

**COLORADO COURT REPORTERS ASSOCIATION
P.O. BOX 271327
LITTLETON, CO 80127-0023**

DECEMBER 10, 2010

**National Court Reporters Association
ATTN: Mark J. Golden, Executive Director and CEO
8228 Old Courthouse Road
Vienna, Virginia 22182-3808**

Dear Mr. Golden, President Sonntag, and NCRA Board of Directors:

Colorado is facing a monumental challenge: By July 2011, all officials currently holding their RPR must attain their CRR certifications at the State-mandated level.

This mandate comes about through the efforts of our State Court Administrator, Jerry Marroney. Despite being continually asked to lower expenses, he has fought to keep court reporters because he believes that they provide a better record. He also recognizes that a major benefit of having a live court reporter over a recording device is that the live court reporter can provide instant translation of the judicial proceedings, a help to judges, lawyers, law clerks, and litigants.

Colorado leads the nation in the percentage of court officials holding the CRR certification, at 24%, compared to the nationwide percentage of 15%, and an overall ratio of NCRA members at 10%. That leaves 76% of our officials who have one more opportunity, May 2011, to pass the CRR before they run out of time.

In the face of this challenge, as President of CCRA, in April of this year I appointed a Realtime Task Force whose current goals include: by July 2011, to raise the percentage of Colorado reporters holding either the CRR, or what we've come to call the CCRR, or Colorado CRR, (a 94% passage rate of the CRR) to 50%; by July 2012, to raise the rate to 75% - lofty goals for certain.

Our Realtime Task Force has devised a four-hour training seminar, and teams of two to four of our eleven members have volunteered many hours of their time traveling across the state and presenting these seminars to the officials in the 22 districts of Colorado.

As an aside, because we have no set date and time and because different members of the task force work together at different times and in different places, we have not been allowed by NCRA to pay the usual \$200 fee for providing a seminar to 100 or so reporters. CEUs have been granted, but only upon individual submission of the appropriate paperwork along with the \$40 application fee. Thus, NCRA's potential revenue is over \$4,000 from this one seminar put on by CCRA.

Attendees have expressed gratitude and say that our seminar has helped them move toward the goal of passing the CRR. I believe this attention by our Task Force, along with the mandate by the SCAO (State Court Administrator's Office), are responsible for the fact that over 10% of the national participants of the August 15, 2010 CRR test were from Colorado. Sadly, none of our reporters passed.

CCRA's Realtime Task Force has addressed with the officials across Colorado roadblocks that officials have encountered that may hinder their passage of the CRR. The Task Force has collated this information and passed some of the concerns on to NCRA's testing staff at both the local and national level. In my humble opinion, in the face of our state's short time fuse, I feel the answers have been unsatisfactory and untimely.

One main concern is the content of the material. The same test is given to litigation reporters and CART/captioning writers. While the syllabic density of any five-minute dictation is, we're told, actually quite similar, the words heard on a daily basis in a courtroom are far different from the words of a Presidential inauguration speech.

On the foregoing issue, I have a suggestion. NCRA has different written tests for realtime writers, depending upon the field in which they wish to work, CART or captioning. Why not write the skills portion of the CRR to target the specific audience? If Colorado actually generates even half of the \$4,000 of potential CEU fees for our seminar, could NCRA not use that money to create and implement a Q&A realtime skills test to be given to officials?

In my opinion, the zero percent passage rate by Colorado reporters of NCRA's August test begs the question of the appropriateness of the test. A generic test designed to cover widely divergent disciplines does nothing to advance the NCRA's stated goal of maintaining realtime reporters in our courtrooms in preference to other systems. In fact, the use of a nonapplicable test *harms* the progress toward that goal. Our reporters do not ask for an easier test; only a relevant one.

Before reporters in the field do a realtime job of any kind, court, freelance, CART, or captioning, they often do research into the subject matter. They'll have access to: charges, in a criminal case; the complaint, in a civil case; sometimes an entire copy of a speech, in the case of CART; or program content, as a captioner.

In contrast to NCRA's CRR test, the United States Court Reporters Association, a group comprised of officials, gives their realtime test in Q&A format at speeds ranging from 180 to 200 words per minute. They give two takes. A candidate can opt to have one or both graded. There is a charge for each test graded. In addition, for a fee, USCRA will return the tests to the candidates for their use in understanding where they went wrong.

Compare the passing results of NCRA test candidates to the Colorado Bar Exam results. The July 2010 test had 991 candidates. Of the women tessees, 78% passed; of the men, 81%. Has the CRR ever had even a 10% passage rate? I'm sure the Bar exam could be written with obscure and irrelevant material that would significantly lower the passage rate, information that the tessees would not have off the top of their heads, but would certainly know how to find through research.

In the normal course of its business, NCRA struggles with the propriety of business discussions among competitors, and whether tests are designed, in the eyes of regulators, to be artificially exclusive and keep the number of practitioners low and prices high. In Colorado, we see a population of official reporters who provide realtime on a daily basis, have done so successfully and reliably for years, and whose test-taking efforts still resulted in a *zero pass rate* this past August. Surely that does not speak well for the fairness of testing criteria or to achievement of the NCRA goals of keeping officials, particularly realtime officials, in courthouses.

In Colorado, we have a State Court Administrator willing to fight for the jobs of our official court reporters. The officials themselves are fighting for their jobs, as they have for over 40 years. The Colorado Court Reporters Association is fighting for those jobs. In other words, we've got jobs in Colorado and reporters to fill them. Our stumbling block is NCRA's own certification test and its inflexibility in considering relevant testing material.

In light of the mere six-month time frame Colorado is facing, on behalf of our officials, I request that the NCRA board step in and consider directing the testing committee to implement a litigation- or judicial-specific CRR skills test by May of 2011.

Thank you very much for your consideration of this matter.

Sincerely,

**Kathy L. Davis, President
Colorado Court Reporters Association**