

provision limiting subsidies to “State Exchanges,” with equally persistent but somewhat less expressive language.

*King v. Burwell* is the second ACA case to reach the Supreme Court and the second time the Supreme Court has rejected a major challenge to the ACA. Although there are other cases in the lower courts challenging aspects of the ACA, none of those cases rise to the level of *King v. Burwell* in terms of the impact that an adverse decision could have on the major components of the law. With the Supreme Court’s decision in *King v. Burwell*, the ACA remains effective in all states and it is likely to remain that way for the foreseeable future.

1. The Patient Protection and Affordable Care Act, Pub. L. No. 111-148 (2010), as amended by Health Care and Education Reconciliation Act of 2010, Pub. L. No. 11-152 (2010).
2. In *Nat’l Fed’n of Indep. Bus. v. Sebelius*, the Supreme Court upheld the ACA’s individual mandate, holding that the ACA’s “requirement that certain individuals pay a financial penalty for not obtaining health insurance may reasonably be characterized as a tax.” 132 S. Ct. 2566, 2600, 183 L. Ed. 2d 450, 490 (2012).
3. *King v. Burwell*, 135 S. Ct. 2480, 192 L. Ed. 2d 483 (2015).
4. 26 U.S.C. § 36B.
5. 45 C.F.R. §155.20.
6. 42 U.S.C. §18041.
7. *King*, 135 L.Ed. 2d at 495.
8. *King*, 135 L.Ed. 2d at 501, et seq.
9. *Id.*



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## WHEN SHOULD AN ATTORNEY HIRE A CART PROVIDER?

*By Angie R. Starbuck*

If you’ve ever worked with a client or witness who is deaf or hard of hearing, you both may have struggled with communication. One of the many methods of assisting people who are deaf or hard of hearing with communication utilizes the same process, equipment and software that court reporters use. It is called Communication Access Realtime Translation or CART.

While many of you reading this are familiar with court reporters and how they help you in a deposition or court setting, you may not be aware that there is another specialty that some court reporters have that allows them to provide services to individuals who are deaf or hard of hearing.

Court reporters who specialize in providing CART services write what is being said in a deposition, hearing, trial or meeting, and the words are instantly translated to a laptop screen for the end consumer to read, thereby allowing them to participate equally in whatever proceeding is taking place.

Here are four tips on when and why it would be helpful to hire or request a CART provider in a legal setting:

1. If your client is deaf or hard of hearing and they are being deposed, a CART provider could help facilitate communication for your client. Keep in mind that CART is a one-way communication service, so if your client uses American Sign Language to communicate, CART may not be the best option.

2. If your client is deaf or hard of hearing and their case is going to trial, utilizing a CART provider during the trial could be very beneficial for your client. This service would ensure they are provided the same access as hearing individuals to all that is said during the proceedings.

3. If you have a witness who is deaf or hard of hearing who will be testifying in court, you should bring this to the attention of the judge or other judicial personnel so that appropriate accommodations can be made to have a CART provider there for the witness.

4. If you, yourself, are deaf or hard of hearing, consider requesting a CART provider to assist you in court.

While there are many similarities between an official court reporter and a CART provider, there are some important differences:

1. The role of the CART provider is to assist with communication whereas the official reporter’s role is to provide a verbatim record of the proceedings. The official court reporter should not provide CART services in the same proceedings unless there are extenuating circumstances and there is no other option available.

2. In a legal setting, a CART provider is not to provide a transcript or electronic file of any kind. The court reporter’s transcript is the official record.

3. A CART provider may include environmental sounds, like sirens wailing or books slamming, so the consumer gets a sense of what’s being heard by others around them, where the official court reporter will only write the spoken word.

While not every court reporter is able to provide CART services, there are many that work in both settings. CART providers also work in high school, university, corporate and medical settings. Like court reporting, there are also certifications for CART providers by the National Court Reporters Association. Look for a Certified CART Provider or Certified Realtime Reporter when hiring a CART provider. You can locate a qualified CART provider by searching the NCRA Sourcebook or asking your favorite court reporter for a referral.



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