

**REVISED ADOPTED REGULATION OF THE CERTIFIED
COURT REPORTERS' BOARD OF NEVADA**

LCB File No. R101-03

Effective February 18, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-15, 18, 21, 30-32, NRS 656.130; §16, NRS 656.130 and 656.200; §§19 and 20, NRS 656.200; §17, NRS 656.220; §§22-29, NRS 656.130 and 656.250.

Section 1. Chapter 656 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *“Complainant” means any person who submits a complaint to the Board regarding any act of a holder of a certificate.*

Sec. 3. *“Litigation” means:*

- 1. Any suit at law or in equity; or*
- 2. Any arbitration that is subject to judicial review.*

Sec. 4. *“Proceeding” means any hearing or other matter that is conducted or considered during litigation, including, but not limited to:*

- 1. Any final decision of an agency that is subject to judicial review pursuant to chapter 233B of NRS; and*
- 2. Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure.*

Sec. 5. *“Respondent” means a holder of a certificate who is charged in a formal or informal complaint with a violation of a provision of this chapter or chapter 656 of NRS.*

Sec. 6. 1. *A person may file an informal complaint with the Board or the Board may, on its own initiative, cause an informal complaint to be filed concerning the acts of or services provided by a holder of a certificate.*

2. Each informal complaint must be filed with the Board on a form provided by the Board. A complainant shall include in his informal complaint information that is sufficiently detailed so as to enable the Board to investigate and verify each accusation set forth in the informal complaint.

3. Upon receipt of an informal complaint, the staff of the Board shall examine the informal complaint to determine whether it:

- (a) Is within the jurisdiction of the Board;*
- (b) Has been properly verified; and*
- (c) Alleges sufficient facts to warrant further proceedings.*

4. If the staff of the Board determines that an informal complaint does not meet the requirements of subsection 3, the Board shall so inform the complainant by certified mail. If the staff of the Board determines that an informal complaint meets the requirements of subsection 3, the staff shall notify the respondent by certified mail. The notice must include:

- (a) A statement setting forth each violation of this chapter or chapter 656 of NRS alleged in the informal complaint;*
- (b) A copy of the informal complaint; and*
- (c) A request for a written response for review by the staff of the Board.*

5. The transmission of a notice pursuant to subsection 4 will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127. Upon receipt of a copy of an

informal complaint filed against him, the respondent shall submit to the Board a written response within 30 days after the service of the notice. The written response must:

(a) Address each allegation set forth in the informal complaint; and

(b) Be accompanied by all documentation that would be useful to the staff of the Board in its review.

6. Failure by a respondent to cooperate with the Board or the staff of the Board during an investigation of an informal complaint filed against the respondent, including, without limitation, failure by the respondent to respond in a timely manner regarding the informal complaint, is a ground for disciplinary action.

7. If a respondent fails to respond to an informal complaint pursuant to subsection 5, the respondent shall be deemed to have admitted each allegation set forth in the informal complaint. The Board may, based on such an admission, impose appropriate disciplinary action against the respondent.

8. If a respondent responds to an informal complaint pursuant to subsection 5, and the respondent admits each allegation set forth in the informal complaint and agrees to the imposition of the proposed disciplinary action, the Board shall consider the matter settled and will take no further action regarding the informal complaint.

Sec. 7. 1. *If a response is filed pursuant to subsection 5 of section 6 of this regulation and the Board does not settle the matter or impose disciplinary action against the respondent, the staff of the Board shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or any other qualified person in conducting the review and may take any other reasonable action required to further the review. After reviewing the informal complaint and the responses thereto, the staff of the Board may:*

(a) Investigate each allegation set forth in the informal complaint and employ any person required by the staff to further the investigation;

(b) Consult with a person who is an expert in an appropriate field, including, without limitation, employing such a person for the purpose of an investigation or hearing;

(c) Investigate any new information discovered or allegation made during the course of the investigation;

(d) Enlist the aid of a member of the Board or any other qualified person to conduct the investigation; and

(e) Take any other reasonable action required to further the investigation.

2. During an investigation of an informal complaint, the staff of the Board or any investigator employed by the staff may demand that the respondent produce his records or other evidence for inspection or copying, with or without notice to the respondent, and with or without a subpoena. A respondent shall not deny any such demand for records or other evidence if the record or evidence is not confidential as provided by law. If a respondent refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend the certificate of the respondent until he complies with the request. If the respondent continues to refuse or fail to comply with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

3. If the staff of the Board or any investigator employed by the staff determines that a record or other evidence is required for an investigation, the staff or investigator may copy the record or evidence. If the record or other evidence can be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to

the staff or investigator at that location. If a record or other evidence cannot be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator within 10 business days after the staff or investigator requests the record or evidence.

Sec. 8. 1. *When an investigation of an informal complaint is complete, the staff of the Board and any investigator employed by the staff shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and the investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the staff shall provide a written notice of that determination to the respondent and the complainant. If the staff and the investigator determine that an allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the Board or the legal counsel for the Board shall:*

(a) Offer to:

(1) Engage in mediation;

(2) Enter into a settlement agreement;

(3) Stipulate to any fact or to the existence or extent of any liability; or

(4) Conduct any informal hearing; or

(b) Prepare a notice of hearing and a formal complaint.

2. *The notice of hearing and the formal complaint prepared pursuant to subsection 1 must:*

(a) Set forth a plain statement of the facts asserted and any applicable provision of the statute or regulation allegedly violated by the respondent;

(b) Include the date, time and place for the hearing; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board participated in the investigation, by that member of the Board.

3. If a notice of hearing and a formal complaint are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the notice of hearing and formal complaint to the respondent named in the notice of hearing and formal complaint.

4. A respondent who receives a notice of hearing and a formal complaint pursuant to subsection 3 shall file an answer to the notice of hearing and the formal complaint not later than 15 days after the date of service of the notice of hearing and formal complaint. The answer must respond to each allegation and statement made in the notice of hearing and the formal complaint by admitting to or denying each allegation and statement. If the respondent fails to file an answer as required pursuant to this subsection, he shall be deemed to have admitted each allegation and statement set forth in the notice of hearing and the formal complaint. The Board may, based on such an admission, enter a finding and impose appropriate disciplinary action against the respondent in the same manner as if the allegation or statement had been proven by substantial evidence at a hearing held by the Board on the formal complaint.

5. Not later than 10 days after the respondent files an answer to a notice of hearing and a formal complaint pursuant to subsection 4, the respondent and the legal counsel for the Board shall exchange a list of the witnesses and any evidence that will be used at the hearing. A party may not present any testimony or other evidence obtained by the party after the date of the exchange required pursuant to this subsection unless the party demonstrates to the Board that:

(a) The evidence or witness providing the testimony was not available upon diligent investigation before the date the exchange was required; and

(b) The evidence or the name of the witness was given or communicated to the other party immediately after it was obtained.

6. The Board may join two or more formal complaints into a single formal complaint if:

(a) The causes of action set forth in each formal complaint are against the same person and allege the same or substantially similar violations of statutes or regulations; and

(b) The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.

Sec. 9. NAC 656.010 is hereby amended to read as follows:

656.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 656.020 to 656.060, inclusive, *and sections 2 to 5, inclusive, of this regulation,* have the meanings ascribed to them in those sections.

Sec. 10. NAC 656.100 is hereby amended to read as follows:

656.100 1. ~~[An application for a certificate must be submitted to the Certified Court Reporters' Board of Nevada, P.O. Box 237, Las Vegas, Nevada 89125-0237.~~

~~—2.]~~ The Board will consider applications for *certificates for* the immediately succeeding examination. The Executive Secretary of the Board shall establish a deadline for submission of applications at least 30 days before the examination for certification is administered. If an application is postmarked after the deadline, the Executive Secretary of the Board shall return the application to the applicant and the applicant is ineligible to take the examination.

~~{3.}~~ 2. An application must be submitted to the Board in its original form. If an applicant submits an application that is photocopied, the Executive Secretary of the Board shall return the application to the applicant and the applicant is ineligible to take the examination.

~~{4.}~~ 3. All questions on the application must be completed. If an application is incomplete, the Executive Secretary of the Board shall return the application to the applicant. An applicant whose application is returned because it is incomplete may resubmit his application if the application that is resubmitted is postmarked on or before the date of the deadline.

~~{5.}~~ 4. All evidence required by NRS 656.170 must be included with the application. The Board will not accept an application without the evidence unless the applicant receives approval from the Board before he submits his application.

~~{6.}~~ 5. An application must include a photocopy of a picture identification of the applicant.

~~{7.}~~ 6. If the fee accompanying the application is in the form of a check and the check is returned by the bank, the applicant must immediately submit a money order to the Board. If the applicant does not submit a money order in a timely manner, the Executive Secretary of the Board may deny the applicant:

- (a) Admission to the examination;
- (b) The results of his examination; or
- (c) A certificate.

~~{8.}~~ 7. An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground for denial, suspension or revocation of a certificate pursuant to NRS 656.240. The signature of the applicant attests to the accuracy of all information provided by the applicant,

including, but not limited to, the information contained in the application and all other evidence and information accompanying the application.

~~{9}~~ 8. If the Board rejects an application, the Board will include a letter that explains the reason for the rejection.

~~{10}~~ 9. If the Board approves an application, the Executive Secretary of the Board shall mail to the applicant a letter of admission to the examination.

Sec. 11. NAC 656.120 is hereby amended to read as follows:

656.120 1. The Executive Secretary of the Board shall assign a unique identification number to each application that is approved by the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his application ~~{H}~~ *and by signing the sheet for registration provided by the Board.* The Board or a member of the staff of the Board will open the examination room on the day of the examination at 8 a.m. for registration. The Board or a member of the staff of the Board will provide a seat for the applicant in the examination room according to the identification number that is assigned to his application.

2. ~~{The Chairman}~~ *A member* of the Board shall give oral instructions and remarks of introduction at approximately 9 a.m. on the day of the examination. Unless special arrangements are made pursuant to subsection 7 or 8, all applicants shall register and be present for the oral instructions and remarks of introduction.

3. The Board will administer two sections of the examination. An applicant who takes the examination for the first time must complete both sections of the examination. The name of the applicant or his identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

4. The examination of an applicant and all other material relating to the examination must not be removed from the examination room during the administration of the examination. If an applicant removes the examination or material relating to the examination, the Board will fail the applicant for the purposes of the current application and will, if deemed appropriate by the Board, disqualify the applicant from participation in future examinations. After an applicant completes the examination, he shall return the examination and material to the registration desk.

5. An applicant shall not:

(a) Ask questions during the examination except for questions that are necessary for clarification of the examination; or

(b) Leave the room in which the examination is administered without permission from a person who is monitoring the examination or a member of the staff of the Board who is present at the registration desk.

6. An applicant shall bring to the examination room a pen or pencil, ~~[a typewriter and]~~ stenographic equipment ~~[.]~~ *and any other equipment required by the Board*. The Board will provide paper for transcription. The Board will not:

(a) Provide ~~[ribbons for typewriters, typewriters or]~~ stenographic *or any other* equipment.

(b) Replace equipment for an applicant if his equipment malfunctions during the examination.

7. Upon the written request of an applicant with a disability at least 10 working days before the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if ~~[such]~~ *those* arrangements are:

(a) Feasible;

(b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

8. Upon the request of an applicant whose religious beliefs prevent him from taking the examination on the date of the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if the request is made before the date of the examination.

9. If an applicant cheats on the examination, the Board will expel the applicant from the examination room and fail the applicant.

10. Questions concerning the administration, procedure or content of the examination must be submitted to the ~~[Chairman of the Board at the Certified Court Reporters' Board of Nevada, P.O. Box 237, Las Vegas, Nevada 89125-0237.]~~ **Board.**

Sec. 12. NAC 656.130 is hereby amended to read as follows:

656.130 1. After the presentation of the oral instructions and remarks of introduction by ~~[the Chairman]~~ **a member** of the Board, the Board will provide for the administration of the written section of the examination. Unless special arrangements are made pursuant to subsection 7 of NAC 656.120, the Board will give an applicant 1 hour and 45 minutes to complete the written section. A grade of at least 70 percent is required to pass the written section.

2. The written section of the examination consists of not less than 150 and not more than 200 questions that test the knowledge of the applicant in:

- (a) Vocabulary;
- (b) Punctuation;
- (c) Grammar;
- (d) Spelling;

- (e) Medical terminology;
- (f) Legal terminology;
- (g) The provisions of the Nevada Rules of Civil Procedure relating to the practice of court reporting; ~~and~~
- (h) The provisions of the Supreme Court Rules relating to the practice of court reporting ~~and~~;
and
- (i) Any other subject relating to the duties of a court reporter specified by the Board.*

↪ The Executive Secretary of the Board shall include material to prepare for the written section of the examination in the letter of admittance to the examination mailed to the applicant.

3. An applicant shall not refer to or otherwise use books, papers or other material during the written section of the examination. All books, papers and other such material must be placed on the floor during the examination.

Sec. 13. NAC 656.140 is hereby amended to read as follows:

656.140 1. After the administration of the written section of the examination, the Board will administer the section of the examination that tests the ability of the applicant to transcribe. Before the section on transcription, an applicant will have a warm-up period of approximately 3 minutes to establish voice familiarity and clarity. An accuracy of 97.5 percent is required to pass the section on transcription.

2. The section on transcription consists of ~~four voice live~~ dictation of not less than 200 nor more than 225 words per minute. ~~Each dictation is 12 minutes, of which 2 minutes is designated as lead-in time. Before the first~~ *Before* dictation begins, the Board will provide to each applicant a glossary of proper names for use during the examination.

3. After completion of the dictation, the applicant shall transcribe the dictation. Unless special arrangements are made pursuant to subsection 7 of NAC 656.120, the Board will give each applicant 3 hours to complete the transcription. An applicant may use a dictionary. If an applicant elects not to complete the section on transcription, he must sign an affidavit acknowledging that he forfeits the examination. An applicant who signs such an affidavit shall turn in all notes taken by him during the examination and include on the notes his name, the date and the identification number assigned to him.

4. An applicant shall prepare the transcription *in the manner prescribed* by ~~[typewriter. An]~~ *the Board. In preparing the transcript, the* applicant shall not use ~~[an]~~ *handwriting or any* electronic *recording* device. ~~[that records or handwriting to prepare the transcript. If an applicant uses a typewriter that has the capacity to check spelling, the applicant must turn off or otherwise disable that capacity of the typewriter. After an applicant completes the transcription, he shall turn in all discs, tapes and other electronic recordings of the transcription. If the applicant uses a typewriter that has the capacity to preserve the transcription of the applicant, the applicant must delete or erase the transcription after he completes the examination.]~~

5. The Board will count each of the following as one error on the section on transcription:

- (a) One wrong word;
- (b) Misuse of the singular or plural of a word;
- (c) Misuse of the present or past tense of a word;
- (d) Omission of a word;
- (e) Addition of a word;
- (f) Transposition of a word;

(g) A word that is spelled incorrectly, including, but not limited to, typographical errors and keyboard errors;

(h) A name that is wrong;

(i) A period that is omitted or placed incorrectly;

(j) A question mark that is omitted or placed incorrectly;

(k) A contraction of a word that is incorrectly typed as two words;

(l) Two words that are incorrectly typed as a contraction;

(m) Omission of a question or answer;

(n) A number or figure that is incorrectly typed; and

(o) A capital letter that is omitted if the Board determines that the capitalization is necessary.

6. The Board will not count the following as errors on the section on transcription:

(a) Punctuation that is included if the Board determines that the punctuation is optional;

(b) Words that are incorrectly capitalized if the Board determines that the capitalization is optional;

(c) Use of paragraphs;

(d) Crossing out words by use of a typewriter;

(e) Typing dates with the use of ordinal or cardinal numbers;

(f) Errors in the use of spacing; or

(g) Use of hyphenation, including, but not limited to, compound words.

Sec. 14. NAC 656.150 is hereby amended to read as follows:

656.150 1. Not more than 8 weeks after the administration of the examination, the *Board will, at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the* Chairman of the

Board shall provide official written notice to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.

2. After the Chairman of the Board provides official notice of the results of the examinations, a successful applicant may submit an application for a certificate on a form provided by the Board. The application must include:

- (a) The fee required by NAC 656.200 for *the* original issuance of a certificate;
- (b) The residential address and telephone number of the applicant;
- (c) The business address and telephone number, if any, of the applicant;
- (d) The date on which the applicant successfully passed the examination;
- (e) In accordance with NRS 656.155, the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520; and
- (f) Complete answers to the questions contained on the ~~[back of the]~~ form.

↳ Upon receipt of a complete application, the Board will process an application for a certificate.

3. A successful applicant shall not practice court reporting in this state until he receives a certificate from the Board.

4. An applicant may submit a written request to the Board to review his examination. Upon *receipt of* such a request, the Board will provide a copy of the section on transcription if the applicant pays the Board for the actual expenses incurred by the Board in photocopying the examination and mailing the examination to the applicant. An applicant may , *within 45 days after the Board certifies the score of the applicant pursuant to subsection 1*, review the written section of the examination at the office of the Board. The Board will not mail the written section of the examination to an applicant. *An applicant may not copy or otherwise reproduce the written section of the examination.*

Sec. 15. NAC 656.160 is hereby amended to read as follows:

656.160 1. If an applicant fails one or both sections of the examination, he is ineligible for a certificate. Such an applicant may retake the examination if he submits an application and the fee required for examination to the Board.

2. An applicant who failed one section of the examination may retake the section that he failed during the examination that is administered immediately succeeding the examination that he failed. Such an applicant is required to be present for the oral instructions and remarks of introduction by ~~[the Chairman]~~ *a member* of the Board, but is not required to be present for the section of the examination that he passed.

Sec. 16. NAC 656.170 is hereby amended to read as follows:

656.170 1. A court reporter who is current in the fees required by the Board and the requirements of continuing education may submit an application in a form prescribed by the Board to place his certificate on inactive status. A court reporter whose certificate is on inactive status shall pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.

2. A court reporter whose certificate ~~[is]~~ *has been* on inactive status *for less than 5 years* may reactivate his certificate if he pays the fee for renewal of a certificate and ~~[demonstrates to the Board that he possesses the skills necessary for certification as a court reporter. The]~~ *complies with the requirements for continuing education for the year in which he reactivates his certificate.*

3. *If the certificate of a court reporter has been on inactive status for 5 years or more, the Board may, in addition to requiring the applicant to comply with the provisions of subsection 2, require the applicant to do one or any combination of the following:*

- (a) Take the written section or the section on transcription of the examination, or both.
- (b) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that his certificate was on inactive status, submit proof of such practice.
- (c) Submit *any other* proof ~~[of his compliance with the requirements for continuing education.~~
- ~~—(d) Submit other proof]~~ that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.

Sec. 17. NAC 656.200 is hereby amended to read as follows:

656.200 The following fees must be paid:

- 1. For the original issuance of a certificate..... ~~[\$100]~~ *\$150*
- 2. For the annual renewal of a certificate..... ~~[\$100]~~ *\$150*

Sec. 18. NAC 656.205 is hereby amended to read as follows:

656.205 ~~[1.]~~ A court reporter shall possess basic understanding and knowledge of the statutes, regulations and court rules governing the practice of court reporting in this state. ~~[A court reporter may obtain a booklet from the Board that contains the applicable statutes, regulations and court rules upon the payment of \$10 to the Board.~~

~~2.— In addition to the requirements of continuing education, the Board encourages each court reporter to maintain his competence by learning of technological advances and developments in the field of court reporting.]~~ *The statutes and regulations governing the practice of court reporting in this state may be obtained at the Internet addresses*

<<http://www.leg.state.nv.us/nrs>> and <<http://www.leg.state.nv.us/nac>>, respectively.

Sec. 19. NAC 656.210 is hereby amended to read as follows:

656.210 1. ~~{Except as otherwise provided in subsection 2, each}~~ *Each* court reporter shall ~~{annually}~~, *every 2 years*, complete at least ~~{5}~~ *15* hours of continuing education relating to the practice of court reporting.

2. ~~{A court reporter who earns more than 5 hours of credit}~~ *Credit* for continuing education ~~{in any licensing year may carry forward the excess credit and apply it to the educational requirements for the next licensing year. No more than 5 hours of credit}~~ may *not* be carried forward ~~{to the next licensing}~~ *for any* year.

Sec. 20. NAC 656.230 is hereby amended to read as follows:

656.230 1. ~~{The}~~ *If a court reporter fails to complete and return the form required pursuant to NAC 656.220, the* Board will, on or before June ~~{15}~~ *1*, provide written notice of noncompliance, by certified or registered mail, to the last known address of ~~{a}~~ *the* court reporter ~~. {who failed timely to file the compliance form.}~~

2. The notice of noncompliance must contain:

(a) A statement explaining the manner in which the court reporter failed to comply with the requirements for continuing education;

(b) A notice that the court reporter shall, on or before ~~{September 15}~~ *June 30*, file with the Board a compliance form showing that he has cured the failure specified; and

(c) A notice which specifies the consequences provided in subsection 3 for failure to file the form by ~~{September 15}~~ *June 30*.

3. The Board may suspend or revoke the certificate of a court reporter who fails to file a report of compliance by ~~{September 15}~~ *June 30*. Reinstatement of a certificate may be conditioned upon one or both of the following:

(a) Proof of compliance with the requirements for continuing education.

(b) The passage of the written exam required pursuant to NRS 656.160.

Sec. 21. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that practices court reporting in this state must complete a form for registration provided by the Board and file the form with the Executive Secretary of the Board.

The form for registration must include:

(a) The business address of the firm ~~[:]~~ *in this state;*

(b) The residential address of each owner of the firm;

(c) If applicable, a copy of each certificate filed pursuant to chapter 602 of NRS to do business under an assumed or fictitious name;

(d) Copies of all business licenses issued to the firm by a local government ~~[:]~~ *in this state;*
and

(e) All other documents, reports and other information required by the Board.

2. Upon receipt of a completed form for registration, the Executive Secretary of the Board shall issue to the firm a certificate of registration.

3. If a change in the ownership of a firm occurs or other change in the information provided in the form for registration occurs, the firm shall file an amended form for registration with the Executive Secretary of the Board not more than ~~[10]~~ *30* days after the change occurs.

Sec. 22. NAC 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in this ~~[subsection.]~~ *section*, a court reporter shall not provide services as a court reporter in a proceeding if the court reporter ~~[has a relationship with] :~~

(a) Is an employee or independent contractor of a party to the proceeding ~~[:]~~ *or* an attorney who represents a party to the proceeding ~~[or a witness who provides testimony in the proceeding]~~

~~if the provision of services by the court reporter reasonably gives the appearance of partiality and unfairness. As soon as practicable after]~~ ;

(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 ~~[subsection,] section~~, the court reporter shall ~~[notify]~~ disclose the conflict of interest or potential conflict of interest to each party ~~[or attorney who represents a party and the judge or arbiter presiding over the proceeding of the conflict of interest or potential conflict of interest.] who is present at the commencement of the proceeding.~~* After the disclosure, the court reporter may provide services as a court reporter in ~~[a]~~ *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.

~~[2.- A]~~

3. *If a court reporter ~~[shall provide uniform service to all persons involved in a proceeding, including, but not limited to, providing uniform price and quality for comparable service. —3.] 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.)

↳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. Except as otherwise provided in this subsection, a court reporter **or firm** shall not give, directly or indirectly, a gift, incentive, reward ~~[, referral fee, rebate or item]~~ **or other thing** of value to ~~[attorneys, parties or the employees or agents of attorneys or parties. For each proceeding in which a]~~ **an attorney, client, witness, insurance company or any other person associated with any litigation in which the** court reporter provides service as a court reporter. ~~↳~~ **A court reporter may give items that do not exceed ~~[\$25 in value, except that a court reporter shall not give more than]~~ \$100 per year to ~~[a party,]~~ **such** an attorney ~~[who represents a party or an employee or agent of a party or attorney.]~~ **, client, witness, insurance company or person.*****

Sec. 23. NAC 656.320 is hereby amended to read as follows:

656.320 1. A court reporter shall not accept work or assignments from a firm that is ~~[engaged in the practice of court reporting if the owner of the firm is not a court reporter.]~~ **not**

registered with the Board. A court reporter may make inquiries to the Board to determine whether ~~[an owner of]~~ a firm is ~~[a court reporter.]~~ *registered with the Board.*

2. A court reporter may provide service as a court reporter in ~~[a proceeding]~~ *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.

Sec. 24. NAC 656.330 is hereby amended to read as follows:

656.330 **1.** A court reporter *or firm* shall not :

(a) *Provide or arrange for the provision of services if he is financially interested in the litigation;*

(b) *Enter into or arrange a financial relationship that:*

(1) *Compromises the impartiality of the court reporter; or*

(2) *Creates or may create the appearance that the impartiality of the court reporter has been compromised;*

(c) *Enter into any contract or other agreement to provide services that restricts the ability of an attorney or party to repudiate the contract or agreement;*

(d) *Allow a person, other than the court reporter or firm, to establish the rates charged by the court reporter or firm; or*

(e) *Except as otherwise provided in subsection 2,* enter into a contract or other agreement with a person or entity to provide ongoing services as a court reporter or ongoing services which ~~[are incidental]~~ *relate* to the practice of court reporting ~~[for an action that is not pending before a court or administrative agency. This subsection does]~~ *if:*

(1) *The ongoing services relate to litigation that has not been commenced;*

(2) The impartiality of the court reporter or firm may be reasonably questioned;

(3) The court reporter or firm is required to relinquish control of an original transcript of a deposition and copies of that transcript before the transcript is certified and delivered in accordance with NAC 656.370; or

(4) The provisions of the contract or agreement confer or appear to confer an unfair advantage upon a party.

2. The provisions of paragraph (e) of subsection 1 do not apply to:

~~{1.}~~ (a) The provision of services to a governmental body;

~~{2.}~~ or

(b) A court reporter who agrees to provide services for a ~~{single proceeding before the commencement of litigation; or~~

~~—3.—A court reporter who agrees to provide services for a}~~ matter that is not related to litigation.

Sec. 25. NAC 656.350 is hereby amended to read as follows:

656.350 1. Except as otherwise provided in this subsection, a court reporter who provides services as a court reporter shall treat all words spoken during a proceeding to be on the record and shall accurately report all words spoken during the proceeding. This subsection does not apply if the judge or arbiter presiding over the proceeding instructs otherwise ~~{or}~~ *and* if each party to the proceeding or his attorney stipulates otherwise. ~~{Before the commencement of a proceeding, a court reporter may request each party to the proceeding or his attorney to stipulate that, if one}~~ *Except as otherwise provided in Rule 30(d) of the Nevada Rules of Civil Procedure, during the proceeding, if a* party or his attorney instructs the court reporter to go off

the record, the court reporter ~~will~~ *shall* stop reporting unless another party or his attorney makes an immediate objection to the instruction.

2. A court reporter shall not alter the record of a proceeding unless:

(a) Each party to the proceeding or his attorney ~~signs a stipulation for~~ *stipulates to* the alteration; ~~for~~ *and*

(b) The judge or arbiter presiding over the proceeding orders the alteration.

Sec. 26. NAC 656.360 is hereby amended to read as follows:

656.360 Except as otherwise provided by statute, an order of a court or a rule of a court, a court reporter shall prepare each transcript of a proceeding in accordance with the following guidelines:

1. The transcript must be prepared on pages which are 8 1/2 by 11 inches in size.
2. The left margin must not be more than 1 3/4 inches from the left edge of the paper, and the right margin must not be more than ~~3/8~~ *3/4* of an inch from the right edge of the paper.
3. Each page must contain at least 25 lines of type.
4. The type pitch must not be less than 9 characters per inch and not more than 10 characters per inch.
5. Each question and answer must begin on a separate line.
6. The first line of a question or answer must be indented not more than five spaces from the left margin.
7. If a question or answer ~~takes~~ *requires* more than one line, each line after the first line must begin at the left margin.
8. The first line of a paragraph or other material must begin not more than 10 spaces from the left margin.

9. After the first line, each line of a paragraph or other material must begin at the left margin.

10. Each line of a parenthetical or marking for an exhibit must begin not more than 15 spaces from the left margin.

Sec. 27. NAC 656.370 is hereby amended to read as follows:

656.370 1. ~~[A]~~ *Unless the manner of delivering the original transcript of a deposition is otherwise approved by the parties to a proceeding, a court reporter shall ~~deliver a~~, in accordance with any applicable statute, rule, order, custom or practice:*

(a) Deliver the original transcript of a ~~proceeding to each~~ deposition to the party who orders ~~an original or~~ the original; and

(b) Deliver a copy ~~in a timely manner and in accordance with any applicable statute, rule, order, custom or practice.~~ of the transcript to each party who orders such a copy. A court reporter shall not prepare more than one original transcript of a deposition.

2. If a court reporter receives a request for a transcript of a proceeding or a portion of a transcript of a proceeding, the court reporter shall take reasonable steps to notify each party to the proceeding or each attorney who represents a party to the proceeding of the request in a timely manner that allows a party or his attorney to order a copy of the transcript that was requested.

Sec. 28. NAC 656.380 is hereby amended to read as follows:

656.380 A court reporter shall preserve the confidentiality and ensure the security of all written and oral information that is entrusted to the court reporter by the parties to a proceeding pursuant to a stipulation entered into the record or attached to the record. Except as otherwise provided by statute, if the parties have not entered into a stipulation concerning the

confidentiality of information, the court reporter ~~[shall deem]~~ *is not required to preserve the confidentiality of* the transcript of the proceeding ~~[a public record.]~~ *pursuant to this section.*

Sec. 29. NAC 656.390 is hereby amended to read as follows:

656.390 1. For ~~[each]~~ *all litigation and any* proceeding *conducted during that litigation* in which a court reporter provides service as a court reporter, he shall establish his fees for:

- (a) Attending ~~[the]~~ *each* proceeding.
- (b) Preparing an original transcript of ~~[the]~~ *each* proceeding.
- (c) Preparing a copy of ~~[the]~~ *each* transcript.
- (d) Preparing a computer disc of ~~[the]~~ *each* transcript.
- (e) Preparing a portion of ~~[the]~~ *each* transcript.
- (f) Assembling and copying exhibits that are identified in ~~[the]~~ *each* proceeding.
- (g) Any other service he provides as a court reporter during the litigation or proceeding.*

2. After establishing his fees pursuant to subsection 1, a court reporter shall charge the same fee *and provide uniform service* to each ~~[person]~~ *party to the litigation or proceeding* who requests a service listed in that subsection.

3. Upon request, a court reporter shall provide to each party to ~~[a proceeding]~~ *any litigation* or his attorney an itemized statement of all rates and charges for services that have been provided by the court reporter in the ~~[proceeding]~~ *litigation* or services that the court reporter will provide before the completion of the ~~[proceeding.]~~ *litigation.*

Sec. 30. NAC 656.410 is hereby amended to read as follows:

656.410 *1.* The Board will interpret the requirement contained in NRS 656.335 as authorizing a court reporter to retain computer discs, cartridges and other electronic means of storing data in lieu of retaining the paper notes of the court reporter.

2. Any notes stored by electronic means pursuant to subsection 1 must be retained in at least two forms for the period prescribed in NRS 656.335.

Sec. 31. NAC 656.460 is hereby amended to read as follows:

656.460 1. Upon the request of the Board, the ~~{Executive Secretary}~~ *member* of the Board *who presides at the hearing* or the Attorney General who represents the Board shall present the evidence against the ~~{accused}~~ *respondent* at the hearing.

2. A member of the Board who ~~{is}~~ :

(a) *Is* a relative by blood or marriage ~~{or has}~~ *to the respondent;*

(b) *Has* a business relationship with the ~~{accused}~~ *respondent; or*

(c) *Participated in the investigation of the respondent,*

↪ shall not participate in the hearing, and the Chairman of the Board shall immediately notify the Governor to appoint an additional member of the Board to take the place of the member for participation in the hearing.

Sec. 32. NAC 656.260 and 656.450 are hereby repealed.

TEXT OF REPEALED SECTIONS

656.260 Name of firm. The name of a professional corporation that practices court reporting must contain the last name of one or more of the current shareholders of the

corporation. A sole proprietorship or professional corporation that practices court reporting may file a certificate pursuant to chapter 602 of NRS to do business under an assumed or fictitious name.

656.450 Investigation; notice and answer; setting of hearing.

1. Upon the request of the Board, the Executive Secretary of the Board shall conduct an investigation pursuant to subsection 1 of NRS 656.280.

2. If the Board serves notice on an accused pursuant to subsection 2 of NRS 656.280, the notice must include the time and date of the hearing and inform the accused that the Board will require an answer from the accused to the charges made. The accused shall deliver the answer personally or by mail not more than 10 days after receipt of the notice. The answer may include exhibits that the accused considers necessary.

3. The Executive Secretary of the Board shall set the time and place for the hearing in accordance with subsection 3 of NRS 656.280. The Executive Secretary shall consider the:

- (a) Convenience of the members of the Board, the Executive Secretary, the Attorney General who represents the Board and the accused;
- (b) Number of witnesses; and
- (c) Type and amount of evidence that will be presented.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R101-03**

The Certified Court Reporters' Board of Nevada adopted regulations assigned LCB File No. R101-03 which pertain to chapter 656 of the Nevada Administrative Code on October 24, 2003.

Notice date: 1/21/03, 2/21/03, 3/14/03, 9/24/03 **Date of adoption by agency:** 10/24/2003
Hearing date: 2/6/03, 3/12/03, 4/11/03, 10/24/03 **Filing date:** 2/18/2004

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Public comment on the proposed rules was solicited on posted notices including copies to the main library in each county, faxes and direct mail to persons on the board mailing list. Copies are available upon request from the agency.

There was no "written" public response expressed in opposition relative to this proposed regulation, was received prior to either workshop or hearing.

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 656, was sent all court reporters (450) in their annual renewal notice, faxed or mailed to all registered firms, the AG office and all libraries in each county. A workshop was conducted on February 6, 2003, at the Peppermill Resort in Reno, to provide the opportunity for comments by affected parties and the public. Twelve people from the public commented on the proposed regulations. Comments were in correlation to retention of notes, continuing education requirements and conflict of interest regulations. A second workshop/hearing was conducted on March 14, 2003, at the Nevada State Contractors Board in Las Vegas. Comment was received from fourteen people of the general public. All comments at both workshops were received and used for the language in our final draft.

The Notice of Intent to Act Upon a Regulation for the public hearing for Board adoption of regulation language, was sent all court reporters (450) in their annual renewal notice, faxed or mailed to all registered firms, the AG office and all libraries in each county. The first public hearing was held at the same time as the workshop in Las Vegas on March 14, 2003. Another public hearing was conducted on April 11, 2003, at the Peppermill Resort in Reno, to provide the opportunity for comments by affected parties and the public. There were no comments from the public. No written comment from the public were received. The Board adopted the permanent language with the revisions requested at the March 14, 2003 meeting.

2. The number of persons who:

(a) Attended each hearing:	Workshop: 32	4/11/03 Hearing: 2
		10/24/03: 8

