



Some members have asked TEXDRA for “talking points” regarding the proposed Code of Ethics. The JBCC has put the proposed Code out for public comment and will receive comments until 5:00 p.m. on Sunday, June 11, 2017. Please send comments to jbcc@txcourts.gov with “Attn: Public Comments” in the subject line, or mail them to: Judicial Branch Certification Commission, c/o Office of Court Administration, P.O. Box 12066, Austin, TX 78711-2066. The points below are submitted for your consideration and, while they are consistent with TEXDRA’s position in its [latest submission to the Advisory Board](#) and the JBCC, they are not intended to be comprehensive. TEXDRA encourages you to educate yourself about the issues, read as much information as possible, come to your own conclusions, and make your voice heard. If you do send comments to the JBCC, please mention your association memberships. We believe the Board does consider association membership as reflective of one’s support for his or her profession. [Click here](#) to download the proposed Code of Ethics.

1. A Code of Ethics regulates behavior, not prices. Without the 1/3 rule, there are still rules in the Code of Ethics in place to protect litigants from unfair and unethical practices by Texas CSRs and CRFs in Section 17, “Fees.”
2. Regarding “cost-shifting,” the 1/3 rule has actually shifted costs that could (and should) have been borne by copy parties to the O+1, thus creating a huge opportunity for larger “big-box” agencies to lower O+1 prices to capture Texas deposition work. These larger agencies can afford to do so because of [economies of scale](#), while smaller local agencies held to the 1/3 rule struggle to remain competitive in their pricing. This is highly disadvantageous to Texas CRFs and CSRs.
3. Officials will still be held to their 1/3 rule because that provision is contained in a statute. It is illogical to argue that freelancers and officials should be held to the same 1/3 rule for “consistency” when officials receive salaries and benefits and, even more importantly, do not face the issue of downward pressure and price competition on their transcript fees.
4. Demand for freelance court reporters is extremely high in many parts of Texas, yet our page rates have not kept pace with inflation at all; many are charging the same (or very close) as they were in the early ‘90s. When the artificial “variable” of the 1/3 rule is removed from the equation, will our page rates rise more in line with demand, as they have in many other states who don’t have such a rule? We believe [the law of supply and demand](#) says yes.
5. Texas needs very strong incentives to attract court reporters to help with the current shortage, which is projected to only get worse ([This 2013-2014 NCRA study](#) cites a shortage of 5,500 positions by 2018, see page 5). We cannot graduate and train students fast enough to keep pace with the demand, and if we cannot attract qualified reporters to Texas, attorneys will be forced to seek alternate ways to make their records. What kind of message does the 1/3 rule send to reporters considering moving to Texas? Would you want to go work where your copies are worth less than anywhere else in the country?

For more information, please go to our website, <https://www.texdra.org>. We have posted more detailed documents under the “Recommended Reading” section toward the bottom of the home page. Thank you.