

CHAPTER 9

ETHICS AND PROFESSIONALISM

It is important that all official court reporters and special roving court reporters are familiar with the Code of Ethics for Public Officials, Employees, Etc. found in [Section 36-25-1](#), et seq., Ala. Code 1975.

[§ 36-25-5, Ala. Code 1975](#)

“(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain.

...

“(c) No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in [Section 17-22A-2](#), which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy. Provided, however, nothing in this subsection shall be deemed to limit or otherwise prohibit communication between public officials or public employees and eleemosynary or membership organizations or such organizations communicating with public officials or public employees.

“(d) No person shall solicit a public official or public employee to use or cause to be used equipment, facilities, time, materials, human labor, or other public property for such person's private benefit or business benefit, which would materially affect his or her financial interest, except as otherwise provided by law.

“(e) No public official or public employee shall, other than in the ordinary course of business, solicit a thing of value from a subordinate or person or business with whom he or she directly inspects, regulates, or supervises in his or her official capacity.

“(f) A conflict of interest shall exist when a member of a legislative body, public official, or public employee has a substantial financial

interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer or director for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.”

Please remember that [Section 12-17-276, Ala. Code 1975](#), provides that the Supreme Court of Alabama is authorized to provide for transcript fees by court rule. [Rule 29, Ala. R. Jud. Admin.](#), allows for court reporters to charge transcript fees.

Use or disclosure of confidential information for private financial gain.

“No public official, public employee, former public official or former public employee, for a period consistent with the statute of limitations as contained in this chapter, shall use or disclose confidential information gained in the course of or by reason of his or her position or employment in any way that could result in financial gain other than his or her regular salary as such public official or public employee for himself or herself, a family member of the public employee or family member of the public official, or for any other person or business.” (See [§ 36-25-8, Ala. Code 1975](#))

Statement of Economic Interests

Being employees of the Judicial Branch of government, official court reporters and special roving court reporters are required to file a “Statement of Economic Interests” no later than April 30th of each calendar year covering the period of the preceding calendar year ([§ 36-25-14\(a\)\(24\), Ala. Code 1975](#)). A person who intentionally violates any financial disclosure filing requirement of this chapter shall be subject to administrative fines imposed by the commission or shall, upon conviction, be guilty of a Class A misdemeanor, or both. Any person who unintentionally neglects to include any information relating to the financial disclosure filing requirements of this chapter shall have 90 days

to file an amended statement of economic interests without penalty. ([§ 36-25-14\(e\), Ala. Code 1975](#)).

Online “Alabama Ethics Law” Training

Section 36-25-4.2(e), Ala. Code 1975, requires all public employees required to file the Statement of Economic Interests to participate in an online educational review of the Alabama Ethics Law provided on the official website of the Alabama Ethics Commission (www.ethics.alabama.gov/training/intro.aspx). Employees hired after January 1, 2011, shall have 90 days to comply with this provision. Evidence of completion of the educational review (Certificate of Completion) shall be provided to the Alabama Ethics Commission via the electronic reporting system provided on the website. A copy of the Certificate of Completion shall be printed and kept by the public employee and a copy filed with the public employee’s direct supervisor.

Penalties for Violating “Alabama Ethics Law”

These criminal penalties may be found in [§ 36-25-27, Ala. Code 1975](#).

Alabama Board of Court Reporting Rules and Regulations

Chapter 257-X-4 - Standards of Professional Conduct

257-X-4-.01 Standards of Professional Conduct

In order to establish and maintain a high standard of integrity in the practice of court reporting, the following Standards of Professional Conduct shall be binding on every person holding a CCR (Certified Court Reporter) or a Temporary License from the Board:

- (a) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.
- (b) A licensee should only accept an assignment if his/her level of competence will result in the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.
- (c) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties. The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified, and provide immediate notification of delays.
- (d) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.
- (e) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee's responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.
- (f) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.
- (g) It is the licensee's responsibility to preserve his/her shorthand notes and audio files (if any) for a period of no less than five (5) years,

except as otherwise prescribed by law, e.g. the Alabama Unified Judicial System's Records Retention Schedule for the Circuit, District, Juvenile and Municipal Courts, through storage of the audio files and the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.

- (h) Once the transcript is prepared, audio files (if any) must be maintained for one (1) year from the date the transcript is filed.
- (i) Audio files are the property of the licensee and shall be provided by request at the licensee's discretion or by order of the Court.
- (j) A licensee's signature, license number, and expiration date, and the date the transcript was certified shall be affixed to a transcript of his/her stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.
- (k) A licensee shall not permit the use of his/her name or firm's name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.
- (l) A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.
- (m) A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.
- (n) A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.
- (o) Licensees having knowledge of possible/probable violations of any of these Rules and Regulations shall file a complaint form with the Board and cooperate as necessary with the Board investigation of such violation.

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