

# PROPOSED REGULATION OF THE CERTIFIED COURT REPORTERS' BOARD OF NEVADA

LCB File No. R020-10

Added language is in *bold, italics*; deleted language is in brackets and ~~strikeout~~.

## GENERAL PROVISIONS

*NAC 656-XXX "Gratuity" defined. Gratuity includes but is not limited to any item, gift, incentive, reward, favor, entertainment, premium, award, consideration, kickback, inducement, prize, promotional material, discount, rebate, or other item having monetary value, including points or credits that may be exchanged by the recipient for something of value.*

*NAC 656.XXX "Foreign jurisdiction" as used in this chapter, is defined as any court or administrative body not created pursuant to the Constitution of the State of Nevada or through an enactment of the Nevada State Legislature. The Nevada Certified Court Reporters Board retains jurisdiction over individual Nevada licensed reporters and registered firms for professional disciplinary matters.*

## PROFESSIONAL CONDUCT

**NAC 656.310 Conflicts of interest; limitations on giving.** (NRS 656.130, 656.250)

1. Except as otherwise provided in this section, a court reporter shall not provide services as a court reporter in a proceeding if the court reporter:

(a) Is an employee or independent contractor of a party to the proceeding or an attorney who represents a party to the proceeding;

(b) Is a relative within the third degree of consanguinity or affinity of a party or attorney specified in paragraph (a);

(c) Has a financial interest in the proceeding; or

(d) Has any other relationship that may reasonably cause the impartiality of the court reporter to be questioned.

2. If a court reporter discovers a conflict of interest or potential conflict of interest pursuant to this section, the court reporter shall disclose the conflict of interest or potential conflict of interest to each party who is present at the commencement of the proceeding. After the disclosure, the court reporter may provide services as a court reporter in the proceeding if each party to the proceeding and each attorney who represents a party in the proceeding authorizes the court reporter to provide services.

3. If a court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2 and if each party and attorney for each party authorizes the court reporter to provide services as a court reporter pursuant to that subsection, the court reporter shall include the following parenthetical statement in the record of the proceeding:

(The reporter made a disclosure pursuant to subsection 2 of NAC 656.310 and noted the specific conflict of interest in the record.)

Ê In addition, the court reporter shall include in the record a statement from each party and attorney for each party indicating that the disclosure was made and that the party and attorney authorized the provision of services.

4. If a court reporter prepares a transcript of a proceeding, the court reporter shall attach a page to the transcript certifying that the court reporter is not prohibited from providing services pursuant to subsection 1. If the court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2, the court reporter shall amend the page certifying the transcript to include the information required pursuant to subsection 3.

5. *Other than the receipt of compensation for reporting services and* except as otherwise provided in this subsection, a court reporter or *court reporting* firm shall not give *or receive*, directly or indirectly, a ~~[gift] gratuity, [incentive, reward or other thing of value]~~ to *or from* an attorney, client, witness, insurance company or any other person associated with any litigation in which the court reporter *or court reporting firm* provides *services*. ~~[service as a court reporter. A court reporter may give items that do not exceed \$100 per year to such an attorney, client, witness, insurance company or person.]~~

*(a) Items of nominal value, not to exceed \$100.00 per year in the aggregate, such as pens, pencils, coffee mugs and other advertising paraphernalia or modest forms of meals and refreshments are permissible.*

*(b) Items with a value of less than \$5.00 do not count towards the annual limit.*

*(c) Providing pro bono services as defined by applicable state and local laws, rules, and regulations is permissible.*

*(d) The advertising of gratuities is prohibited.*

**NAC 656.320 Acceptance of work from firm; service in foreign jurisdiction.** (NRS 656.130, 656.250)

1. *Except as otherwise provided in subsection 2, [A] a* court reporter *or court reporting firm* shall not accept work or assignments from a firm that is not registered with the Board. A court reporter *or court reporting firm shall verify* ~~[may make inquiries to the Board to determine]~~ whether a firm is registered with the Board *prior to accepting work or assignments*.

2. A court reporter may provide service as a court reporter in any litigation that is commenced or maintained in a foreign jurisdiction if the court reporter complies with the requirements of the regulatory body that governs the practice of court reporting in the foreign jurisdiction.