

tion, a member of the deaf community, and a student member. Members of the committee meet twice a year with college faculty to discuss program curriculum and other issues in the reporting and captioning field. Committee members also attend the regular get-togethers and are available to students on an online discussion forum called Ask the Advisory Committee.

For more information on this program, contact Rollie Cox at rcox@matc.madison.edu.

ETHICS

Disclose All Relationships

What should you do if you find out — when you show up for a deposition or any other proceeding — that you are related to one of the attorneys?

According to NCRA's Public Advisory Opinion No. 2, the reporter must disclose any relationship, whether by blood or marriage, before the proceedings begin. It is the opinion of the Committee of Professional Ethics that failure to disclose any relationship that might reasonably call into question the reporter's impartiality is a violation of Provisions No. 1 (impartiality) and No. 2 (conflicts of interest) of the Code of Professional Ethics.

You should state the relationship as soon as you are aware of it. Doing so gives counsel the opportunity to object or to waive any objections on the record to the reporter's reporting of the proceeding. If any objection is raised, the reporter must withdraw and offer to attempt to obtain another reporter. Counsel may elect, however, to select a reporter of their own choosing.

Obviously, it is not possible to list all of the relationships that may be a conflict of interest or might give the appearance of a conflict. Therefore, the Committee recommends that whenever a reporter is unsure of whether to disclose a relationship, he or she should disclose the relationship.

Public Advisory Opinion No. 3 is closely related. It considers whether a freelancer should report depositions for a spouse's law firm. In that scenario,

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although the reporter refrains from taking the proceeding when the spouse conducts it, the reporter can take the deposition when other members of the spouse's law firm schedule proceedings.

Is it a violation of the Code of Professional Ethics for (1.) the reporter to schedule proceedings for the law firm of the reporter's spouse, (2.) the reporter to send another reporter and thereby retain a commission, or (3.) the reporter to report proceedings for other members of the law firm?

With respect to the scenario, first, the reporter may schedule proceedings for the spouse's law firm.

Second, the reporter acted prudently by having another reporter cover the proceeding; the retention of a commission is permissible. The reporter should not personally cover the proceeding but should request another reporter to do so.

Third, the reporter can report proceedings for other members of the law firm only if the following three conditions are satisfied:

1. A full disclosure of the relationship is made when it is known.
2. An agreement is reached by all counsel that there is no objection to the reporter's taking the deposition, which should be stated on the record before the deposition.
3. The reporter's certificate is amended to conform with the two conditions.

If the reporter does not follow these steps, it would constitute a violation of Provisions No. 1 (impartiality) and No. 3 (guard against even the appearance of impropriety) of the Code of Professional Ethics. These provisions require that the reporter be impartial in all aspects of any reported proceedings and guard against not only the fact but also the appearance of impropriety.

For this advisory opinion and others, please visit the NCRA Web site at www.NCRAonline.org.

This public advisory opinion reflects the status of the law in most jurisdictions. Members are required to conform to the accepted practices set forth in this public advisory opinion to the extent that such practices are consistent with their own applicable state and local laws, rules, and regulations.

IN MEMORIAM

Larry B. Dorfman

Larry B. Dorfman, 54, of Rocky Hill, Conn., died December 17, 2006, of a heart attack. Larry attended Hartford public schools and graduated from the University of Connecticut in 1973. He was a court reporter for more than 25 years, following in the footsteps of his uncle, Paul Fromm, a legendary reporter from New York City.

Larry was active in the Connecticut Court Reporters Association. Always a professional, he was personally requested by attorneys more than any other reporter I have ever worked with.

Larry always had a broad smile and a genuine interest in others. He was a truly caring and generous human being. We shall miss his infectious kindness and affability.

*Jerry Gale, RMR
New Haven, Conn.*