



NCRA Board of Directors  
(Sent via e-mail)

March 5, 2018

Members of the NCRA Board of Directors:

Thank you for your time and dedication to the field of court reporting by serving on the NCRA Board of Directors. Your service is greatly appreciated.

Virginia's position on contracting is simple and addresses the antitrust laws as well as the COPE.

Third-party contracting:

- Creates a direct contractual relationship with court reporters and parties of interest in litigation eliminating impartiality, which is in direct contradiction to the Code of Professional Ethics.
- Promotes inequitable and unreasonable cost shifting from the contracting party to the opposing side, who also is a consumer of our services, in violation of antitrust laws.
- Does not provide fair and impartial treatment to all parties on pricing structure, ensuring all litigants are treated equally.
- Eliminates transparency of the relationship between all parties in litigation.
- Restricts attorney choice on reporter, or reporting agency, creating an uneven playing field in market competition.
- Allows for both court reporter and agency to lose control of formatting, archival, and billing of transcripts, which sometimes results in inflated costs, promoting a negative impression of both reporter and agency affecting future business relationships.

Through the months of January and February 2018, the VCRA worked with Virginia Senator Mark Obenshain who was supported by the Virginia Trial Lawyers Association, among others, on Senate Bill 545 which specifically addressed the injustice occurring with third-party contracting. The Virginia House of Delegates agreed with the argument as presented by Senator Obenshain and passed the bill 79 to 20. Virginia Senate Bill 545 will be signed into Virginia Law by Governor Ralph Northam taking effect July 1, 2018.

The members of VCRA funded our own fight on third-party contracting. What is of concern to our members is that, though requested on multiple occasions, NCRA did not or would not support us in this effort. Rather, without explanation, they took a neutral stance, and this neutrality was viewed as nothing more than support for "The Alliance." It is unfortunate, at a time when our profession is under attack by various alternative means, that the national organization we support with time and money turned a deaf ear to our request. When we reached out to the National Verbatim Reporters Association, they were eager to support and showed up in Richmond to lobby in our effort.

This matter has been decided in Virginia, and third-party contracting will not be allowed. We do request that NCRA reconsider their neutral position as it is of grave importance to many remaining states pursuing legislation, your membership at large, and even to the future of NCRA.

Virginia Court Reporters Association,

Carol L. Naughton, OCR, RPR, CCR  
President