

March 4, 2018

Greetings, NCRA Board of Directors,

WCRA is writing in follow-up to our meeting of February 7, 2018, with Marcia Ferranto to address some additional questions that fell out of that meeting, as well as to formally state WCRA's position on NCRA's "new direction" relating to contracting. WCRA's questions and its position are outlined below.

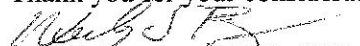
- 1) Please explain what led up to NCRA's reversal on previous policies on contracting.
- 2) Was there a formal vote of the BOD to change this policy? If the answer is yes, please provide the formal minutes reflecting the vote.
- 3) Were the members advised of this major change and provided an opportunity to vote in favor of its passage?
- 4) NCRA's neutrality decision contradicts many state laws and rules in addition to its own COPE and decades of historical policies related to ethics. It also conflicts with the American Judges Association Resolution. In some states reporters are subject to action being taken against their license for contracting violations. How can the board take a neutral position when it places its members' licenses in jeopardy and opens them up to civil litigation?
- 5) In light of the Noerr-Pennington doctrine, private entities are immune from liability under the antitrust laws for attempts to influence the passage of legislation or enforcement of laws, even if the laws they advocate for would have anti-competitive effects. Why is NCRA citing antitrust concerns as a basis to reverse its longstanding policies?
- 6) WCRA renews its request for NCRA to renegotiate Dave Wenhold's contract.

Upon the emergence of third-party contracting, WCRA has consistently opposed its practice based on 30+ years of sound policies outlined in nearly every state association, along with laws enacted in many states across the country. This unethical practice effectively shifts the cost of litigation to the party least able to afford it, usually an individual plaintiff. Moreover, the individual consumer, unwittingly and unknowingly, is made a party to contractual agreements made with oppositional litigants, which is unethical, and in many states illegal. Engaging in third-party contracting gives the appearance of compromising the court reporter's impartiality and integrity; further, it restricts the ability of the reporter and legal counsel to be held accountable to the court, to the public, and most importantly, to the individual litigant.

The foundation of our justice system is based upon providing fair and equal access to justice for all. To allow one party a financial advantage over the other is contrary to this fundamental principle. Our justice system cannot be measured by how it affects corporate balance sheets; rather, lady justice's blindfold of objectivity must remain in place. NCRA has a duty to be vigilant and continue its core principle to maintain the status, independence, and impartiality of court reporters.

WCRA asks that NCRA stand on the side of the public good by once again invoking its historical opposition to contractual agreements which undermine the role of the court reporter as the impartial guardian of the record. WCRA posits that NCRA's new policy of remaining "neutral" on contracting is not neutral at all. Standing on the sidelines watching bad behavior and doing nothing (remaining "neutral") is merely siding with those behaving badly. WCRA respectfully requests that this new stance be reversed and the NCRA resolution of 1997 be restored. NCRA's new policy contradicts previous policies put in place by formal votes and resolutions and can only be amended or rescinded by a new vote of the BOD and a majority vote of the members.

Thank you for your considerations herein,


Wendy Raymond, RPR, CCR
WCRA President