Members

Sen. Brent Steele, Chairperson
Sen. Joseph Zakas
Sen. Greg Taylor
Sen. Lonnie Randolph
Rep. Kathy Kreag Richardson
Rep. Greg Steuerwald
Rep. B. Patrick Bauer
Rep. John Bartlett
Chief Justice Brent Dickson
Judge Tom Felts
Commissioner Therese Brown
Christa Coffey
Jerome Prince

COMMISSION ON COURTS

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Authority: ***IC 33-23-10***

MEETING MINUTES[1]

Meeting Date:	**September 24, 2013**
Meeting Time:	**10:00 A.M.**
Meeting Place:	**State House, 200 W. Washington St., Room 431**
Meeting City:	**Indianapolis, Indiana**
Meeting Number:	**3**

Members Present: **Sen. Brent Steele, Chairperson; Sen. Joseph Zakas; Sen. Greg Taylor; Sen. Lonnie Randolph; Rep. B. Patrick Bauer; Rep. John Bartlett; Chief Justice Brent Dickson; Judge Tom Felts; Christa Coffey; Jerome Prince; Commissioner Therese Brown.**

Members Absent: **Rep. Kathy Kreag Richardson; Rep. Greg Steuerwald.**

Sen. Steele, Chairperson, called the third meeting of the Commission on Courts to order at 10:12 a.m.

After an introduction of members, Sen. Steele told the Commission members that the first item on the agenda would be how much flexibility the courts need in appointing mental health practitioners in insanity hearings.

Pat McGuffey, representing the Indiana Psychological Association, presented a short history of criminal statutes concerning defendants who claim mental illness. She also described SR 47–2013 that was introduced during the 2013 General Assembly. This resolution urged the Legislative Council to establish a study committee to examine whether courts should have more flexibility to appoint psychiatrists, psychologists, or physicians in insanity defense cases without regard to a specific ratio of qualified mental health professionals. (Exhibit A)

[1] These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at http://www.in.gov/legislative Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for hard copies.

Tom Barbera, Ph.D., told the Commission members about the need for the trial courts to have more flexibility when appointing mental health professionals in criminal cases involving insanity issues. His prepared remarks are included in Exhibit B.

Steven Ross, Psy.D. and a practicing psychologist, discussed the need for more court flexibility. His testimony is included in Exhibit C.

George Parker, M.D., Director of Forensic Psychiatry at IU School of Medicine, described the value that psychiatrists provide in examining criminal defendants due to their medical training and familiarity with medications. He also described a position paper that the Indiana Psychiatric Society prepared. (See Exhibit D)

Mike Leppert and Tom Richardson both discussed the need for certification and for continuing professional development of court reporters. A slide presentation is included in Exhibit E, and Mr. Richardson's prepared remarks are included in Exhibit F.

After discussion by Commission members, Chairman Steele adjourned the meeting at 12:05 p.m.

Exhibit A
Commission on Courts
Meeting #3 9/24/2013

Introduced Version

SENATE RESOLUTION No. ___

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION urging the Legislative Council to establish an interim study committee to study the role of court-appointed mental health professionals to examine a defendant who is raising an insanity defense.

Alting

_____, read first time and referred to Committee on

Introduced

First Regular Session 118th General Assembly (2013)

SENATE RESOLUTION

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

A SENATE RESOLUTION urging the Legislative Council to establish an interim study committee to study the role of court-appointed mental health professionals to examine a defendant who is raising an insanity defense.

Whereas, Currently, courts are required to appoint two or three competent, disinterested psychiatrists, physicians, or psychologists, at least one of whom must be a psychiatrist;

Whereas, Psychologists have extensive training and experience in diagnosis and treatment of mental disorders and in psychological assessment;

Whereas, Research has shown that pairwise comparisons of independent assessments for insanity arrive at the same conclusion 92% of the time, regardless of whether the evaluator is a psychiatrist or a psychologist; and

Whereas, Psychologists have conducted insanity assessments for decades, with many states allowing the judge to choose the evaluator without regard to a specific ratio of qualified professionals: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to study whether courts should have the flexibility to appoint psychologists, psychiatrists, or physicians in insanity defense cases without regard to a specific ratio of qualified mental health professionals.

SECTION 2. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall issue such reports as directed by the council.

Exhibit B
Commission on Courts
Meeting 3 9/24/2013

Testimony to Commission on Courts Regarding Insanity

September 24, 2013

Thank you Senator Steele and members of the Commission on Courts for this opportunity. My name is Dr. Tom Barbera and I'm the Governmental Affairs Committee Chair of the Indiana Psychological Association. IPA is the largest organization representing scientific and professional psychology in Indiana with a membership of over 300 licensed psychologists.

Current Indiana law requires a psychiatrist to be one of the two to three experts appointed by the court to examine defendants raising an insanity defense. Due to the lack of availability of psychiatrists who are willing to perform these evaluations in many rural areas, small cities, and less populated counties in Indiana insanity hearings are frequently delayed. As a result, criminal defendants must often be detained in local jails, criminal trials may be delayed, and extra expenses incurred in order to make arrangements for the necessary appointments and travel to a psychiatrist's office. Access to psychological services in Indiana is more widely available even in those jurisdictions where psychiatric services are limited and psychologists have conducted insanity assessments for decades. Passage of this legislation in Indiana is overdue. The surrounding states of Illinois, Michigan, Ohio, and Kentucky allow judges to choose the evaluator without regard to a specific ratio of qualified professionals. In fact, Indiana would be the 26th state to pass this type of legislation.

Indiana law used to require a psychiatrist for competency to stand trial evaluations as well. On April 18, 2011 Senate Bill 262 was passed into law allowing courts the flexibility to appoint evaluators without regard to a specific ratio of qualified professionals. Since the law was changed for competency to stand trial evaluations psychologists have conducted these evaluations in counties across the state including: Allen, Adams, Dekalb, Noble, Lagrange, Huntington, Wells, Whitley,

Kosciusko (ka-zee-AH-sko), Lake, LaPorte, Warrick, Vanderburgh, Knox, Posey, Owen, Brown, Tippecanoe, St. Joseph, Jasper, Fulton, Marshall, Cass, Marion, and Hamilton counties. In terms of the impact this change has had on the competency evaluation process, a psychologist in Jasper County reports that he has done 6 competency evaluations in 2013. Before the law was changed in 2011 it took an additional 2-3 weeks to complete competency to stand trial evaluations because there is not a psychiatrist in Jasper County who does forensic work. We are still collecting data but have heard from over 20 psychologists who have completed juvenile and adult competency to stand trial evaluations since the law was changed. The number of evaluations per psychologist ranges from 2-20.

With respect to the frequency with which an insanity defense is raised, an attorney with the Indiana Prosecuting Attorneys Council estimates that the insanity defense is raised at most approximately 60 times a year in Indiana, with half of those coming from murder trials and the other half from other violent crimes such as rape and battery. Preliminary data from IPA members suggest that delays caused by the unavailability of a psychiatrist are common. In an ongoing survey, 84% of psychologists who conduct insanity evaluations believe the judges in the jurisdiction where they practice had difficulties finding qualified psychiatrists to conduct insanity evaluations.

There is judicial support for this legislation. The 9 judges in West Central Indiana representing Clay, Parke, Sullivan, Vigo, and Vermillon counties (Judge Roach, Judge Bolk, Judge Rader, Judge Lewis, Judge Stengel, Judge Swaim, Judge Pearson, Judge Springer, and Judge Mischler) endorsed a statement supporting a change to the Indiana Code that would allow a judge to use his or her discretion in appointing the most appropriate examiner and making the law consistent for both competency and insanity evaluations.

Thank you for your time and I'd be happy to answer any questions now or after Dr. Ross's testimony.

Commission on Courts

Testimony of Stephen Ross, PsyD, HSPP, ABPP

Tuesday, September 24, 2013

Exhibit C

Commission on Courts

Meeting #3 9/24/2013

Sen. Steele and members of the Commission on Courts, I offer my sincerest thanks for allowing me to appear before you today to discuss the need for amending the current statute regarding the assessment of criminal defendants for whom there are concerns regarding their mental status at the time of an alleged offense, namely, “the insanity defense”.

I was involved in the legislature’s change of the competency to stand trial statute and I believe that amending the insanity statute is equally important.

By way of background, I have been a licensed psychologist practicing both clinical and forensic psychology since 1990. I am board-certified in clinical psychology and have continued my post-doctoral training in both areas.

I currently own and manage a private practice in Fort Wayne. My practice includes treating individuals with a variety of psychological problems and diagnoses, as well as regularly conducting forensic evaluations for both the state and federal courts. I perform evaluations for the counties of Allen, Adams, Dekalb, Noble, Lagrange, Huntington, Wells, Whitley, Kosciusko, and others in Indiana.

For the past 12 years I have served as a member of the Indiana State Board of Psychology, the board responsible for the licensure of psychologists in the state. I am well aware of the various doctoral programs which train those individuals who come into our state and who eventually obtain a license to practice as an independent practitioner. I can assure you that forensic psychologists have the education, training, and experience to conduct insanity evaluations.

It takes approximately 5 years, if not more, for many students to complete their doctoral training in psychology. Their training includes advanced psychopathology, psychological assessment, research methods and statistics, neuropsychology and the biological bases of behavior, as well as many other courses and training experiences designed to produce an advanced practitioner. Prior to graduation, these students are required to obtain a substantial number of supervised clinical hours working in hospitals, community mental health centers, clinics, correctional facilities, or other training areas. They are required to complete a 1 year pre-doctoral internship, a necessary ingredient for being granted a license to practice in Indiana.

For one to independently practice psychology in Indiana, they must obtain a Health Service Provider in Psychology endorsement.

In reviewing licensure applications over the past 12 years, I've noticed several trends in pre-doctoral and post-doctoral training which include many more hours of supervised experience, and advanced training in both forensic and neuropsychological sciences. The graduate training these students are receiving is impressive. Also, seasoned psychologists practicing forensic psychology coming into Indiana from other states bring with them substantial training and work experiences which qualify them to perform both competency and sanity evaluations.

I also provide doctoral psychology intern forensic training for Park Center in Fort Wayne. It is a community mental health center with an accredited pre-doctoral internship in professional psychology. On a yearly basis I may have one or two doctoral interns interested in participating in a forensic rotation with me. This rotation consists of intensive didactic training, participation in actual forensic cases such as competency and sanity evaluations, as well as other areas of forensic training. Their completion of the rotation does not immediately qualify them for independent practice, but many of them have continued their post-doctoral work in forensic psychology, even a few obtaining board certification. Many of them remain in Indiana.

Indiana psychologists are required to complete a minimum of 40 hours of continuing education credit every two years to maintain their license. Those of us who practice forensic psychology often exceed that requirement by many more hours by attending post-doctoral institutes sponsored by the American Psychological Association or the American Academy of Forensic Psychology. In 2011, I attending the Academy's advanced training on sanity evaluations presented by Phillip Resnick, MD, a professor of psychiatry at Case Western Reserve, forensic

psychiatrist and past president of the American Academy of Psychiatry. He is a psychiatrist training forensic psychologists to conduct these evaluations. We also regularly attend post-doctoral training offered by eminent forensic psychologists and researchers.

One issue of importance to this Commission is the ready availability of psychologists and psychiatrists when appointed to conduct these evaluations. In speaking with members of my local judiciary, they are experiencing difficulty in getting psychiatrists on board.

Several years ago, I was asked by one of our Superior Court judges to help them find psychiatrists who were willing to conduct sanity and competency evaluations for our courts. We have a number of competently trained psychologists in our county who are appointed by the Court.

I contacted several psychiatrists in the area to inquire if they were both trained and willing to conduct forensic evaluations. Other than the one which the court presently utilizes, there were no takers. Common concerns expressed was their lack of interest in wanting to get involved in a court case, the time it would take from their clinical practice in seeing patients, and the overall uncomfortable feeling of having to testify to their findings. I was unable to find any local psychiatrists who were willing to help our Court.

Even one of our judges personally attempted to find psychiatric evaluators for their court. This is their story: “Our criminal courts receive requests for competency/sanity evaluations every week. Our staff spends considerable time attempt to locate competent evaluators. In the summer of 2008, I personally called 10-15 psychiatrists offices in Fort Wayne to ask if they would be willing to serve on our panel of

doctors to conduct these evaluations. I didn't get past the front desk, front nurse, or receptionist with any of the offices that I called. Each person heard my pitch and said they would check with their Doctor, put me on hold, and came back within minutes. Each declined my invitation to participate. Not shocking. I didn't even call medical doctor's offices and as this was just too discouraging and I don't believe medical doctors would be suitable. I hear from our colleagues in the smaller and medium-sized counties that they face an even bigger problem as the oftentimes have no psychiatrist within their county and have to go to the 'big city' to find evaluators. This results in unacceptable delays much as we experience in Allen County".

One other particular concern is the relative shortage of psychiatrists in the state. In an October 9, 2011 Fort Wayne Journal Gazette news article, Dr. R. Andrew Chambers, a psychiatrist and associate professor of psychiatry at the Indiana University School of Medicine, confirmed that a shortage of psychiatrists is indeed a problem. He noted "It's bigger than Indiana, but Indiana represents a poster child of what's happening", noting that about 20 years ago, the school, the only medical school in the state, graduated about a dozen or more psychiatry residents at a time. Today, according to Dr. Chambers, the number is 4 to 6 per year. He noted that more newly-minted psychiatrists prefer to practice in bigger cities with greater amenities and higher incomes. Chicago, Boston, and New York City can be more attractive than Fort Wayne or Evansville.

A 2007 study by mental health America ranked Indiana 41st in psychiatrists per capita, with roughly 7.4 psychiatrists per 100,000 people. These are not good numbers for us. Unfortunately, this leaves Indiana often hurting for psychiatric care. Not only does it affect the

clinical care of patients, but it also affects the availability of psychiatric evaluations for the courts.

On a similar note, IC 35-36-2-5**,** the statute pertaining to the finding of a defendant deemed guilty but mental ill**,** states that the court shall sentence the defendant in the same manner as a defendant found guilty of the offense. But before sentencing the defendant, the court shall require the defendant to be evaluated by a physician who practices psychiatric medicine, a licensed psychologist, **or** a community mental health center. Additionally, the court may waive this requirement if the defendant was evaluated by a physician who practices psychiatric medicine, a licensed psychologist, or a community mental health center and the evaluation is contained in the record of the defendant's trial or plea agreement hearing.

In reading this statute, it appears clear that the legislature has already determined that the assessment of mentally ill defendants found guilty can be performed by licensed psychologists and that the court has options in determining who can be appointed to conduct this task. If a licensed psychologist can perform this function, by statute, after the determination of guilt, why not during the initial stages of criminal proceedings?

In summary, we are qualified to conduct insanity evaluations and are more available than our psychiatrist colleagues. We are not trying to expand our scope of practice legislatively, but simply give courts more flexibility in assigning evaluators among those psychologists and psychiatrists deemed qualified to do so.

Thank you for your time and attention to this matter.

Indiana Psychiatric Society

Exhibit D
Commission on Courts
Meeting 3 9/24/2013

December 20, 2012

In response to the position statement of the Indiana Psychological Association, dated May 1, 2012, on the appointment of psychiatrists by the court to evaluate defendants regarding the insanity defense, the Indiana Psychiatric Society offers the following:

1. The Indiana Psychiatric Society opposes the removal of the requirement in IC 35-36-2-2(b) that a psychiatrist must be appointed by the court to evaluate a defendant when the insanity defense is raised.

2. The Fiscal Impact Statement regarding SB 262 (2011) was incomplete and misleading, as the broad statement that courts were having difficulty finding psychiatrists to perform competence evaluations was not supported by any data. The Statement did note that there were an equal number of certified forensic psychiatrists and psychologists in Indiana, which suggests the issue was one of distribution and not one of availability. It is not unusual for courts in smaller counties to transport defendants to the evaluators, both psychiatrists and psychologists, if there is no local evaluator.

3. Psychologists do have training and experience in diagnosing mental disorders, but they have neither the training nor the experience to make medical diagnoses. While many insanity evaluations turn on the issue of an underlying mental disorder, such as schizophrenia or mania, it is not unusual for such cases to require an understanding of the role of medications and possible interactions between medications, which psychiatrists are uniquely qualified to analyze. In addition, the insanity defense may be raised in cases where the defendant's mental disturbance was due to an underlying medical condition, such as delirium or toxicity; again, psychiatrists are uniquely qualified to assess such cases.

4. It is often not possible to know in advance whether a given case will require the training and experience of a psychiatrist, and placing this burden on the judge, to determine when to appoint a psychiatrist to evaluate a defendant for insanity, is unnecessary.

5. The research on concordance between psychiatrist and psychologist evaluations of insanity is limited by the age of the study, as it was published more than three decades ago. There has been little research on this topic since then.

6. The statement that psychological services are more widely available in Indiana than psychiatric services is not supported by any data. Psychiatrists and psychologists are more easily found in urban and suburban areas and are widely scattered in rural counties, and both groups are in short supply in Indiana, particularly in rural areas. Again, this suggests the issue is one of distribution rather than availability.

Respectfully submitted,

David Diaz, MD
President
Indiana Psychiatric Society

Jeffrey Kellams, MD
Chair, Legislative Committee
Indiana Psychiatric Society

George Parker, MD
Director of Forensic Psychiatry
Indiana University School of Medicine

Exhibit E
Commission on Courts
Meeting #3 9/24/2013

Indiana Commission on Courts

Court Reporter Certification

September 24, 2013

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INDIANA SHORTHAND REPORTERS ASSOCIATION

NCRA
SETTING THE STANDARD FOR CAPTURING THE RECORD

ISRA
INDIANA SHORTHAND
REPORTERS ASSOCIATION

Why are we here? What's the problem?

First, a few examples:

State of Indiana v. Christopher D. Peterson (Porter County) Shotgun killer's conviction overturned because of an unusable transcript containing too many errors and uncertainties.

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REPORTERS ASSOCIATION

Miami-Dade court reporter ordered arrested over missing transcripts

By David Ovalle

The Miami Herald

In a legal drama that is delaying a dozen criminal trials — including two death penalty cases — a Miami-Dade court reporter was ordered arrested Wednesday after she failed to appear in court to explain why her firm can't transcribe a slew of depositions.

The court reporter: Roseann McMahon, whose company had been employed from 2008 to 2011 to digitally record depositions for a state-funded law firm representing poor clients.

McMahon, of Fort Lauderdale, had been ordered to court three times over the past month, each time to no avail.

"I need to know a reason why Ms. McMahon is not here," Miami-Dade Circuit Judge Bertila Soto, the chief criminal administrative judge, told her lawyer Wednesday. "The court is beginning to think she is never coming in and she is wasting everyone's time. Has she considered that there are defendants who are sitting in custody because they can't get transcripts?"

Soto ordered a "writ of bodily attachment" against McMahon, which allows Miami-Dade police officers to arrest her and bring her before the court. As of Wednesday night, McMahon was not in custody.

McMahon's attorney, Albert Cartenuto, told the judge he would move "heaven and earth" to arrange transportation to get her to court soon.

The news comes as Florida courtroom stenographers — who traditionally keep paper notes of court proceedings — are resisting moves to use digital recorders to capture the words of judges, lawyers, defendants and witnesses.

During the past year, officials have wired all courtrooms at Miami-Dade's criminal courthouse and in the next few months, five courtrooms at Miami-Dade's criminal courthouse will begin using digital recorders during the daily morning calendar sessions.

Court reporters in criminal court have also complained that plunging rates paid by the state have driven away experienced stenographers while pushing less qualified people to monitor digital recordings that are easily lost and don't always accurately capture important dialogue.

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Judge Brown (Marion County)

Judge facing multiple counts of misconduct including the hiring of unqualified, inexperienced staff, ***court reporters*** among them.

Certification requirement in Indiana DOES address this situation.

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Incompetence is only discovered when it is too late

- A request for a transcript or a record of the proceeding.
- The record of the proceeding cannot be re-created.
- Initial errors occur in the hiring process when minimum standards are not a requirement.

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Court Reporting Market in Indiana

Employees of the court or agency

- No statutory job qualifications of the court or agency.
- Very sought after government jobs.
- Problems with competency (nepotism, no standards, no recourse for incompetence, no competition).

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Freelance Court Reporting Companies

- Highly competitive Minimum standards must exist for company to survive
- Problem in this arena (anyone can advertise and survive short term)
- Certification enhances predictability

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Federal Court Reporters

- National Court Reporters Association (NCRA) Certification is required; specifically the "***Registered Professional Reporter***" (RPR) certification.

- Federal Court Reporters are also encouraged to hold their "***Certified Realtime Reporter"*** certification so they can adequately provide that service to the courts and counsel

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Indiana State and Regional Market Comparison

- Cost
- Voluntary membership with NCRA (Nine states participate in “voluntary” certification)
- 28 States currently have mandatory licensure/certification

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Minimum Market Standards

- Educational Requirements; coursework in civil/criminal procedure, law norms and ethics
- Certification by;
  - *National Court Reporters Association*
  - *National Verbatim Reporters Association*
  - *American Association of Electronic Reporters and Transcribers*
- Required continuing education (24 hours/3 years)

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What Are Solutions?

- Embrace certifiable methods
- Federal courts require national certification
- We propose any number of options; inaction is the only non-solution
- Senate Bill 304 (2013) is a starting point

Mr. Chairman and Members of the Commission

To quote my former boss, the Honorable S. Hugh Dillin, "Justice that is not swift and sure is not justice at all."

And as a court reporter of 38 years, I'm embarrassed to say we have a problem with both.

When you walk into a courtroom, the public has the right to feel the playing field is level and the Court's staff is capable, competent, and committed.

Court reporters are an integral part of our system of justice. And when we as a profession fail, the results can be catastrophic.

Consider Christopher D. Peterson

- Murdered 7 people with a shotgun
- Was convicted by a Porter County Jury, sentenced to death
- During appeal, court reporter failed to produce accurate transcript
- The Seventh Circuit COA wrote opinion <u>overturning conviction</u> based on the poor transcript and <u>competence of the reporter</u>. They sent it back to be retried.

Or…

A Miami, Florida court reporting firm owner was arrested for not transcribing the electronic recordings of dozens of criminal trials.

The judge states: "Has she considered that there are defendants who are sitting in custody because they can't get transcripts?" Speed – Pilot Program.

Recently, it's come to light that a particular Marion County judge has been accused of misconduct.

What is of particular concern to me is the judge hiring an inexperienced, unqualified court reporter.

Based on my almost four decades of experience, this is a recipe for disaster. The court reporter position is too important to be left to chance.

With certification standards in place, we eliminate rolling the dice as part of our hiring process. And it becomes an effective tool for finding the right person for this critical role – before the damage is done.

As a small business owner, I can't afford to select the wrong person for the job. And neither can the courts because too much is at stake. But hiring errors happen.

As in the case with Christopher Peterson, it's not discovered until the case is appealed and a transcript is requested. Imagine the cost - in dollars to retry the

case and, more importantly, the public's trust in our judicial process. The court's reputation must not be tarnished.

Regulation has become a four-letter word these days. I know people are concerned about its effect on the marketplace. So let's address that.

Three basic court reporting markets in all states:

Official reporters – we see in courts and agencies
Freelance reporters – depositions, arbitrations
Federal officials – US District Courts

When it comes to official or agency reporters like IURC, there are no statutory job standards.

A Court Reporting handbook was created by the Indiana Judicial Center, revised in 2011.

"Indiana's court system **still** does not have an agency responsible for the creation of standards for court reporting services, equipment or the education of its court reporting personnel."

Official reporters are county employees – and job qualifications are either inconsistent from county to county or non-existent.

As official court reporter positions pay more, they are sought after jobs and often used as a promotion. Hiring is not based on court reporting competence.

Not only is competency a problem, but also nepotism and again a lack of standards. How do you assure consistent behavior and quality without standards?

When it comes to the freelance court reporter market, competition is the rule, not the exception. Like any other profession, we must maintain high standards in order to survive. Most seek voluntary certification.

Unlike official or agency reporters, our clients can choose who their court reporter is going to be. Competition for business is not in short supply.

But competition can turn from a strength to a weakness. People take shortcuts, bend the rules, and compromise their ethics to gain an advantage.

It's not to the level of the recent
e-Biofuels scam, but I'm sorry to say it still exists.

And when consulting attorneys about our legislative proposal, the first thing they mention is, "Ethics! It should parallel the Bar."

Court reporters are to be unbiased toward all parties, not favoring one side or the other. We are to be impartial at all times and follow our national code of conduct. Most do. Most. (Veritext billing) We need boundaries.

ISRA has received enough complaints from attorneys to warrant alarm. We believe there should be accountability to protect the public. But currently none exists.

Our federal government, the last group, has well-established standards for court reporters. It is one of the most sought-after jobs in our profession.

- Minimum = RPR from NCRA.
- Four years of court reporting experience.
- The Certified Realtime Reporter certification is not only encouraged, but rewarded.

The federal government understands the importance of the court record, and they take great strides to protect it. What steps do we need to take?

How does Indiana compare with it surrounding neighbors and the rest of our country?

COSTS

Each year, NCRA conducts an extensive member survey and distributes the results to its participants. As part of the North Central Region, our regional costs are the lowest in United States.

CERTIFICATION

28 states currently have mandatory licensure/ certification. 9 states participate in a voluntary certification process.

What certification standards are we proposing? Let me suggest a starting place.

Contrary to what some people may believe, court reporting is not a job for the faint of heart. It requires intelligence, skill, perseverance, ethics, and a dedication to protecting the record.

We believe education is critical. One must be technically competent; well versed in legal procedure; have an adequate vocabulary in law, medicine, and engineering; and an understanding of legal ethics.

We believe all methods of capturing the record by a court reporter should be held to the same standards, be it via machine steno, electronic recording, or voice writing.

We believe in implementing or following the certification by three groups:

- National Court Reporters Association
- National Verbatim Reporters Association
- American Association of Electronic Reporters and Transcribers.

These groups and other states have already done the heaving lifting.

And like any other profession, **we believe** in continuing education (in person or online) comprised of 24 hours every three years. Punctuation, procedure, preparation of transcripts, software training, technology, etc.

We are NOT proposing to replace any existing court reporters, but instead to arm them with the tools needed to meet recognized minimum standards in the field.

To sum it up,

We believe in and embrace the current certifiable methods. We need not reinvent the wheel. 28 states have laid the groundwork for us.

We believe that justice in the state system is just as important as it is in the federal system. Is the trial record of a child custody case less important than that of two companies in dispute slugging it out at the District Court level?

We believe in and propose any number of options, but **we believe** that inaction is not an option.

We believe that Senate Bill 304 is a starting point.

Mr. Chairman and Members of the Committee, our tag line or slogan at NCRA is "Guardians of the Record." **We believe** it is our sacred duty, and **we believe** after reflection, you will as well.