

An Open Letter to Freelance Reporters

TEXDRA's mission to amend the one-third rule is approaching the end. It has been a long battle, but we are confident that we will prevail and court reporters in Texas will once again be allowed to determine the value of their own product, which will be dictated by market forces, as it is in the other 49 states. During this long and arduous process, we have been inundated with a great deal of information, much of which has been misleading.

You may have heard that amending the one-third rule will enable large national firms to enter Texas and negotiate contracts where they could agree to provide free original transcripts and compensate by inflating the copy charges; potentially gobbling up all of the available work in Texas. We all share this concern. That is why TEXDRA has proposed language that is simple, concise, and protects our Texas freelance reporters and firms from unfair and unethical trade practices. Our proposed language is: **NO ONE MAY CHARGE MORE FOR A COPY THAN THEY CHARGE FOR THE ORIGINAL TRANSCRIPT.**

TEXDRA'S primary mission is ensuring competitive freedom while protecting Texas freelance reporters and firm owners. We believe our proposed language will remove the many impediments that depress the freelance reporter's income and make the working environment in Texas unreasonably difficult. With your help, TEXDRA will be moving aggressively to accomplish that mission.

TEXDRA has reached out to TCRA many times over the last two years to propose discussion and cooperation regarding the one-third rule and has been summarily rebuffed each time. Approximately a year ago, the JBCC advisory committee voted to recommend the amendment or elimination of the one-third rule. This rule is virtually certain to change, making it imperative that we focus on replacement language. The Texas statute prohibits the Supreme Court from promulgating any rule that would restrict competitive bidding. That is precisely what the one-third rule does. If we cannot come together as a profession and agree upon replacement language, it is likely that the Supreme Court will recognize that the rule is in conflict with the statute and simply eliminate it. That is not our desired outcome.

Those of us who have been a part of this profession for several decades recall more financially rewarding and harmonious times. How many of you today can honestly state that you believe you are fairly compensated for your education, experience and hard work?

TCRA claims that Texas doesn't need another association; that you are already adequately represented. Here's some food for thought. TCRA is made up of approximately 66 percent official reporters and 34 percent freelance reporters. Officials, by and large, dominate the policies and agenda of TCRA. Most officials have little understanding of the freelance world, nor the many competitive challenges freelance reporters are confronted with as they struggle to achieve and maintain a livable income. If an association cannot understand your problems, how can they address them?

Think about this: The official court reporter earns a salary paid by the Federal, State, County or Municipal government, which includes paid time off, medical insurance and retirement benefits. They are then allowed to charge separately for the transcripts that they prepare. Often, if they have a large transcript to prepare, the government entity that is paying their salary also pays for their replacement while the official works to produce their transcript. When you consider that the freelance reporter must entirely fund their own retirement, provide their own medical coverage, and that they receive no paid

vacation, we are probably earning an equivalent of less than half of what your counterparts earn in the Courts.

Our desire is to level the playing field. That cannot happen with the many impediments that we currently face. They must be removed. That is TEXDRA'S mission. We have set very ambitious goals, but we know that if you, the freelance reporter, support our efforts with your membership and your time, they are achievable. You are the reason for TEXDRA'S existence, and we cannot succeed without you.

Currently, there is no shortage of freelance work in Texas; there is a shortage of reporters, and as a result, the freelance reporter's workload has increased substantially, though income remains essentially flat. For these reasons, court reporting schools have experienced a precipitous decline in enrollment, and Texas cannot attract adequately qualified candidates from outside the state. Texas needs an association laser focused on freelance issues. At TEXDRA, we believe that once the one-third rule and other such impediments are removed, we will begin to see an upsurge in court reporter income.

Upon the successful completion of the Texas one-third amendment, TEXDRA has a laundry list of issues that we plan to tackle. With your help, we hope to convince the Judicial Branch Certification Commission that it is in the best interest, not only of Texas freelance reporters, but the Texas judicial system, that the State protect court reporters' transcripts from reproduction and distribution by the parties without remuneration to the reporter. This is a top priority.

If the freelance community is to be allowed to compete fairly in the open market and have the opportunity to earn an income comparable to the officials, we must begin to shed the restrictions that weigh us down. We must be allowed to earn the income that our education, financial investment and hard work merit. To do that, we must present a unified community. We cannot afford the contentiousness that now plagues our profession. It is our fervent desire to unite the freelance community and to work in a unified manner to solve our problems.

There will never be a better time, and Texas freelance reporters will never have a better advocate than TEXDRA. Please visit us at <https://www.textdra.org/join-us> and consider becoming a member and donating a portion of your time and talent to move this organization forward.

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