

Chapter 656 of NAC

LCB File No. T013-08

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

Filed with the Secretary of State on December 19, 2008.

Added language is in *bold italics*; deleted language is in brackets ~~omitted material~~

GENERAL PROVISIONS

NAC 656.035 "Complainant" defined. (NRS 656.130) "Complainant" means any person who submits a *written* complaint to the Board regarding any act of a holder of a certificate.

NAC 656.065 "Proceeding defined. (NRS 656.130) "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~~ *or*
2. Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure; *and*
3. *All matters subject to judicial review.*

NAC 656.XXX (NRS 656.130) "Court reporting services" means;

1. *Services provided by court reporters for compensation; or*
2. *Pro Bono services provided by court reporters.*

NAC 656.XXX (NRS 656.130) "Non-certified court reporter" means a court reporter who has not been issued a certificate by the State of Nevada Court Reporters Board.

NAC 656.XXX Advisory opinion defined. (NRS 233b) "Advisory Opinion" means an interpretation by the Board or a member of its staff of the law without binding effect.

CERTIFICATION

NAC 656.120 Examination: Administration. (NRS 656.130, 656.160)

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 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. 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. *Late arrivals may not be admitted to the exam.*

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, stenographic equipment and any other equipment required by the Board. The Board will provide paper for transcription. The Board will not:

(a) Provide 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 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 Board.

NAC 656.170 Placement of certificate on inactive status; reactivation of certificate. (NRS 656.130, 656.200)

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 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 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 that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.
- 4. Unless otherwise instructed by the Board, a court reporter who is placed on inactive status will produce certified transcripts of those proceedings which took place while the reporter's certificate was valid.***

NAC 656.180 Voluntary surrender of certificate. (NRS 656.130)

- 1.*** A court reporter may voluntarily surrender his certificate to the Board if he provides written notice to the Board of the surrender. The Executive Secretary of the Board shall make a notation in the records of the Board that the certificate was voluntarily surrendered. If a person who voluntarily surrenders his certificate desires to practice court reporting, he must submit an application to the Board pursuant to NRS 656.150 and NAC 656.100.
- 2. Unless otherwise instructed by the Board, a court reporter who voluntarily surrenders his or her certificate will produce certified transcripts of those proceedings which took place while the reporter's certificate was valid.***

NAC 656.XXX Production of certified transcripts upon suspension or revocation of certificate (NRS 656.130, NRS 656.250) Upon suspension or revocation of a court reporter's certificate, the court reporter may be required to produce certified transcripts of those proceedings which took place while the reporter's certificate was valid. The Board will make the determination on a case-by-case basis.

CONTINUING EDUCATION

NAC 656.210 Required hours; applicability of credit. (NRS 656.130, 656.200)

1. Each court reporter shall, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting.

2. Credit for continuing education may not be carried forward for any ~~{year}~~ *reporting period*.

NAC 656.240 Accreditation of program or course of study; determination of hours of credit; approval of course of study. (NRS 656.130, 656.200)

1. A sponsor of a program or course of study for continuing education may submit to the Board, on a form provided by the Board, a request for accreditation of the program or course. The form may be submitted either before or after the program or course has been offered.

2. A court reporter who attends a course of instruction not accredited by the Board may submit, on a form provided by the Board, a request for accreditation of the course.

3. The Board will determine whether programs or courses of study offered by a sponsor or taken by a court reporter are to receive accreditation, and the Board will set forth the terms and conditions for the accreditation of the programs or courses of study.

4. The Board will determine the number of hours of credit each participant is entitled to receive for attendance or participation in a program or course of study.

5. The Board will approve courses of study on an annual basis.

6. To be approved, a course of study must directly relate to the skills and knowledge required to engage competently in the practice of court reporting *and may be made available to all court reporters*. Such courses of study may relate to:

(a) Strengthening the participant's understanding of the English language, including, but not limited to, the following areas:

(1) Reading;

(2) Spelling;

(3) Vocabulary; and

(4) Medical and legal terminology;

(b) Increasing speed;

(c) Technological advances in the field of court reporting;

(d) Current statutes, rules and regulations concerning the practice of court reporting;

(e) Ethics and professionalism in the field of court reporting;

(f) Substance abuse;

(g) Management of the business affairs and the economics of court reporting; or

(h) Any other subject which the Board determines to be appropriate.

7. A court reporter who completes a program or course of study offered or approved by the National Court Reporters Association or a sponsor designated or approved by the Board as an accredited sponsor is entitled to receive credit for continuing education.

PRACTICE BY FIRM

NAC 656.270 Compliance with certain provisions; application of certain statutes and regulations. (NRS 656.130)

1. Each firm that is registered with the Board shall comply with the statutes, regulations, rules and standards of conduct that are applicable to court reporters.

2. The Board will apply the statutes and regulations governing court reporters, including, but not limited to suspension or revocation of a certificate *or license*, to a firm, in the same manner as the Board applies those statutes and regulations to court reporters. The provisions of this

subsection do not negate an independent contractual relationship between a court reporter and a firm.

PROFESSIONAL CONDUCT

NAC 656.300 Scope; violation of provisions. (NRS 656.130, 656.250) The provisions of NAC 656.300 to 656.390, inclusive, constitute the standards of conduct that a court reporter, *court reporting firm or designated representative of a court reporting firm* shall follow while he is engaged in the practice of court reporting. A violation of the provisions of NAC 656.300 to 656.390, inclusive, constitutes unprofessional conduct as that term is used in subsection 10 of NRS 656.250 and is a ground for disciplinary action by the Board.

MISCELLANEOUS PROVISIONS

NAC 656.400 Cooperation with organizations that provide legal services to indigents. (NRS 656.130) The Board encourages each court reporter to cooperate with organizations that provide legal services to indigents *as defined in but not limited to NRS Chapter 12*.

NAC 656.XXX Advisory opinion: Request for issuance; action by Board (NRS 233B.120, NRS 656.130)

- 1. Except as otherwise provided in subsection 3, a person may request that the Board issue an advisory opinion concerning the applicability of a statute, regulation or decision of the Board.*
- 2. A request for an advisory opinion must be in writing and set forth:
 - a) The name and address of the person requesting the advisory opinion;*
 - b) A clear and concise statement of the specific question for which the advisory opinion is being sought; and*
 - c) A statement of the facts that support the advisory opinion being sought.**
- 3. A person may not request an advisory opinion concerning a question or matter that is an issue in a pending administrative, civil or criminal proceeding.*
- 4. The Board will review a request for an advisory opinion and issue a response within 30 days after receiving the request as to whether the Board will proceed with the advisory opinion.*
- 5. An advisory opinion issued by the Board will be limited to the facts and circumstances set forth in the request.*
- 6. The Board or its staff will not render an oral advisory opinion to a request for an advisory opinion. An oral response, including, without limitation, a response given over the telephone, by a member of the staff of the Board is not a decision or an official advisory opinion of the Board.*
- 7. The Board may review any advisory opinion on its own motion and adopt, modify, or reject it in whole or in part.*

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T013-08**

The Certified Court Reporters' Board of Nevada adopted temporary regulations assigned LCB File No. T013-08 which pertain to chapter 656 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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

Notice of public hearing for adoption of temporary regulations for the state of Nevada Certified Court Reporters Board was noticed on August 20, 2008 at the following locations:

Certified Court Reporters Board 500 N. Rainbow Boulevard, #300 Las Vegas, NV 89107	8th Judicial District Court 200 Lewis Avenue Las Vegas, NV 89155	2nd Judicial District Court 75 Court Street Reno, NV 89520
Office of the Attorney General 885 East Musser Street, #2030 Carson City, NV 89701	Grant Sawyer Building 555 E. Washington Avenue Las Vegas, NV 89101	Carson City Library 900 N Roop Street Carson City, NV 89702
Churchill County Library 553 South Main Street Fallon, NV 89406	Clark County District Library 833 Las Vegas Boulevard Las Vegas, NV 89101	Douglas County Library 1625 Library Lane Minden, NV 89423
Elko County Library 720 Court Street Elko, NV 89801	Esmeralda County Library Corner of Crook & 4 th Streets Goldfield, NV 89013	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lander County Library 625 S Broad Street Battle Mountain, NV 89820	Lincoln County Library 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447
Mineral County Public Library 110 1st Street Hawthorne, NV 89415	Pershing County Library 1125 Central Avenue Lovelock, NV 89419	Storey County Public Library 95 South R Street Virginia City, NV 89440
Tonopah Public Library 167 Central Street Tonopah, NV 89049	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301

Notice of the workshops and adoption meeting instructed interested persons of the public to contact Debbie Uehara at the Nevada Certified Court Reporters Board at 702-448-8140 to obtain copies of the comment summaries.

2. **A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed temporary regulations.**

Reno Workshop – September 10, 2008

Number of persons who attended: 13

Number of persons who testified: 6

Number of written comments: 3

Las Vegas Workshop – September 24, 2008

Number of persons who attended: 25

Number of persons who testified: 10

Number of written comments: 1

Las Vegas Adoption – September 24, 2008

Number of persons who attended: 25

Number of persons who testified: 0

Number of written comments: 0

3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how interested persons may obtain a copy of the summary.**

Notices of the workshop and adoption meeting to solicit comments were sent out to each active and inactive court reporter and designated firm representative registered with the Nevada Certified Court Reporters Board. Notice of the workshops and adoption meeting instructed interested persons of the public to contact Debbie Uehara at the Nevada Certified Court Reporters Board at 702-448-8140 to obtain copies of the comment summaries.

4. **If the temporary regulation was adopted without changing any part of the proposed temporary regulation, a summary of the reasons for adopting the temporary regulation without change. The statement should also explain the reasons for making any changes to the temporary regulation as proposed.**

The temporary regulations were adopted by the Board without any change. The general housekeeping and introduction of new language will keep NAC Chapter 656 consistent with NRS Chapter 656 and will provide clarification regarding court reporting practices in the state of Nevada to better safeguard the public.

5. **The estimated economic effect of the temporary regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

- a) **Both adverse and beneficial effects.**

The Board does not anticipate any adverse economic effect on the proposed temporary regulations.

b) Both immediate and long-term effects.

The effects of the proposed temporary language will keep NAC Chapter 656 consistent with NRS Chapter 656 and provide clarification regarding court reporting practices in the state of Nevada to better safeguard the public.

6. The estimated cost to the agency for enforcement of the proposed temporary regulation.

None anticipated at the time of this posting.

7. A description of any regulations of other state or government agencies which the proposed temporary regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the temporary regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

None known at the time of this posting.

8. If the temporary regulations includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

None known at the time of this posting.

9. If the temporary regulations establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fees established.