



September 30, 2011

NCRA

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(Sent via e-mail and US Mail)

Dear NCRA Board and Officers:

On Tuesday, September 27, 2011, For The Record, Ltd., a company that sells digital recording and content management for judicial venues, released a press release announcing they have created a new Consulting Services department. This new department will be headed up by “industry expert” and NCRA member (and former President) SueLynn Morgan. As stated on their website, For The Record’s business is to “provide an end-to-end solution for both courtroom recording and electronic court reporting,” and they advertise their products to be used “for the digital court reporting needs of just one courtroom or, just as easily, several courthouses across entire cities.” <http://www.fortherecord.com/products/ftr-gold/ftr-reporter/>

For The Record’s press release specifically touts Ms. Morgan’s former leadership in NCRA. It also specifies that her job will be to “focus” on the “transition” from using live official stenographic reporters to machines. The release <http://www.fortherecord.com/press/press-releases/> states (with emphases supplied) as follows:

The Consulting Services department will advise courts on the technological, administrative and operational best practices necessary for a smooth transition between traditional stenography and the digital capture and management of information. **Morgan has been an Official Court Reporter for 17 years and has served as a President and Board Member of the National Court Reporters Association (NCRA).** She brings a wealth of industry knowledge and experience to her new role at FTR, **where she will focus on assisting courts with the personnel, legislative and administrative aspects of transitions, as well as establish protocol that ensures effective and efficient record creation.**

In our view, it is reasonable to infer from this release that Ms. Morgan will be aiding in efforts to “transition” between “traditional stenography” and digital systems, i.e., replacing, in whole or in part, official stenographic reporters in courtrooms throughout the country with mechanical, digital recording provided by or through For The Record, her new employer.

On behalf of the Deposition Reporters Association of California’s Board of Directors and our Members, I respectfully request:

- That NCRA immediately terminate Ms. Morgan's NCRA membership.
- That the NCRA Board take immediate steps to ensure that every administrative office of the courts and chairs of each state's legislative judiciary committees be notified by letter that NCRA opposes replacing official reporters with digital recording of court proceedings and the substantive and operational reasons for NCRA's enduring opposition.
- That the NCRA Board immediately act to terminate Ms. Morgan's membership in the Past President's Advisory Council.
- That the NCRA Board immediately establish a committee, the sole task of which is to ensure that officers, as a pre-requisite to assuming office and before taking their oath, contractually bind themselves not to work for firms that promote replacing NCRA members with machines, whether in courthouses or in depositions.

There are ample grounds to take all of these actions.

According to Article 3, Section 13 of the NCRA Constitution and Bylaws:

Membership may be terminated or suspended for cause upon two-thirds (2/3) vote of the Board of Directors at a meeting at which a quorum is present. Sufficient cause for such termination or suspension of Membership shall include (but is not limited to) violation of this Constitution and Bylaws, the Code of Professional Ethics of the Association, or any lawful agreement, rule, policy, or practice properly adopted by the Association...or any other conduct prejudicial to the Association.

A participating member is any person who is primarily engaged in the verbatim stenographic reporting of proceedings. (NCRA C&B Article III, Section 3) From the press release, it is reasonable to infer that Ms. Morgan is no longer primarily engaged in the verbatim stenographic reporting of proceedings, and therefore, may no longer be a lawful NCRA member.

Moreover, membership in NCRA is only open to individuals who subscribe to and support the purposes of NCRA and who meet the requirements for one of the classes of membership. (NCRA C&B Article III, Section 1)

NCRA's policy on replacing stenographic court reporters has long been clear: NCRA opposes it and has long opposed it as reflected in your "NCRA Policy Statement on the Importance of Officials" and on your website in your statements as to "Why Use a Stenographic Reporter?"

NCRA advocates that realtime court reporters offer the best, most accurate, most efficient means (human or technological) and best proven and most widely available method for reliably and instantly capturing and integrating the spoken word into a comprehensive and accurate information base. This capability is critical to the swift, fair, and accurate operation of justice. Therefore, the nation's

courts should take every opportunity to make use of the skills and services that only a realtime or computerized court reporter can offer to the judicial system.
<http://ncraonline.org/NCRA/pressroom/ElectronicRecording/policy.htm>

There is no substitute for the human element that court reporters bring to the courtroom. **Having a single person be a part of the transcript-making process from beginning to end guarantees the best record possible.** When someone's life or livelihood is at stake, a stenographic court reporter is the only choice to guarantee that justice is carried out.

<http://ncraonline.org/learnmore/whysteno/default.htm>

Ms. Morgan's apparent job of "assisting" the "transition" between "traditional stenography" and digital systems in our view violates the following provisions of C&B, Article II , Purposes:

(1) To assume responsibility for leadership and enlightenment of verbatim stenographic reporters and of the public regarding the special competency, importance, and value of verbatim stenographic reporters, and to promote verbatim stenographic reporting technologies by the use of symbols, manually or by stenographic machine, over alternative reporting methods.

Ms. Morgan's new job and the aims of her new employer, as outlined in the press release, are in our opinion at odds with this subdivision. She will assuredly not be "enlightening" courts about the "special competency, importance, and value of verbatim stenographic reporters" while "assisting" in the "transition" between her employer's products and services and "traditional stenography." Ms. Morgan now "assists" in the broader use of an "alternative reporting method[]."'

(2)To promote a broader understanding and acceptance of the verbatim stenographic reporter as an integral part of the judicial process.

By definition, and as articulated in her employer's press release, Ms. Morgan will not likely in our opinion be "promoting" a "broader ... acceptance" of human reporters as an "integral part of the judicial process." In our view, she will instead likely be assisting" in the "transition" between "human reporters" and digital capture and management of information."

By joining a company that in its press release says it solicits and contracts with courthouses to install digital capture and management systems, it is reasonable in our opinion to infer that Ms. Morgan will not be actively denigrating the capacities of those systems in comparison to "traditional stenography." In fact, it is reasonable in our view to infer that she will be promoting such systems as at least equally capable as "traditional stenography."

In is, therefore, for all these reasons reasonable in our opinion to infer that Ms. Morgan no longer supports the purposes of NCRA and, in fact, is duty-bound in her own job to contradict those purposes, as expressed above. Her continued membership in an organization the purposes of which she no longer adheres to and must to some degree publicly and privately contradict is inappropriate in our view. Her ability to say in her new capacity that as a matter of fact she is still a member of NCRA, when combined with her prior offices, we believe could falsely imply

that NCRA does not disagree with the “transition between traditional stenography and the digital capture and management of information.”

By termination of Ms. Morgan’s membership, she will be no longer able to enjoy the privileges afforded to your members, including attending meetings of the members, participating in debates at such meetings and being eligible to vote and/or make or second motions at such meetings or to vote by electronic means. (NCRA C&B Article III, Section 9) Ms. Morgan would also lose the ability to serve on NCRA committees, councils or task forces. (NCRA C&B Article XII, Section 2) All of these venues may be places where strategies to educate court officials and legislators on the deficiencies of “digital capture and management of information” systems as compared to “traditional stenography” could be discussed.

Most concerning of all, each President, upon completion of office, shall become a member of the President’s Advisory Council. (NCRA C&B Article XII, Section 3) As a member and Past President, Ms. Morgan is part of the President’s Advisory Council. This privilege to offer advice to the current and future NCRA Officers and Directors, while simultaneously working to aid in the “transition between traditional stenography and the digital capture and management of information” should be terminated, as well, along with her membership.

We look forward to NCRA’s prompt consideration and action.

Sincerely,

Lisa Michaels
President and on behalf of DRA’s Board of Directors

We, the undersigned and NCRA members, agree and support this letter: