Department of Justice

FOR IMMEDIATE RELEASE
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JUSTICE DEPARTMENT PROVIDES GUIDANCE TO NATIONAL ASSOCIATION OF COURT REPORTERS

Washington, D.C.--The Department of Justice's Antitrust Division provided guidance today to the National Association of Court Reporters ("NCRA") to assist it in developing changes to its Code of Professional Ethics that are intended to help ensure that court reporters comply with certain provisions of the Federal Rules of Civil Procedure.

Rule 28(c) of the Federal Rules of Civil Procedure and laws adopted by a number of states are designed to preserve the impartiality of court reporters who are responsible for the official court record. During recent years, some large-scale users of court reporting services have entered into long-term relationships with court reporters, however, under which they receive services that were not known to or made available to other parties to the litigation. The NCRA proposed to add to its Code of Professional Ethics provisions that would require members, when they are making the official court record, to disclose to all parties to a litigation the fact that they are

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providing specific services to other parties to the litigation.

The Department's position was stated in a business review letter to counsel for the NCRA from Anne K. Bingaman, Assistant Attorney General in charge of the Antitrust Division. Bingaman indicated that the anticompetitive risks of the proposed Code of Ethics would be reduced if guidelines articulated in the business review letter were followed. Bingaman stated that "to the extent that the NCRA's proposed amendments to its Code of Ethics follows these guidelines, and does not otherwise raise anticompetitive concerns, the Department, based on the information and assurances that you have provided to us, would have no current intention to challenge the proposed conduct."

Under the Department's business review procedure, an organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division will challenge the action as a violation of the antitrust laws.

A file containing the business review request and the Department's response will be made available in the Legal Procedure Unit of the Antitrust Division, Room 3235, Department of Justice, Washington, D.C. 20530. After a 30-day waiting period, the documents supporting the business review request will be added to the file.

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