of the Judicial Council of Georgia has authority to regulate the practice of verbatim court reporting for use in the federal courts within the State of Georgia pursuant to [O.C.G.A. §§ 15-14-22](#) and [15-14-28](#). 1986 Op. Att'y Gen. No. 86-27.

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O.C.G.A. § 15-14-29

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O.C.G.A. § 15-14-29 (2008)

§ 15-14-29. Qualifications for certification; individuals with disabilities

(a) Upon receipt of appropriate application and fees, the board shall grant a certificate as a certified court reporter to any person who:

- (1) Has attained the age of 18 years;
- (2) Is of good moral character;
- (3) Is a graduate of a high school or has had an equivalent education; and

(4) Has, except as provided in subsection (b) of this Code section, successfully passed an examination in verbatim court reporting as prescribed in [Code Section 15-14-30](#).

(b) Any person who has attained the age of 18 years and is of good moral character, who submits to the board an affidavit under oath that the court reporter was actively and continuously, for one year preceding March 20, 1974, principally engaged as a court reporter, shall be exempt from taking an examination and shall be granted a certificate as a certified court reporter.

(c)(1) Reasonable accommodation shall be provided to any qualified individual with a disability who applies to take the examination who meets the essential eligibility requirements for the examination and provides acceptable documentation of a disability, unless the provision of such accommodation would impose an undue hardship on the board.

(2) Reasonable accommodation shall be provided to any qualified individual with a disability who applies for certification who meets the essential eligibility requirements for certification and provides acceptable documentation of a disability, unless the provision of such accommodation would impose an undue hardship on the board or the certification of

the individual would pose a direct threat to the health, welfare, or safety of residents of this state.

(3) The term "disability," as used in paragraphs (1) and (2) of this subsection, means a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

**HISTORY:** Ga. L. 1974, p. 345, §§ 9, 11; Ga. L. 1992, p. 6, § 15; Ga. L. 1993, p. 1315, § 7.

#### OPINIONS OF THE ATTORNEY GENERAL

[O.C.G.A. § 15-14-29](#) CANNOT BE CONSTITUTIONALLY APPLIED so as to prohibit an individual who is not a citizen from being certified as a court reporter since the citizenship requirements do not meet the test in [Cabell v. Chavez-Salido, 454 U.S. 432 \(1982\)](#) for determining whether a restriction fits within the narrow "political function" exception to the general rule that discrimination based on alienage triggers strict scrutiny. 1992 Op. Att'y Gen. No. 92-23.

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*O.C.G.A. § 15-14-30*

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O.C.G.A. § 15-14-30 (2008)

§ 15-14-30. Application for testing; fee; time of examinations; conduct and grading

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

**HISTORY:** Ga. L. 1974, p. 345, § 10; Ga. L. 1993, p. 1315, § 7.

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*O.C.G.A. § 15-14-31*

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O.C.G.A. § 15-14-31 (2008)

§ 15-14-31. Renewal of certificate; fee; automatic revocation of suspended certificate

Every certified court reporter who continues in the active practice of verbatim court reporting shall annually renew the certificate on or before April 1 following the date of issuance of the certificate under which the court reporter is then entitled to practice, upon the payment of a fee established by the board. Every certificate which has not been renewed on April 1 shall expire on that date of that year and shall result in the suspension of the court reporter's right to practice under this article, which suspension shall not be terminated until all delinquent fees have been paid or the court reporter has requalified by testing. After a period to be determined by the board, a suspended certificate will be automatically revoked and may not be reinstated without meeting current certification requirements.

**HISTORY:** Ga. L. 1974, p. 345, § 17; Ga. L. 1993, p. 1315, § 7.

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*O.C.G.A. § 15-14-32*

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O.C.G.A. § 15-14-32 (2008)

§ 15-14-32. Use of title or abbreviation

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

**HISTORY:** Ga. L. 1974, p. 345, § 8; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-33

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O.C.G.A. § 15-14-33 (2008)

§ 15-14-33. Refusing or revoking certificate or temporary permit or discipline of person; subpoena of records; disciplinary actions; appeal; reinstatement; investigations; immunity for reporting; hearing; voluntary surrender or failure to renew; regulation

(a) The board shall have the authority to refuse to grant a certificate or temporary permit to an applicant therefor or to revoke the certificate or temporary permit of a person or to discipline a person, upon a finding by a majority of the entire board that the licensee or applicant has:

(1) Failed to demonstrate the qualifications or standards for a certificate or temporary permit contained in this article or under the rules or regulations of the board. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that all the requirements for the issuance of a certificate or temporary permit have been met, and, if the board is not satisfied as to the applicant's qualifications, it may deny a certificate or temporary permit without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if desired;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of court reporting or on any document connected therewith; practiced fraud or deceit or intentionally made any false statements in obtaining a certificate or temporary permit to practice court reporting; or made a false statement or deceptive registration with the board;

(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States. As used in this paragraph and paragraph (4) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall

include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

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

(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

(5) Had a certificate or temporary permit to practice as a court reporter revoked, suspended, or annulled by any lawful licensing authority other than the board; or had other disciplinary action taken against the licensee or the applicant by any such lawful licensing authority other than the board; or was denied a certificate by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a certificate or temporary permit by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice as a court reporter, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of court reporting but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of court reporting;

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

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

(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state. Any such adjudication shall automatically suspend the certificate or temporary permit of any such person and shall prevent the reissuance or renewal of any certificate or temporary permit so suspended for as long as the adjudication of incompetence is in effect;

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

(11) Violated the provisions of subsection (c) or (d) of [Code Section 9-11-28](#); or

(12) Violated the provisions of [Code Section 15-14-37](#).

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

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

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

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

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

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

(5) Revoke any certificate or temporary permit;

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

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

(8) Require monetary adjustment in a fee dispute involving an official court reporter.

(d) In addition to and in conjunction with the actions described in subsection (c) of this

Code section, the board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which probation may be vacated upon noncompliance with such reasonable terms as the board may impose.

(e) Any disciplinary action of the board may be appealed by the aggrieved person to the Judicial Council, which shall have the power to review the determination by the board. Initial judicial review of the final decision of the Judicial Council shall be had solely in the superior courts of the county of domicile of the board.

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

(g)(1) The board is vested with the power and authority to make, or cause to be made through employees or agents of the board, such investigations the board may deem necessary or proper for the enforcement of the provisions of this Code section and the laws relating to court reporting. Any person properly conducting an investigation on behalf of the board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant. The board or its appointed representative may issue subpoenas to compel access to any writing, document, or other material upon a determination that reasonable grounds exist for the belief that a violation of this Code section or any other law relating to the practice of court reporting may have taken place.

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

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

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

(h) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or

applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice as a court reporter or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any person who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud or malice, in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice as a court reporter shall be immune from civil and criminal liability for so testifying.

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

(j) The voluntary surrender of a certificate or temporary permit or the failure to renew a certificate or temporary permit by the end of an established penalty period shall have the same effect as a revocation of said certificate or temporary permit, subject to reinstatement in the discretion of the board. The board may restore and reissue a certificate or temporary permit to practice under the law relating to that board and, as a condition thereof, may impose any disciplinary sanction provided by this Code section or the law relating to that board.

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

**HISTORY:** Ga. L. 1974, p. 345, § 13; Ga. L. 1993, p. 1315, § 7; Ga. L. 1994, p. 1007, § 2; Ga. L. 2000, p. 1589, § 3.

**NOTES:**

EDITOR'S NOTES. --Ga. L. 2000, p. 1589, § 16, not codified by the General Assembly, provides that the amendment to subsection (i) is applicable with respect to notices delivered on or after July 1, 2000.

LAW REVIEWS. --For note on the 1994 amendment of this Code section, see 11 Ga. St. U.L. Rev. 58 (1994).

OPINIONS OF THE ATTORNEY GENERAL

CONTRACTS FOR REPORTING DEPOSITIONS. --An exclusive contract for reporting depositions between a court reporter and a party may not be impermissible on its face provided it does not infringe on the court reporter's legal duties, but if the terms of the contract and surrounding circumstances render the court reporter an employee of the party or attorney or create a financial interest in the action on the part of the court reporter, the court reporter cannot report the deposition unless all parties waive the disqualification in writing. 1993 Op. Att'y Gen. No. 93-18.

If a contract for reporting depositions provides a discount to the contract party, then charging the other party a higher fee for the transcript could be deemed an "unreasonable" fee, and therefore subject the court reporter to discipline by the Board of Court Reporting. 1993 Op. Att'y Gen. No. 93-18.

If a court reporter provides kickbacks to parties or their attorneys in return for hiring that court reporter to report a deposition, such actions constitute unprofessional conduct. 1993 Op. Att'y Gen. No. 93-18.

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*O.C.G.A. § 15-14-34*

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O.C.G.A. § 15-14-34 (2008)

§ 15-14-34. Temporary permits

Temporary employment of any person may be possible by obtaining a temporary permit from the board or from a judge in compliance with the rules and regulations of the Board of Court Reporting of the Judicial Council. The scope of the activities of the temporary permit holder shall be as provided in the rules of the board.

**HISTORY:** Ga. L. 1974, p. 345, § 16; Ga. L. 1980, p. 528, § 1; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-35

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O.C.G.A. § 15-14-35 (2008)

§ 15-14-35. Injunction against violations; remedy cumulative

On the verified complaint of any person or by motion of the board that any person, firm, or corporation has violated any provision of this article, the board, with the consent of the Judicial Council, may file a complaint seeking equitable relief in its own name in the superior court of any county in this state having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order and temporary injunction or permanent injunction against such person, firm, or corporation, restraining them from violating this article. Upon proof thereof, the court shall issue the restraining order, temporary injunction, or permanent injunction without requiring allegation or proof that the board has no adequate remedy at law. The right of injunction provided for in this Code section shall be in addition to any other remedy which the board has and shall be in addition to any right of criminal prosecution provided by law.

**HISTORY:** Ga. L. 1974, p. 345, § 15; Ga. L. 1993, p. 1315, § 7.

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O.C.G.A. § 15-14-36

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O.C.G.A. § 15-14-36 (2008)

§ 15-14-36. Penalties for violations

Any person who:

(1) Represents himself or herself as having received a certificate or temporary permit as provided for in this article or practices as a certified court reporter, without having received a certificate or temporary permit;

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

(3) Violates any provision of this article or of subsection (c) or (d) of [Code Section 9-11-28](#)

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

**HISTORY:** Ga. L. 1974, p. 345, § 14; Ga. L. 1993, p. 1315, § 7; Ga. L. 1994, p. 1007, § 3; Ga. L. 1999, p. 81, § 15.

**NOTES:**

LAW REVIEWS. --For note on the 1994 amendment of this Code section, see 11 Ga. St. U.L. Rev. 58 (1994).

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O.C.G.A. § 15-14-37 (2008)

§ 15-14-37. Prohibition against certain contracts for court reporting services; duty to make inquiry as to nature of contract for services; applicability; registration; rules and regulations; fines

(a) Contracts for court reporting services not related to a particular case or reporting incident between a certified court reporter or any person with whom a certified court reporter has a principal and agency relationship and any attorney at law, party to an action, party having a financial interest in an action, or agent for an attorney at law, party to an action, or party having a financial interest in an action are prohibited. Attorneys shall not be prohibited from negotiating or bidding reasonable fees for services on a case-by-case basis.

(b) In order to comply with subsection (a) of this Code section, each certified court reporter shall make inquiry regarding the nature of the contract for his or her services directed to the employer or the person or entity engaging said court reporter's services as an independent contractor.

(c) This Code section shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Georgia.

(d) A court reporting firm doing business in Georgia shall register with the board by completing an application in the form adopted by the board and paying fees as required by the board.

(e) Each court reporting firm doing business in Georgia shall renew its registration annually on or before April 1 following the date of initial registration, by payment of a fee set by the board.

(f) Court reporting firms doing business in Georgia are governed by this article. The board

shall have authority to promulgate rules and regulations not inconsistent with this article for the conduct of court reporting firms.

(g) The board is authorized to assess a reasonable fine, not to exceed \$5,000.00, against any court reporting firm which violates any provision of this article or rules and regulations promulgated in accordance with this Code section.

**HISTORY:** Code 1981, [§ 15-14-37](#), enacted by Ga. L. 1994, p. 1007, § 4; Ga. L. 1999, p. 848, § 2.

**NOTES:**

LAW REVIEWS. --For note on the 1994 enactment of this Code section, see 11 Ga. St. U.L. Rev. 58 (1994).

[Title Note](#)

[Chapter Note](#)

[Article Note](#)