

Ethics First

Ethics First is a voluntary, no-cost public awareness program that seeks to positively educate court reporters, colleagues, firms, and in particular, their clients and consumers about how and why the impartiality and neutrality of the court reporter is of the utmost importance in maintaining an unbiased legal system.

Becoming an Ethics First Participant entitles you to certain benefits

As an **Ethics First Participant**, you will be able to market your adherence to the principles of **Ethics First** to your clients and colleagues. You will be given the right to use the **Ethics First** logo in your advertising, website, on your business cards, etc. Your name will be included in a listing of **Ethics First Participants** on NCRA's website, and your participation will be highlighted in the Professional Services Locator (PSL) listings. This will assist potential clients who value ethical standards to easily find you and/or your firm.

Ethics First is an NCRA member benefit program

Participation is restricted to NCRA members and the firms who employ them¹.

Becoming an Ethics First Participant carries with it certain commitments

Participants agree to abide by the requirements of the NCRA *Code of Professional Ethics* and to be subject to its sanctions for any violations. Participants also positively affirm the **Ethics First** principles and agree to promote the **Ethics First** educational program.

Becoming an Ethics First Supporter

Ethics First encourages the involvement and support of those who, although not judicial court reporters or court reporting firms themselves, agree with and stand behind the principles that the program represents. **Ethics First Supporters** are entitled to promote their affiliation through use of the **Ethics First Supporter** logo and will be listed in **Ethics First** print and electronic materials.

¹ Firm and individual participation is subject to the specific terms and conditions explained further below. Supporters can include non-NCRA members in certain, specified professions.

Ethics First Participants

Ethics First Participants fall into two categories:

- **Ethics First Participant** (individuals)
- **Ethics First Firm** (firms)

In addition to the rights and privileges to promote themselves as **Ethics First Participants**, these firms and individual reporters agree to abide by the requirements of the NCRA *Code of Professional Ethics* and to be subject to its sanctions for any violations. Participants also positively affirm the **Ethics First** tenets and agree to promote the **Ethics First** educational program. Participants will be required to renew their eligibility to participate on an annual basis concurrently with member dues renewal.

Eligibility for **Ethics First Participants**

To be eligible to be an **Ethics First Participant**, you must be:

- An NCRA member; and
- Involved in making the judicial/impartial record.
 - This includes NCRA-member stenographic reporters and NCRA-member legal videographers.



Eligibility for **Ethics First Firms**

To be eligible as an **Ethics First Firm**, the firm in question must have:

- At least one owner or manager who is an NCRA member.
 - NOTE: once a firm owner/manager registers his/her firm for **Ethics First**, that individual him/herself will automatically be registered as an individual **Ethics First Participant** or **Supporter**, depending on eligibility.



Ethics First Supporters

The **Ethics First Supporter** category encompasses all individuals and organizations who, although not themselves directly involved in creating the record in judicial court proceedings or depositions, support the principles espoused by the **Ethics First** program.

This includes:



- Attorneys;
- Law firms;
- State and local bar associations;
- Judges;
- State and local court reporter associations;
- Insurance Companies;
- Court reporting students
- Captioners and CART providers;*
- Vendors;*
- Scopists;*
- Transcriptionists.*

★ Individual must be in the appropriate classification of NCRA membership (i.e., associate, retired, student) to be eligible for the **Ethics First Supporter** category. The **Supporter** category is not intended to allow nonmembers the opportunity to skirt the membership requirement for **Ethics First Participants**.²

NCRA reserves the right to determine the eligibility of any individual, firm or association seeking to become an **Ethics First Supporter** in order to maintain the integrity of the program as an NCRA member benefit.

Potential Scenarios and Frequently Asked Questions:

1. *A firm is owned by one NCRA member and one non-NCRA member. The firm is signed up for **Ethics First** but is found to be giving incentive gifts. Can that firm remain an **Ethics First Firm**?*
 - No. The firm would be sent a cease and desist letter from NCRA to stop using the **Ethics First** logo.

2. *A court reporting firm is owned by one NCRA member steno reporter and a nonmember voicewriter. Is the firm eligible to be an **Ethics First Firm**?*
 - Yes. Since one of the firm’s owners is an NCRA member, the **firm** would be eligible to be an **Ethics First Firm**, and the NCRA-member owner would become an **Ethics First Participant** as an individual. However, the voicewriter owner is **not** eligible to promote him or herself, individually, as an **Ethics First Participant** or to use the **Ethics First Participant** logo.

² Although CART providers and captioners are NCRA members, they do not “make the judicial record” and therefore are not designated as Ethics First Participants and welcomed, instead, as Ethics First Supporters.

3. *When is a manager eligible to sign their firm up for **Ethics First**?*
 - As long as the manager is a person responsible for the day-to-day operations of their firm and holds sufficient authority within the firm to commit that firm to participation, they are eligible (provided they themselves are an NCRA member).
4. *Are CLVS candidates who are NCRA members eligible to be an **Ethics First Participant**?*
 - Yes. As long as their NCRA membership is current, they are eligible to be an **Ethics First Participant** because they “make the record.”
5. *Why are closed captioners and CART providers not eligible to be **Ethics First Participants**?*
 - The gift giving restriction is an intervention in commercial practices that are perfectly acceptable in most customer/provider relationships. For example, airlines give frequent flier points and other financial incentives to reward customer loyalty. The Department of Justice and antitrust enforcement looks on any effort to interfere or discourage such actions that are financially beneficial to the customer with suspicion and hostility.

That same circumstance that justifies NCRA’s stance against incentive gift-giving – the unique duty of impartiality in the middle of an adversarial proceeding – does not exist in the relationship between a CART provider or a captioner and the consumer utilizing those services. So CART providers and closed captioners, like others with an interest in the program, are free to take part as an **Ethics First Supporter**, but it would be legally insupportable to encourage them to join the program and swear not to gift themselves.

However, if closed captioners and CART providers DO take depositions on occasion, they are more than welcome to register as an **Ethics First Participant**.

6. *What happens if a firm has an NCRA member owner or manager who signs the firm up, but that individual later leaves or drops his or her membership? No other owner or manager in the firm is an NCRA member. Can that firm remain an **Ethics First Firm**?*
 - No. **Ethics First Firms** are required to annually recertify (renew) their participation in the program in January. If there is no longer an NCRA member owner or manager able to execute that renewal agreement, the firm is not eligible for renewal.
7. *What will happen to the individuals who are currently signed up for **Ethics First** but are no longer eligible to join based on the new, NCRA member-only restrictions?*
 - They are grandfathered into the program until the routine annual renewal in January, at which time they will NOT be eligible to continue.
8. *What happens if an individual participant drops their NCRA membership or the NCRA member owner or manager who signs their firm up leaves the firm or drops their*

membership? Do they lose eligibility to continue in **Ethics First** immediately, or are they dropped at their next annual renewal?

- T
they are grandfathered into the program until the routine annual renewal in January, at which time they will NOT be eligible to continue.

9. *Can non-program participants distribute **Ethics First** materials and reference **Ethics First** without use of the logo? For example: can a non-NCRA-member firm or individual reporter distribute pamphlets from the **Ethics First** website, copy and distribute **Ethics First** articles and letters to the editor, circulate links to **Ethics First** web videos to their clients because they support the principles, even though they are not able to participate in the program or advertise using the **Ethics First** logos?*

- Yes they can. There is no practical manner for NCRA to regulate such activities. NCRA will, however, vigorously protect the restriction on use of the **Ethics First** logo or name by actual program **Participants/Supporters** only.