

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

LCB File No. R072-12

Effective April 5, 2013

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

AUTHORITY: §§1-7, 12 and 15-22, NRS 656.130; §§8-11, NRS 656.130, 656.187 and 656.200; §13, NRS 656.130 and 656.186; §14, NRS 656.130 and 656.187.

A REGULATION relating to the practice of court reporting; revising certain provisions relating to the application and examination for a certificate to practice court reporting; requiring a court reporter to provide a transcript under certain circumstances; requiring each designated representative of a court reporting firm to possess a basic understanding of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State; providing for the continuing education requirements of a designated representative of a court reporting firm; providing for the suspension or revocation of the license of a court reporting firm under certain circumstances; revising certain provisions relating to the examination by the Certified Court Reporters' Board of Nevada of a designated representative of a court reporting firm; prohibiting a court reporter or court reporting firm from engaging in the practice of court reporting under certain circumstances; revising provisions governing the preparation and delivery of transcripts; expanding the applicability of certain regulations governing ethics, transcripts, confidentiality and fees to court reporting firms; and providing other matters properly relating thereto.

Section 1. NAC 656.100 is hereby amended to read as follows:

656.100 1. 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.

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.

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 or her application if the application that is resubmitted is postmarked on or before the date of the deadline.

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 submitting his or her application.

5. An application must include a photocopy of a picture identification of the applicant.

6. ~~If the~~ *The* fee accompanying the application ~~is~~ *must be* in the form of a *money order, cashier's check* ~~and the~~ *or certified* check *which* is ~~returned by the bank, the applicant must immediately submit a money order~~ *payable* to the Board. If the applicant does not submit ~~a money order~~ *the fee* in a timely manner, the Executive Secretary of the Board may deny the applicant:

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

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.

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

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.

10. An applicant may cancel his or her submission of an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection 1. If the request is submitted on or before the deadline for submission of applications, the Executive Secretary of the Board shall cancel the applicant's application and refund the examination fee to the applicant. The Executive Secretary of the Board shall not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

11. An applicant may cancel his or her submission of an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of applications established by the Executive Secretary of the Board pursuant to subsection 1 but before the date of the examination. If the request is submitted after the deadline for submission of applications but before the date of the examination, the Executive Secretary of the Board shall cancel the applicant's application and apply the applicant's examination fee to the immediately succeeding examination.

12. An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, the Executive Secretary of the Board shall apply the applicant's examination fee to the immediately succeeding examination.

13. As used in this section, "emergency" means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.

Sec. 2. 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 8 or 9, all applicants 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 the applicant's identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

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, the applicant must return the examination and material to the registration desk.

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.

7. An applicant 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 the applicant's equipment malfunctions during the examination.

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.

9. Upon the request of an applicant whose religious beliefs prevent 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.

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

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

Sec. 3. 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 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;~~ *applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State; and*
- (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. 4. 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 Chair of~~ the Board ~~shall~~ will 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 Chair 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 Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520;
- and
- (f) Complete answers to the questions contained on 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 or she receives a certificate from the Board.

4. An applicant may submit a written request to the Board to review his or her 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. 5. 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 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~~ *provide* 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 the court reporter pays the fee for renewal of a certificate and complies with the requirements for continuing education for the year in which the court reporter reactivates his or her certificate.

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 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. 6. 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 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, 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~~ *provide* 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. 7. NAC 656.205 is hereby amended to read as follows:

656.205 ~~{A}~~ *Each* court reporter *and designated representative of a court reporting firm* shall possess *a* basic understanding and knowledge of the ~~{statutes,}~~ *applicable laws*, regulations, and court *and procedural* rules governing the practice of court reporting in this State. The ~~{statutes}~~ *applicable laws* 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. 8. NAC 656.210 is hereby amended to read as follows:

656.210 1. Each court reporter ~~{must,}~~ *and designated representative of a court reporting firm shall*, 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,}~~ *applicable laws*, regulations, and court *and procedural* rules governing the practice of court reporting in this State.

2. The Board will provide each court reporter *and designated representative of a court reporting firm* with the means to obtain ~~{these}~~ two credits *which include a review of the applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State* other than by personal attendance.

3. Credit for continuing education may not be carried forward for any reporting period.

Sec. 9. NAC 656.220 is hereby amended to read as follows:

656.220 1. The Board will mail to ~~{a}~~ *each* court reporter *and designated representative of a court reporting firm* with the annual notice of renewal of certification *or licensure* a form on which to report his or her compliance with the requirements of continuing education set forth in NAC 656.210.

2. ~~Each~~ *Each* court reporter *and designated representative of a court reporting firm who receives a form pursuant to subsection 1* shall complete and return the form to the Board on or before May 15.

3. The Board may take such action as the Board determines is necessary to verify that a court reporter *or designated representative of a court reporting firm* has complied with the requirements of continuing education set forth in NAC 656.210.

Sec. 10. NAC 656.230 is hereby amended to read as follows:

656.230 1. If a court reporter *or designated representative of a court reporting firm* fails to complete and return the form required pursuant to NAC 656.220, the Board will, on or before June 1, provide written notice of noncompliance, by certified or registered mail, to the last known address of the court reporter ~~or~~ *or designated representative of a court reporting firm.*

2. The notice of noncompliance must contain:

(a) A statement explaining the manner in which the court reporter *or designated representative of a court reporting firm* failed to comply with the requirements for continuing education;

(b) A notice that the court reporter *or designated representative of a court reporting firm* shall, on or before June 30, file with the Board a compliance form showing that he or she has cured the failure specified; and

(c) A notice which specifies the consequences provided in subsection 3 for failure to file the form by June 30.

3. The Board may suspend or revoke the certificate of a court reporter ~~who~~ *or the license of a firm if the court reporter or designated representative of the court reporting firm* fails to

file a report of compliance by June 30. Reinstatement of a certificate *or license* 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. 11. 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 *or designated representative of a court reporting firm* 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 *or designated representative of a court reporting firm* 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~~ *each* court ~~reporters~~ *reporter and designated representative of a court reporting firm in this State*. 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;~~ *The applicable laws, regulations, and court and procedural* rules ~~and~~ ~~regulations concerning~~ *governing* the practice of court reporting ~~;~~ *in this State;*
- (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~~ *Each* court reporter *or designated representative of a court reporting firm* 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. 12. NAC 656.250 is hereby amended to read as follows:

656.250 1. Each firm that 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 tax identification number of the firm;*

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

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

~~[(d)]~~ (e) Copies of all business licenses issued to the firm by a local government in this State;

~~[(e)]~~ (f) All other documents, reports and other information required by the Board; and

~~[(f)]~~ (g) The name of the designated representative of the court reporting firm, as well as a copy of *his or her certificate as a certified court reporter or* a certificate of completion ~~for the designated representative of the court reporting firm, if applicable.]~~ *which demonstrates satisfactory completion of the examination required pursuant to subsection 2 of NRS 656.186 and NAC 656.261.*

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. 13. NAC 656.265 is hereby amended to read as follows:

656.265 1. Each examination administered pursuant to NAC 656.261 will consist of 100 multiple-choice questions that test the knowledge of the applicant in:

(a) *The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;*

(b) Technical advances in the practice of court reporting;

~~{(b)}~~ (c) Ethics and professionalism in the practice of court reporting;
~~{(e)}~~ (d) Management of the business and economics of court reporting; and
~~{(d)}~~ (e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not later than 7 days after an examination, the Board will mail the results of the examination to each applicant. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

4. An applicant ~~{who fails an initial examination}~~ may not take more than four examinations during ~~{the}~~ *any period of* 12 consecutive months. ~~{immediately following the initial examination.}~~ To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to NAC 656.261.

Sec. 14. NAC 656.270 is hereby amended to read as follows:

656.270 ~~{1. Each designated representative of a court reporting firm who is not a certified court reporter shall, every 2 years, complete at least 15 hours of continuing education relating to the practice of court reporting or the business practices of the firm.~~

~~{2. The Board may take such action as the Board determines is necessary to verify that a designated representative of a court reporting firm has complied with the requirements of continuing education set forth in this section.~~

~~—3.—The~~ *To the extent applicable, the* Board will apply the statutes and regulations governing court reporters, including, ~~{but not limited to,}~~ *without limitation*, suspension or revocation of a certificate, to a firm in the same manner as the Board applies those statutes and regulations to court reporters. The provisions of this ~~{subsection}~~ *section* do not negate an independent contractual relationship between a court reporter and a firm.

Sec. 15. NAC 656.320 is hereby amended to read as follows:

656.320 1. Except as otherwise provided in subsection 2, a court reporter *or court reporting firm* shall not ~~{accept work or assignments from}~~ *engage in the practice of court reporting on behalf of* a firm that is not registered with the Board. ~~{A}~~ *Each* court reporter *and court reporting firm* shall verify whether a firm is registered with the Board before ~~{accepting work or assignments from}~~ *engaging in the practice of court reporting on behalf of* the firm.

2. A court reporter *or court reporting firm* may ~~{provide service as a court reporter}~~ *engage in the practice of court reporting on behalf of a firm that is not registered with the Board* in any ~~{litigation that is}~~ *proceeding conducted in this State as a result of an action* commenced or maintained in a foreign jurisdiction if the court reporter *or court reporting firm otherwise* complies with the ~~{requirements of the regulatory body that governs the practice of court reporting in the foreign jurisdiction.}~~ *applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State.*

3. As used in this section, “foreign jurisdiction” means a court or administrative body that was not created pursuant to the Constitution of the State of Nevada or the Nevada Revised Statutes.

Sec. 16. 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 the court reporter or firm is financially interested in the litigation;

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

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

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

(e) Provide or arrange for the provision of a courtesy copy of a transcript of a deposition to any attorney, party or witness if provision of the courtesy copy might create an appearance of impropriety on the part of the court reporter or firm; or

(f) 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 firm*, or ongoing services which relate to the practice of court reporting , 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 (f) of subsection 1 do not apply to:

(a) The provision of services to a governmental body; or

(b) A court reporter *or firm* who agrees to provide services for a matter that is not related to litigation.

Sec. 17. 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 and if each party to the proceeding or the party's attorney stipulates otherwise. Except as otherwise provided in Rule 30(d) of the Nevada Rules of Civil Procedure, during the proceeding, if a party or his or her attorney instructs the court reporter to go off the record, the court reporter shall stop reporting unless another party or his or her attorney makes an immediate objection to the instruction.

2. ~~1A~~ *Except as otherwise provided in subsection 3, a court reporter or firm shall not alter the record of a proceeding after the transcript of the proceeding has been certified* unless:

(a) Each party to the proceeding ~~for the party's attorney~~ stipulates to the alteration; ~~and~~ *or*

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

3. *A firm may, upon receiving a transcript from a court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the firm notifies the court reporter who certified the transcript of the proposed alterations and receives his or her approval for each alteration.*

Sec. 18. 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, ~~the~~ *each* court reporter *or firm* 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 3/4 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 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. 19. NAC 656.370 is hereby amended to read as follows:

656.370 1. ~~the~~ *Each* court reporter *and firm* shall, in accordance with any applicable statute, rule or order:

- (a) Deliver the original transcript of a deposition to the party who orders the original; and
- (b) Deliver a copy of the transcript to each party who orders such a copy. ~~{A}~~ *The* court reporter *or firm* shall not prepare more than one original transcript of a deposition.

2. If a court reporter *or firm* receives a request for a transcript of a proceeding or a portion of a transcript of a proceeding, the court reporter *or firm* 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 or her attorney to order a copy of the transcript that was requested.

Sec. 20. NAC 656.375 is hereby amended to read as follows:

656.375 ~~{1.—The}~~ *Unless otherwise instructed by the* Board, ~~{may require}~~ a court reporter ~~{to prepare}~~ *shall provide* a transcript of a proceeding if:

- ~~{(a)}~~ *1.* The court reporter's certificate is suspended or revoked;
 - ~~{(b)}~~ *2.* 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)}~~ *3.* 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. 21. NAC 656.380 is hereby amended to read as follows:

656.380 ~~{A}~~ *Each* court reporter *and firm* shall preserve the confidentiality and ensure the security of all written and oral information that is entrusted to the court reporter *or firm* 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 *or firm* is not required to preserve the confidentiality of the transcript of the proceeding pursuant to this section.

Sec. 22. NAC 656.390 is hereby amended to read as follows:

656.390 1. For all litigation and any proceeding conducted during that litigation in which a court reporter provides service as a court reporter, ~~he or she~~ *the court reporter or firm providing for the services of the court reporter* shall establish ~~his or her~~ *the* fees *of the court reporter* for:

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

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

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

**STATEMENT OF ADOPTION PERMANENT REGULATIONS
R072-12**

The State of Nevada Certified Court Reporters Board adopted permanent regulations assigned LCB File No. R072-12, that pertains to chapter 656 of the Nevada Administrative Code on January 8, 2013. A copy of the permanent regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

Date: Tuesday, January 8, 2013
Start Time: 2:00pm
End Time: 5:09pm

Las Vegas Location: Esquire Deposition Services, LLC
2300 West Sahara Avenue, Suite 770
Las Vegas, Nevada 89102

Present:	Lori Judd	Peggy Elias	Severin Carlson	Peggy Hoogs
	Debbie Uehara	Alycia Hansen	Rose Marie Reynolds	Clara Casey
	Mickey Chan	Brandy Matthews	Mary Cox Daniel	Peter Hellman
	Lisa Pribyl	Gloria Perry		

The adoption hearing on proposed permanent regulations was called to order by Chairperson, Lori Judd.

Board member roll call:
Lori Judd – Present
Peggy Elias – Present
Peggy Hoogs – Present
Severin Carlson - Present

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.

Copies of the proposed permanent regulations, notices of workshop and notices of intent to act upon the regulations were sent by U.S. mail and email to persons who were known to have an interest in the subject of court reporting practices as well as any persons who had specifically requested such notice. These documents were also available at the website of the State of Nevada Certified Court Reporters Board at www.crptr.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations on November 28, 2012:

Certified Court Reporters Board 5135 Camino Al Norte, Suite 270 North Las Vegas, NV 89031	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 & 4th Streets
Goldfield, NV 89013

Humboldt County Library
85 East 5th 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

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Notice of the workshop and intent to act upon the regulations instructed interested persons of the public to contact Debbie Uehara at the State of Nevada Certified Court Reporters Board at 702-489-8787 to obtain copies of the comment summaries.

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

Workshop – Wednesday, July 18, 2012

Number of persons who attended: 10

Number of persons who call-in via teleconference: 3

Number of persons who testified: 0

Number of written comments: 0

Adoption Hearing – Tuesday, January 8, 2013

Number of persons who attended Las Vegas location: 14

Number of persons who testified: 0

Number of written comments: 0

- 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 hearing to solicit comments were sent out to each active and inactive court reporter and designated firm representative registered with the State of Nevada Certified Court Reporters Board. Notice of the workshop and adoption hearing instructed interested persons of the public to contact Debbie Uehara at the State of Nevada Certified Court Reporters Board at 702-489-8787 to obtain copies of the comment summaries.

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

The introduction of new language and general housekeeping amendments will keep NAC Chapter 656 consistent with NRS Chapter 656 and will provide clarification relating to the application and examination of a certificate, requiring a court reporter to provide a transcript under certain circumstances, requiring each designated firm representative to possess a basic understanding of the applicable laws governing court reporting and expanding the applicability of certain regulations governing ethics, transcripts, confidentiality and fees to court reporting firms.

The State of Nevada Certified Court Reporters Board requested to amend language in R072-12 as follows:

- NAC 656.350(3) - replace the word “reproducing” with “producing” and replace the word “produced” with the word “certified”.
- NAC 656.390(1d) - replace the word “disc” with the word “disk” for correct spelling.

A copy of the permanent regulations identified as R072-12 as adopted is attached.

5. **The estimated economic effect of the permanent and temporary regulations 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 permanent regulations.
 - b) **Both immediate and long-term effects.**

The effects of the proposed permanent language will keep NAC Chapter 656 consistent with NRS Chapter 656 and provide clarification for court reporters and court reporting firms in the state of Nevada to better safeguard the public.
6. **The estimated cost to the agency for enforcement of the proposed permanent regulation.**

There is no additional cost to the agency for enforcement of these regulations.

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

There are no other state or government agency regulations that the proposed amendments duplicate.

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

Not applicable.

9. **If the permanent regulation 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.**

Not applicable.

10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The proposed regulations will not have a economic burden on small businesses. The new language provides clarification to certificate and license holders to better serve the public.

MOTION by Peggy Elias That the Board will adopt the proposed language as stated in R072-12 dated September 13, 2012. Motion seconded by Peggy Hoogs, all in favor, motion moves forward.