

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

LCB File No. R030-09

August 12, 2009

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

AUTHORITY: §§1-8, 10-12 and 18, NRS 656.130; §9, NRS 656.130 and 656.160; §§13 and 14, NRS 656.130 and 656.200; §15, NRS 656.130 and 656.185; §16, NRS 656.130 and 656.187; and §17, NRS 656.130 and 656.250.

A REGULATION relating to court reporters; authorizing a person to request an advisory opinion from the Certified Court Reporters' Board of Nevada and setting forth the procedures for the issuance of such an advisory opinion; revising certain requirements concerning the examination of a certified court reporter; revising provisions relating to the accreditation of courses for the continuing education of a certified court reporter; and providing other matters properly relating thereto.

Section 1. Chapter 656 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Advisory opinion” means an opinion rendered by the Board upon request pursuant to section 4 of this regulation.*

Sec. 3. 1. *The Board may require a court reporter to prepare a transcript of a proceeding if:*

(a) The court reporter's certificate is suspended or revoked;

(b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before the certificate was suspended or revoked;
and

(c) A person has requested a transcript of the proceeding.

2. The Board will determine whether a court reporter shall prepare a transcript described in subsection 1 on a case-by-case basis.

Sec. 4. *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, within 30 days after receiving the request, will issue a response concerning whether the Board will issue 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. An advisory opinion issued by the Board is not binding for the purposes of judicial review.

7. The Board 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.

Sec. 5. 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 656.070, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 656.035 is hereby amended to read as follows:

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

Sec. 7. NAC 656.050 is hereby amended to read as follows:

656.050 “Firm” ~~[means a business, professional corporation, sole proprietorship or professional partnership that engages in the practice of court reporting.]~~ *has the meaning ascribed to “court reporting firm” in NRS 656.030.*

Sec. 8. NAC 656.065 is hereby amended to read as follows:

656.065 “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 ~~[;]~~; *and*
3. *Any other matters subject to judicial review.*

Sec. 9. 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 *or*

her 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 *or her* 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,]~~ *8 or 9*, all applicants ~~[shall]~~ *must* register and be present for the oral instructions and remarks of introduction.

3. *Each applicant must be on time to take the examination. An applicant who arrives late to take the examination:*

(a) Will be denied admission to the examination;

(b) Forfeits any fees paid to take the examination; and

(c) Must, if the applicant had registered, reregister before taking a subsequent examination.

4. 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]~~ *the applicant's* identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

~~[4.]~~ 5. 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~~ *the applicant must* return the examination and material to the registration desk.

~~5.1~~ 6. 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.

~~6.1~~ 7. An applicant ~~shall~~ *must* bring to the examination room a pen or pencil, stenographic equipment and any other equipment required by the Board. The Board will not:

(a) Provide stenographic or any other equipment.

(b) Replace equipment for an applicant if ~~his~~ *the applicant's* equipment malfunctions during the examination.

~~7.1~~ 8. 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.

~~8.1~~ 9. Upon the request of an applicant whose religious beliefs prevent ~~him~~ *the applicant* 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.

~~9.10.~~ **10.** If an applicant cheats on the examination, the Board will expel the applicant from the examination room and fail the applicant.

~~10.11.~~ **11.** Questions concerning the administration, procedure or content of the examination must be submitted in writing to the Board.

Sec. 10. 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 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 ~~7.8~~ **8** 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;
- (h) The provisions of the Supreme Court Rules relating to the practice of court reporting; 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. 11. 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 dictation of not less than 200 nor more than 225 words per minute. 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]~~ 8 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~~ *the applicant* must sign an affidavit acknowledging that he *or she* forfeits the examination. An applicant who signs such an affidavit shall turn in all notes taken by ~~him~~ *the applicant* during the examination and include on the notes his *or her* name, the date and the identification number assigned to him ~~or her~~.

4. An applicant shall prepare the transcription in the manner prescribed by the Board. In preparing the transcript, the applicant shall not use handwriting or any electronic recording device.

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. 12. 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 *or her* certificate on inactive status. A court reporter whose certificate is on inactive status ~~[shall]~~ *must* pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.

2. *Unless otherwise instructed by the Board, a court reporter shall prepare a transcript of a proceeding if:*

(a) The court reporter's certificate is placed on inactive status;

(b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before the certificate was placed on inactive status; and

(c) A person has requested a transcript of the proceeding.

3. A court reporter whose certificate has been on inactive status for less than 5 years may reactivate his *or her* certificate if ~~[he]~~ *the court reporter* pays the fee for renewal of a certificate

and complies with the requirements for continuing education for the year in which ~~he~~ *the court reporter* reactivates his *or her* certificate.

~~3.~~ **4.** 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.~~ **3,** 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 *or her* 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.

Sec. 13. NAC 656.180 is hereby amended to read as follows:

656.180 **1.** A court reporter may voluntarily surrender his *or her* certificate to the Board if ~~he~~ *the court reporter* 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 *or her* certificate desires to practice court reporting, ~~he~~ *the person* 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 shall prepare a transcript of a proceeding if:*

- (a) The court reporter voluntarily surrenders his or her certificate;*
- (b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before he or she voluntarily surrendered the certificate; and*

(c) A person has requested a transcript of the proceeding.

Sec. 14. NAC 656.210 is hereby amended to read as follows:

656.210 1. Each court reporter ~~{shall,}~~ *must*, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting, at least two of which must include a review of the statutes, regulations and court rules governing the practice of court reporting in this State.

2. The Board will provide each court reporter with the means to obtain these two credits other than by personal attendance.

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

Sec. 15. NAC 656.240 is hereby amended to read as follows:

656.240 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 must 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.

Sec. 16. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that ~~{practices}~~ *conducts business as a* court reporting *firm* in this State must complete an application for a license provided by the Board and file the application with the Executive Secretary of the Board. The form for application for the license 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;
- (e) All other documents, reports and other information required by the Board; and
- (f) The name of the designated representative of the court reporting firm, as well as a copy of a certificate of completion for the designated representative of the court reporting firm, if applicable.

2. Upon receipt of a completed application for a license and the payment of the fees required pursuant to NRS 656.220, the Executive Secretary of the Board shall issue a license to the firm.

3. If a change in the ownership of a firm occurs or other change pursuant to NRS 656.260 occurs, the firm shall file an amended application for a license with the Executive Secretary of the Board not more than 30 days after the change occurs.

Sec. 17. NAC 656.300 is hereby amended to read as follows:

656.300 *1.* The provisions of NAC 656.300 to 656.390, inclusive, constitute the standards of conduct that **[a]**:

(a) A court reporter **[shall]** *must* follow while **[he]** *the court reporter* is engaged in the practice of court reporting **[]**; *and*

(b) *A firm must follow while it is conducting business as a court reporting firm.*

2. 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.

Sec. 18. NAC 656.400 is hereby amended to read as follows:

656.400 The Board encourages each court reporter to cooperate with organizations that provide legal services to indigents ~~[-]~~, *including, without limitation, programs for legal services described in NRS 12.015.*