



March 5, 2018

National Court Reporters Association Board of Directors (via email)

Dear NCRA Board of Directors, Ms. Willette, and Ms. Ferranto:

The Massachusetts Court Reporters Association, MCRA, is expressing our opposition to NCRA's new position of "organizational neutrality" with regard to contracting. The Massachusetts Court Reporters Association takes umbrage to the NCRA Board of Directors, in consultation with NCRA's Government Relations team and legal counsel, agreeing that it is in the Association's best interest to remain neutral on contracting.

As a result of NCRA's recent decision that the Association "will no longer actively and publicly register support for third-party contracting prohibiting legislation" and "no longer go on the record as an organizational advocate for these policies," NCRA is abandoning not only its membership but the consumer litigant who is harmed when anti-contracting laws are ignored when parties to litigation enter into illegal contracts with providers of court reporting services.

MCRA is not expecting part of NCRA's mission and role to be "dictating, monitoring, or policing private business practices in the free-market economy" as stated in Matthew Barusch's February 16, 2018, email. However, what MCRA does expect is that NCRA will recognize that court reporting agencies entering into illegal contracts to provide court reporting services to any party or entity that has a monetary interest in the outcome a legal action in states that have anti-contracting laws in place to protect the consumer are, in fact, in violation of that state's anti-contracting law.

As stated in NCRA's Constitution and Bylaws No. 6, the purpose of the Association is "to promote lawful and proper professional ethics as well as compliance with all applicable laws, including antitrust laws, for verbatim stenographic reporters."

NCRA, in its Code of Professional Ethics, requires a member to "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."

This new position of "organizational neutrality" by NCRA is contradictory to the NCRA COPE Advisory Opinions, Constitution and Bylaws, and Code of Professional Ethics which address problems that arise in certain contracting arrangements.

NCRA fails in its duty to protect the court reporting profession by taking a neutral stance on violations of anti-contracting laws which negatively impact the court reporting profession. State associations and NCRA's participating membership have a reasonable expectation that (1) NCRA is ready, willing, and able to assist each individual state association in their pursuit to uphold the anti-contracting laws in their state and (2) that NCRA will rescind their position of "organizational neutrality" in regard to contracting. Anything short of that is an abandonment by NCRA to protect the sanctity of the court reporting profession.

Sincerely,

Lisa Marie Phipps, CSR, RPR, CRR
MCRA Legislative Director