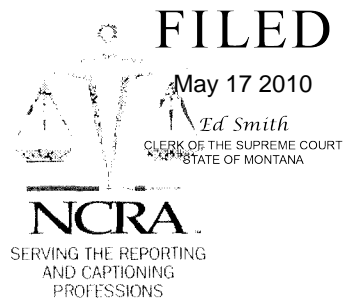


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MAY 17 2010

CLERK OF THE SUPREME COURT  
STATE OF MONTANA



Montana Supreme Court  
Room 323, Justice/State Library Building  
215 N Sanders, PO Box 203003  
Helena, MT 59620-3003

### Proposed Revisions to Montana Rules of Civil Procedure

Dear Chief Justice and Justices:

My name is SueLynn Morgan, RPR, and I am the President of the National Court Reporters Association (NCRA). I am writing a letter of support for the proposed changes to the Montana Rules of Civil Procedure, and specifically the changes to Rule 28 relating to the "Disqualification for Interest" of court reporters who enter into contracts that provide certain services for one party of a deposition but not the other. NCRA is committed to ensuring that the court reporter is the impartial officer in the court or deposition. It is one of the cornerstones of the profession. Court reporters are the guardians of the record, and that means producing a record that is complete, accurate, secure and unbiased. The reporter, as the impartial party in any proceeding, must be beyond reproach and have no vested interest in the outcome.

Litigants, other participants in the judicial system, and the general public expect and demand that depositions and court proceedings be recorded by a competent, independent, and neutral court reporter who has no stake, financial or otherwise, in the outcome of the action. Prohibiting parties of interest in litigation from having a direct contractual relationship with court reporters, as officers of the court, is necessary to ensure the public's faith in the integrity and impartiality of the judicial system.

A preferential contracting agreement promotes the interests of one party to the action at the expense of the others. A contract may provide not only price and volume discounts to one party, but also specialized litigation support services that are not available to others. In fact, certain contracting arrangements may make transcripts available to one party or its representatives before all parties to the action receive them. Transcripts may also be offered as part of a central database to the contracting corporation.

Under many contracting arrangements, the duties and responsibilities of the court reporter are diminished. The custody and control of the transcript by the court reporter, acting as an officer of the court, is removed and given to a firm that has a financial arrangement with one of the parties involved in the case. NCRA applauds the efforts of the Montana Supreme Court to codify this language that will maintain the impartiality of court reporters.

Thank you for your time and your consideration.

Sincerely,

SueLynn Morgan, RPR  
NCRA President