



National Court Reporters Association
12030 Sunrise Valley Drive, Suite 400
Reston, VA 20191-3484
800-272-NCRA (6272) Fax: 703-391-0629
www.ncra.org

April 21, 2017

The Hon. Evan Low, Chair, and Members
Assembly Business & Professions Committee
1020 N Street, Room 383
Sacramento, CA 95814-4900

Dear Chairman Low:

On behalf of the National Court Reporters Association and the 16,000 stenographic court reporters, captioners, and CART providers that we represent, I would like to submit this public comment in opposition to AB 1631. NCRA does not often submit such letters, however the language of this bill raises some ethical concerns regarding the practice of gift-giving, and unless otherwise amended we must respectfully oppose this legislation.

NCRA has a long history of addressing the ethical concerns related to gift-giving. NCRA first imposed a cap in 1993 on the value of gifts members could give, with cost of living increases made throughout the years until the current cap of \$150. Our Committee of Professional Ethics has issued two advisory opinions providing guidance on gift-giving in 2009 and in 2011, which define what constitutes a gift and further elaborates on situations that bring about these concerns. Also in 2011, NCRA added an additional element to this issue by prohibiting all gifts given in exchange for future work, not matter the value.

The Association adopted these restrictions because the practice of giving items of value to attorneys, clients, or their staff could create in the eyes of the public the appearance that the reporter or firm holds some partiality or favoritism toward the recipient. As such, these practices undermine and dilute the integrity of the court reporting profession and the status of the reporter as neutral and impartial. NCRA has sought to balance the need of its members to market their services with the unique duties of a court reporter that require the profession to be viewed as neutral.

The language of this bill, as currently written, does not effectively ban the ethically compromising practice of promising money or material goods in exchange for booking depositions. The way the bill is currently written, cash or gift cards would be prohibited from being used for marketing purposes. However, the following language opens the door to allow for other gifts to be exchanged:

'Nothing contained in this subdivision shall otherwise prohibit customary and reasonable entertainment and marketing expenses'.

As a result of this language, a corporation would be prohibited from giving a prospective client a \$5.00 gift card, but nothing would bar the corporation from offering the client something of very high value, for example, a new iPad or tickets to a sports game. It is essential that court reporters avoid the appearance of favoritism and remain above reproach to preserve the integrity of the record. Allowing such practices could compromise that integrity. Therefore, we suggest that the Committee amend this legislation to include an aggregate limit on gift-giving similar to what NCRA has adopted.

NCRA exists to protect the court reporting profession, including the hundreds of reporters in California this will affect. We join the California Deposition Reporters Association and the California Court Reporters Association in opposition to this bill. Therefore, I urge you to amend this legislation to address the concerns raised by the current language. If you have any questions, contact our Executive Director and CEO Mike Nelson directly at mnelson@ncra.org, or contact State Government Relations Manager Matthew Barusch at mbarusch@ncra.org. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Nativia P. Wood". The signature is written in a cursive style with a large initial "N".

Nativia P. Wood, RDR, CMRS, FAPR
NCRA President

Enclosure: COPE Advisory Opinions 45 & 46