

# **ICRA**

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**IOWA COURT REPORTERS ASSOCIATION**

**RULES AND GUIDELINES**

**for**

**PROFESSIONAL**

**ETHICS**

## **PREAMBLE**

The ICRA Rules and Guidelines for Professional Ethics define the ethical relationship the public, the bench and the bar have a right to expect from a member of the Iowa Court Reporters Association. These rules and guidelines set out the conduct of the member when dealing with the user of reporting services and acquaint the user, as well as the member, with rules established for professional behavior.

The rules and guidelines are divided into five sections, as follows: Section I -- General, Section II -- Court Reporter, Section III -- Realtime Reporter Providing Assistive Technology in Legal Proceeding, Section IV -- Realtime Educational Reporter, and Section V -- Court Reporters Providing Uncertified Rough Draft Transcripts. Each of these sections is comprised of both rules and guidelines. The *rules* are either mandated by Iowa law or specifically adopted by ICRA, and every practicing court reporter in Iowa is expected to know and follow these rules. The *guidelines* include goals toward which every member should strive. In addition to the rules and guidelines, Section II also contains an addendum entitled *For Your Information*. This addendum contains rules which apply to the judicial system in general, but also affect court reporters. Members are urged to comply with the rules and guidelines set forth herein, which do not exhaust the moral and ethical considerations with which the member should conform, but provide the framework for the profession of court reporting in our state.

Procedures for filing a complaint or requesting an advisory opinion follow the five sections outlined above. These procedures shall be followed in instituting and resolving complaints of violations.

Not every situation a member may encounter can be foreseen, but fundamental ethical principles are always present. By complying with the ICRA Rules and Guidelines for Professional Ethics, members maintain their profession at the highest level.

We are the guardians of the record, and above all else, it is our duty to preserve the integrity of that record.

## **ICRA RULES AND GUIDELINES FOR PROFESSIONAL ETHICS**

### **Section I -- General**

As a member of the Iowa Court Reporters Association, you shall abide by the following rules:

1. Be fair and impartial toward each participant in all aspects of reported proceedings and always offer to provide comparable services to all parties in a proceeding.
2. Guard against not only the fact but the appearance of impropriety.
3. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to you by any of the parties in a proceeding.
4. Be truthful and accurate when making public statements or when advertising your qualifications or the services provided.
5. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements concerning fees.
6. Maintain the integrity of the reporting profession.
7. Abide by the ICRA Constitution and Bylaws.

## ICRA RULES AND GUIDELINES FOR PROFESSIONAL ETHICS

### SECTION II -- Court Reporter

#### Rules:

1. Abide by Iowa Rule of Civil Procedure 153(a), which states that no deposition shall be taken before any party or any person financially interested in the action, or an attorney or employee of any party, or any person related by consanguinity (blood relation) or affinity (related by marriage or having a close relationship) within the fourth degree to any party, his or her attorney, or an employee of either of them. Consanguinity or affinity within the fourth degree includes persons related to the member by blood or marriage through the ancestral lineage of second-cousins. Affinity also includes relationships which are classified as intimate partners, social friends, neighbors, or business associates of you, your spouse, or your life partner. This rule also applies to any proceedings reported by official reporters.
2. Official reporters shall not engage in outside depositions during the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. This includes holidays, vacation and sick-leave.
3. Do not give, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to a representative, employee or agent of any of the foregoing, except for items that do not exceed \$100 in the aggregate per recipient each year.
4. Prepare the official record in accordance with the format established by Iowa Rule of Appellate Procedure 10(b), as follows. These rules also apply to freelance reporters who are working for the state in an official capacity:
  - (A) Pursuant to Iowa Code Section 602.3202, the compensation of shorthand reporters for transcribing their official notes is hereby fixed at \$2.75 per page for the original and 25 cents per page for each copy.
  - (B) A page of transcript shall consist of no fewer than 25 lines typewritten on paper 8½-by-11 inches in size, prepared for binding on the left side, with margins of not less than 1-1/8 inches on and on the right. Typed matter shall be 6 by not less than 8-1/8 nor more than 9-1/4 inches. Type shall be standard pica, with 10

letters  
line.  
than 10  
consecutively in  
witness may be  
testimony ends below  
shall be indexed as to  
shall contain a certificate by  
transcript was ordered, the name of  
ordering the transcript, and the date it

to the inch. Questions and answers shall each begin a new  
Indentations for speakers or paragraphs shall not be more  
spaces from the left margin. Pages shall be numbered  
the upper right-hand corner. Testimony of a new  
started on a new page where the prior witness'  
the center of the preceding page. Transcripts  
witnesses and exhibits. All transcripts  
the reporter, showing the date the  
the attorney or other person  
was delivered.

5. The following rules apply to the filing of official transcripts:

- (A) Pursuant to Iowa Rule of Appellate Procedure 10(b), the reporter shall file the original of the completed transcript with the clerk of the district court within the time fixed or allowed for docketing the appeal. The cost of the transcript shall be taxed in the district court.
- (B) Pursuant to Iowa Rule of Appellate Procedure 12(a) and (b), transcripts must be filed within 40 days of the notice of appeal, with the following exceptions:
  - (i) termination of parent-child relationship, within 30 days;
  - (ii) guilty plea or sentence only, within 20 days;
  - (iii) if the matter is an original certiorari proceeding (see Iowa Rule of Appellate Procedure 303), the time for docketing is to within 20 days after the order granting the writ is writ of certiorari challenges a court's jurisdiction over a case);
  - (iv) if the matter is a certified question of law proceeding (see Iowa Rule of Appellate Procedure 453), the time for docketing is reduced to within 10 days after the certification order is filed; or
  - (v) if the appeal involves a lawyer disciplinary matter, the time for docketing is reduced to within 10 days after the notice of appeal or the order granting permission to appeal is filed.
- (C) Pursuant to Iowa Rule of Appellate Procedure 17, court reporters shall give priority to transcription of proceedings in the following cases over other civil transcripts:
  - (i) a contest as to custody of children;
  - (ii) adoption;
  - (iii) termination of the parent-child relationship;
  - (iv) juvenile proceedings affecting child placement; or

reduced  
filed (a  
jurisdiction over a case);

(v) lawyer disciplinary matters.

(D) According to Chief Justice Arthur A. McGiverin, the following priority should be given to preparation of transcripts if a court reporter has a backlog:

- (i) criminal appeals involving only guilty pleas or sentencings or both;
- (ii) all other criminal appeals;
- (iii) all civil cases involving child custody contests;
- (iv) all other civil cases.

6. Pursuant to Iowa Rule of Civil Procedure 164, unless the court enlarges the time, evidentiary depositions must be filed within 30 days after the date fixed for taking them, and if not so filed cannot be later received in evidence.
7. The reporter shall not make any changes in a transcript at the request of a judge, counsel, party of record, or witness. The record must stand as it was heard during the proceeding.
8. The reporter must administer the oath in the presence of the witness, unless the parties and/or counsel stipulate that the oath may be administered over the telephone, out of the presence of the witness. Two known exceptions to a stipulation are the States of Illinois and Florida, where it is illegal to administer an oath over the telephone. The reporter shall confirm with the parties and/or counsel that the law in the state in which the witness is present allows an oath to be administered over the telephone. This rule also applies to videoconference proceedings.
9. Abide by Federal Rule of Civil Procedure 30(e) when taking depositions in federal cases, which states that if a deponent or a party makes a request to read and sign prior to the completion of the deposition, the deponent shall have 30 days, after being notified by the reporter that the transcript is available, in which to review the transcript. The reporter shall indicate in the certificate whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. The burden lies on the deponent and parties to assert their right to read and sign the transcript. The reporter is not required to ask. The certificate in federal depositions must include the following language: "The witness (did / did not) request the opportunity to read and sign the deposition."
10. Pursuant to Iowa Code Section 272C.9(2) and (3), a reporter has a continuing duty to report to the Iowa CSR Board any acts or omissions of

rules set by that board, when committed by another reporter. A reporter also has an obligation to report to the Iowa CSR Board every adverse judgment in a professional or occupational malpractice action to which the reporter is a party, and every settlement of a claim against the reporter alleging malpractice. A reporter who willfully fails to comply with these two mandates commits a violation of Chapter 272C.9 of the Code of Iowa, for which reporter discipline may be imposed.

**Guidelines:**

1. Use the same format for deposition transcripts as is required for official transcripts.
2. Appeal transcripts which consist of more than one volume should have consecutive page numbers, rather than beginning each volume with Page 1. When the proceedings being transcribed were reported by more than one court reporter, the reporters should communicate with each other regarding the page numbering.
3. To protect the confidentiality of the minor child in juvenile cases, appeal transcripts should be captioned with the initials of the juvenile in interest, and not the full name. For example: "In the Interest of J.D." rather than "In the Interest of John Doe."
4. Accept only those assignments when the member's level of competence will result in the preparation of an accurate transcript. The member should remove himself or herself from an assignment when the member believes or her abilities are inadequate, recommending or assigning another reporter only if such reporter has the competence required for such assignment.
5. Freelance reporters should notify, whenever possible, the parties engaging the member if a substitute reporter will be assigned to report the proceedings.
6. Meet promised delivery dates whenever possible; make timely delivery of transcripts when no date is specified; and provide immediate notification of delays.
7. The reporter should not prepare deposition summaries. This service is in conflict with the reporter's impartiality.
8. The reporter should not sell the transcript of a nonpublic meeting without permission from the hiring party.

9. The reporter should not sell copies of a transcript that has not been made a public record to a third party without permission from all of the litigants and deponents involved in said proceeding.
10. Freelance reporters should retain shorthand notes for five years in proceedings pertaining to freelance reporting.
11. Strive to become and remain proficient in the member's professional skills.
12. Keep abreast of current literature, technological advances and developments, and participate in continuing-education programs. The continuing education requirements to retain your certification license in Iowa may be obtained by writing or calling the Board of Examiners of Shorthand Reporters at 431 East Locust Street, #201, Des Moines, Iowa 50309, phone number (515)246-8076.
13. Assist in improving the reporting profession by participating in national and state association activities that advance the quality and standards of the reporting profession.
14. Cooperate with the bench and bar for the improvement of the administration of justice.
15. Cooperate with the ICRA Pro Bono Program in providing free court reporting services to the indigent as part of the shorthand reporting profession's commitment to the principle that reporting services should be available to all. Such participation should be in accordance with the basic tenets of the profession, including impartiality, competence and integrity.
16. Abide by the NCRA Code of Professional Ethics and Public Advisory Opinions.

**For Your Information:**

The following rules apply to the judicial system in general. Although the Iowa Code does not state that the court reporter is responsible for enforcing these rules, the reporter should nonetheless be familiar with them.

1. Official shorthand notes shall be preserved in accordance with Iowa Code Section 602.8103(g), (h) and (j), as follows:

- (A) Civil cases, 10 years after final disposition of the case. Final disposition means one year after dismissal of the case, after judgment or decree without appeal, or after procedendo or dismissal of appeal is filed in cases where appeal is taken.
  - (B) Criminal cases, 10 years after dismissal of all charges or after the expiration of all sentences imposed or the date probation is granted, whichever later occurs.
  - (C) Mental health hearings and substance abuse hearings, 90 days after the respondent has been discharged from involuntary custody.
  - (D) Preservation of official shorthand notes in proceedings involving dissolution of marriage, child support, paternity cases, or juvenile, mental health, probate, or adoption proceedings are not addressed by the Iowa Code, and at this time, they should be kept indefinitely.
2. Iowa Code Section 622A.8 states that "A tape recording of the portion of proceedings where non-English testimony is given shall be made and maintained." If the reporter's notes are filed with the clerk of court, the tape should be filed with those notes. If the reporter's notes are not filed with the clerk of court, the reporter should maintain custody of the tape for the requisite number of years established for that type of proceeding. (See No. 1 above.) The reporter shall administer an oath to the interpreter in freelance proceedings, requesting the interpreter to swear or affirm that he or she will interpret the proceedings to the best of his or her ability.
3. ICRA suggests that a tape recording be made in proceedings where an attorney is acting as both counsel of record and also interpreter for a non-English-speaking party. The tape player should be placed near the party and counsel so that it can be turned off during privileged conversations between attorney and client and then turned back on to resume the interpretation of the proceedings. ICRA also suggests that proceedings being interpreted in sign language should be videotaped, with said videotape being maintained by the reporter or the clerk of court (filed with the reporter's notes) for the requisite number of years established for that type of proceeding. (See No. 1 above.)
4. Iowa Rule of Appellate Procedure 10(b) states that "The cost of the transcript shall be taxed in the district court." The cost of the original transcript should be typed or printed on the original transcript which is filed with the clerk of district court. ICRA suggests placing the cost on the certificate page, along with the date ordered, name of party ordering the original, and date delivered.
5. Iowa Code Section 598.26 states that "Until a decree of dissolution has

been entered, the record and evidence shall be closed to all but the court, its officers, and the child support recovery unit of the department of human services, pursuant to Section 252B.9. No other person shall permit a copy of any of the testimony or pleading or the substance thereof to be made available to any person other than a party to the action or a party's attorney. Nothing in this subsection shall be construed to prohibit publication of the original notice as provided by the Rules of Civil Procedure."

6. Pursuant to Iowa Code Section 232.147, juvenile court records shall be confidential. They shall not be inspected, and their contents shall not be disclosed, except as follows:
  - (A) Official juvenile court records in cases alleging delinquency shall be public records unless they have been sealed by the court. If the court has sealed the record, inspection and disclosure of the contents of the transcript shall not be permitted, except pursuant to court order.
  - (B) All juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to Division VI of Iowa Code Section 232.147.
7. The Iowa Appellate Defender would like to receive ASCII discs of all transcripts ordered by that office which are over 50 pages in length. If your CAT system is capable of making a "page image" ASCII as one of the options, that is the preferred selection by the Appellate Defender.

### **SECTION III -- Realtime Reporter Providing Assistive Technology in Legal Proceeding**

A realtime reporter in this setting is a court reporter using realtime skills and equipment to provide on-screen translation for use in a legal proceeding by a hearing-impaired defendant, plaintiff, juror, or perhaps for a particular witness. The realtime reporter in this setting is not there to make the official verbatim record, and a clear explanation and understanding of the realtime reporter's role is necessary among all parties to the proceeding.

The following rules and guidelines have been established for a member acting as a realtime reporter with assistive technology:

#### **Rules:**

1. Do not counsel, advise or interject personal opinions.
2. When accepting assignments, use discretion with regard to skill, setting, and the consumers involved, and the member shall accurately represent his or her qualifications for realtime reporting.
3. Save a hard copy or disk of actual translation as it was seen on screen before editing the file in any way. Job defines can be added as the day goes on, so long as they do not alter what was seen on the screen earlier. The actual record as seen by the hearing-impaired party or juror shall be electronically saved by the reporter for 10 years.
4. A hard copy or disk of the actual translation of jury deliberations as seen on screen shall be saved and filed with the clerk of court as a sealed document, to be opened only by court order.
5. A hearing-impaired juror shall ***not*** have a rough transcript to take into the jury room. They must rely on their memory of translation, just as other jurors must rely on their memories of the testimony they heard.

#### **Guidelines:**

1. Before beginning realtime reporting, establish a clear understanding of who has hired the reporter and what is to be reported, as well as an explanation to all parties that the record made is not the official verbatim record, but rather an assistive tool for the user.

2. Before beginning realtime reporting, establish a clear understanding with all parties as to who owns the residual computer note file and who, if anyone, has access to sell and/or distribute the same and to whom, if anyone. Each situation will be unique.
3. If realtime is used as assistive technology, and a verbatim record is not required, render as near a verbatim translation as possible, always conveying the content and spirit of the speaker, using substitute language which is computer-translatable when necessary to be understood by the person being served. Use parentheticals to describe sounds, laughter, anything that detracts attention from the proceedings, to explain to the nonhearing participant what is going on.
4. Know the software and hardware system used and be able to do simple troubleshooting.
5. The member shall strive to further his or her knowledge and skill through participation in workshops, professional meetings, interaction with professional colleagues, reading of current literature in the field, and obtaining the NCRA Certified Realtime Reporter certification.

## **SECTION IV -- Realtime Educational Reporter**

The Realtime Educational Reporter will be assigned to one or more students for a particular class or classes for the term of each class. This reporter will accompany the student(s) to each class. Through the use of realtime translation, the reporter will write the instructor's spoken words. The text of this lecture will display on a computer monitor or other display device in English for the hearing-impaired student(s) to read. At the conclusion of each class, the reporter will provide the student(s) with a copy of the lecture text from the realtime translation either in the format of an unedited ASCII file on a disk or a printed copy of the edited text.

### **Rules:**

1. The member shall accurately represent his or her credentials for realtime reporting.
2. Do not participate in class discussion or provide any advice to the student whom the reporter is assisting. The reporter is there only to facilitate communication between the student, the instructor and the student's classmates. The reporter will "realtime" lectures and classroom activities, including orally presented assignments.

### **Guidelines:**

1. Work with the instructor for each assigned class to assure that all the technical terminology for that particular class will be provided in advance so that it can be entered into the reporter's computer dictionary. This will help the reporter maintain a high translation rate.
2. Arrange equipment so that the student being assisted is able to watch the reporter's computer screen and the speaker at the same time.
3. Follow the intent of the speaker at all times. The reporter shall render as near a verbatim translation as possible, always conveying the content and spirit of the speaker. If a new term is introduced that will not translate properly, the reporter may use substitute language that is computer-translatable when necessary to be understood by the student.

4. Reflect in the text on the reporter's screen everything going on in the environment, including sounds and speaker identifiers. Examples include:

INSTRUCTOR:  
MALE STUDENT:  
FEMALE STUDENT:  
(LAUGHTER)  
(APPLAUSE)  
(BELL RINGING)

5. Inform the student(s) being assisted that the student is responsible for recording all nonspoken information, such as material presented on the chalkboard.
6. Accept assignments using discretion with regard to skill, setting, and the consumers involved.
7. Work with instructors and all students in each class to secure cooperation.
8. Have a backup reporter to take over the class in case of the reporter's absence due to vacation or illness.

## **SECTION V -- Court Reporters Providing Uncertified Rough Draft Transcripts**

The Iowa Court Reporters Association has adopted the following rules and guidelines when providing uncertified rough draft transcripts in either paper or computer disk form:

### **Rules:**

1. Do not perform any service under terms or conditions which will compromise in any way your impartiality or the exercise of good judgment and skill, or which will adversely affect the fair and impartial portrayal of the proceeding. Offer comparable services to all parties in a litigation proceeding.
2. An uncertified rough draft transcript shall not include a title page, appearance page, index page, certificate page, or footer or header with firm name or reporter name or CSR number.
3. An uncertified rough draft transcript shall include a header or footer on each page, stating "Uncertified Rough Draft." If the transcript is provided on a computer disk, the disk label shall be identified as an "Uncertified Rough Draft."

### **Guidelines:**

1. Keep informed of technological and other advances and improvements in the skills and methods of the profession and strive constantly for self-improvement.
2. A disclaimer form should be transmitted as a cover sheet with each uncertified rough draft transcript, stating that the uncertified rough draft transcript cannot be quoted in any pleading or for any other purpose and may not be filed with any court. A copy of the disclaimer form should be retained by the court reporter. The following is an example of a disclaimer form. You may wish to tailor it to meet your specific needs.

#### DISCLAIMER

I, \_\_\_\_\_, hereby  
acknowledge that the computer files I receive on my  
personal computer via realtime reporting by  
\_\_\_\_\_ are  
uncertified, unedited rough drafts of the proceedings and  
are not to be used in any way as final transcripts, but only

to enhance my notes.

I understand that I will be allowed to save the computer files under the following circumstances: 1) if I am ordering a transcript (original or copy); or 2) if opposing counsel does not order an original transcript and I wish to keep the computer files as "electronic note taking," in which case I will pay the reporter for this extra service at \$\_\_\_\_\_ per page. If I wish to have a certified transcript, I understand that I must later order said transcript and pay for same at the statutory rate, over and above the cost of the realtime services provided herein.

I also acknowledge that, by signing this disclaimer, I am releasing

\_\_\_\_\_ from any liability for any lost data or damage to my \_\_\_\_\_ computer as a result of my use of the computer software.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

3. Where possible, all untranslated steno strokes and conflicts should be resolved before an uncertified rough draft transcript is provided to any party. An unedited transcript should not be provided without resolving untranslated steno strokes and conflicts if the rate of untranslates is 1.0% or higher.
4. Only court reporters who possess the capability of providing a substantially readable uncertified rough draft transcript should attempt to provide this service.
5. Minimum writing skills: conflict-free writing, untranslates of 1.0% or less, standard punctuation included, and speaker identification defined.

## **COMPLAINT PROCEDURES**

The following procedures shall be followed in instituting and resolving complaints that any member of the Iowa Court Reporters Association has violated the ICRA Rules and Guidelines for Professional Ethics (hereinafter referred to as Ethics Rules) and/or the ICRA Constitution and Bylaws (hereinafter referred to as ICRA Bylaws):

1. Filing and investigation of complaints.
  - (A) Any person may file a complaint against a member of the association. All complaints must be in writing, signed by the person making the complaint and addressed to the current chair of the ICRA Professional Ethics Committee. All complaints must contain the following:
    - (i) name, address and telephone number of the member complained against;
    - (ii) a description of the conduct complained of and references to the specific provisions of the Ethics Rules and/or ICRA Bylaws involved in the complaint;
    - (iii) the date of submission of the complaint; and
    - (iv) any other information about the reporter which the complainant may have concerning the matter.
  - (B) The chair of the ethics committee shall promptly acknowledge receipt of the complaint and shall provide a copy of the complaint to all members of the ethics committee. If the complaint does not contain all the required information, the chair shall advise the person making the complaint that further information must be provided before any further action can be taken, and shall specify what further information is required. No action shall be taken until all required information has been provided.
  - (C) Such complaint, which will be held in confidence, shall be reviewed by the members of the ethics committee. If the ethics committee concurs in the seriousness of the allegations made by the complainant, the committee shall, in writing, advise the member of the complaint, forwarding a copy of the complaint to the member, along with a copy of these complaint procedures and a copy of the ICRA Rules and Guidelines for Professional Ethics, and request that the member respond to the complaint in writing within 30 days.
  - (D) When the 30-day period for response from the member has elapsed, the chair shall call a meeting of the ethics committee in person or by

telephone conference call. If the committee determines there are disputed issues of fact that are material to its decision, a hearing before the committee shall be granted to allow either party an opportunity to present relevant information, including documents and witnesses, and an opportunity to cross-examine the witnesses called by the other party. The ethics committee shall be the judge of the relevance and materiality of any information offered, and conformity to legal rules of evidence shall not be necessary. Notice of said hearing shall be served upon both parties by personal service or certified mail, return receipt requested, not less than 10 days prior to the date set for hearing. The notice shall include the following:

- (i) a statement of the time, place and nature of the hearing;
  - (ii) a reference to the particular rule of the Ethics Rule(s) and/or ICRA Bylaw(s) involved; and
  - (iii) a concise statement of the matters asserted or, if the committee is unable to state the matter in detail at the time the notice is served, the notice may be limited to a statement of the issues involved.
- (E) If a party fails to appear for hearing after proper service of notice, the chair of the ethics committee may proceed with the hearing, and the committee may make a decision in the absence of the party.
- (F) The committee shall thereafter prepare a written decision containing its findings of facts and conclusions. The committee may, based upon the evidence presented, take one or more of the following actions:
- (i) issue a cautionary letter, warning, or statement of advice to the member; or
  - (ii) issue a recommendation to the ICRA Executive Board that the member be expelled from the Iowa Court Reporters Association for up to one year.
  - (iii) Refer the matter to the Iowa CSR Board if it involves a violation of the Iowa CSR Rules.
- (G) No expulsion shall become effective unless sustained by the executive board in accordance with the constitution and bylaws.
- (H) The chair of the ethics committee shall promptly send a copy of the decision of the committee to the person making the complaint and the member complained against and advise them that the committee's decision will become final unless either party appeals to the executive

board within 30 days, in writing, specifying the grounds upon which the party contends the committee's decision is erroneous and should be revised.

- (I) Upon receipt of an appeal within the 30-day period, the chair of the ethics committee shall forward said appeal to the other parties to the proceeding. Any other party to the proceeding may respond to the appeal within 10 days of receipt. When the 10-day period has elapsed, the chair shall forward to the executive board the appeal, any response, and all other papers relating to the matter. The executive board, which shall hold in confidence all information regarding the appeal, may decide the appeal on the basis of these papers or may grant a request for oral argument made by any party. The executive board may affirm, reverse, modify, or return the decision to the ethics committee for further review with specific reasons therefor.
  - (J) If no appeal is taken within the 30-day period from a decision by the ethics committee, the chair shall forward to the executive board the committee's decision. The executive board shall decide whether to sustain the committee's recommendation.
2. Each party shall bear his or her own costs and expenses with respect to any proceeding.
  3. At the executive board's discretion, a final action may be published in *In Verbis* for the edification of the membership, ***provided that all identifying information about the member and the complainant be deleted.***

## ADVISORY OPINION PROCEDURES

Any member in good standing may submit to the Professional Ethics Committee a request for either a private or public advisory opinion.

1. Private Advisory Opinions.
  - (A) A private advisory opinion may be requested in lieu of proceeding with a complaint, or by persons who seek guidance as to whether certain actions or conduct are permitted under the ICRA Rules and Guidelines for Professional Ethics and/or ICRA Constitution and Bylaws.
  - (B) The committee shall keep confidential the identity of the person or persons making the request and the identity of those names in the request.
  - (C) The committee's response to requests for private advisory opinions shall be within the limitations of the information received by the committee. Additional information may be requested by the committee, if needed.
2. Public Advisory Opinions.
  - (A) The committee may from time to time recommend publication of public advisory opinions which illuminate one or more of the provisions of the Rules and Guidelines for Professional Ethics and/or ICRA Constitution and Bylaws. These opinions may be based on facts derived from requested private advisory opinions, deleting reference to names or places, or on an assumed state of facts.
  - (B) Public advisory opinions shall be submitted to the ICRA Executive Board for its approval prior to being published in *In Verbis*.
3. The ICRA Executive Board may review any private or public advisory opinion on its own motion and adopt, modify, or reject it in whole or in part.

