

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

**LCB FILE NO. R172-20I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 11/13/2020**

**STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD**  
Proposed Language - *As of 10/19/20*

EXPLANATION – Matter in *blue italics* is new material; and matter between ~~[red brackets with single strikethrough]~~ is material to be omitted.

**NAC CHAPTER 656 AMENDMENTS**

**NAC 656.210 Required ~~[hours]~~ *credits*; means to obtain certain credits; applicability of credits; reporting period.** (NRS 656.130, 656.187, 656.200)

1. Each court reporter and designated representative of a court reporting firm shall, every ~~[2]~~ *two* years, complete at least 15 ~~[hours-off]~~ continuing education *credits* relating to the practice of court reporting, at least two of which must include a review of the 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 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. *Credits* for continuing education may not be carried forward for any reporting period.

4. The reporting period for continuing education begins on May 16 of each odd-numbered year and ends on May 15 of the subsequent odd-numbered year.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R101-03, 2-18-2004; R029-07, 10-31-2007; R030-09, 10-27-2009; R072-12, 4-5-2013; R099-16, 6-21-2017)

**NAC 656.240 Request for accreditation of program or course of study; determination of ~~[hours-off]~~ *credits*; requirements for approval of course of study; *credits* for completion of program offered or approved by National Court Reporters Association.** (NRS 656.130, 656.187, 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 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-off]~~ *credits* 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, upon written request, at the next open meeting of the Board after receipt of the request.

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 each court

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) The applicable laws, regulations, and court and procedural rules 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. 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.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R030-09, 10-27-2009; R072-12, 4-5-2013; R112-17, 2-27-2018)

**NAC 656.370 Provision of transcripts to parties. (NRS 656.130, 656.250)**

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

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

(b) Deliver a copy of the transcript to each party *to a proceeding* who orders such a copy. The court reporter or firm shall not prepare more than one original transcript of a deposition *or proceeding*.

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 *to a proceeding* or his or her attorney to order a copy of the transcript that was requested.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R021-10, 6-30-2010; R072-12, 4-5-2013)

*3. Services and products offered or provided by the court reporter or firm to any party or to any party's attorney shall be offered to all parties or their attorneys attending the proceeding. No service or product may be offered or provided by the court reporter or firm to any party or any party's attorney unless the service or product is offered or provided to all parties or their attorneys attending the proceeding. All services and products offered or provided shall be made available at the same time to all parties or their attorneys.*

~~[NAC 656.375—Conditions under which provision of transcript is required. (NRS 656.130)  
Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:~~

- ~~—1.—The court reporter’s certificate is suspended or revoked;~~
  - ~~—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~~
  - ~~—3.—A person has requested a transcript of the proceeding.~~
- ~~—(Added to NAC by Cert. Court Reporters’ Bd. by R030-09, eff. 10-27-2009; A by R072-12, 4-5-2013)]~~

***NAC 656.XXX Provision of transcripts to non-parties (NRS 656.130)***

*1. Notwithstanding NAC 656.370(3), unless the court issues an order to the contrary, a copy of the transcript of the deposition testimony made by, or at the direction of, any party or a video recording of the deposition testimony, if still in the possession of the court reporter or firm, shall be made available by the court reporter or firm to any person requesting a copy, on payment of a reasonable charge set by the court reporter or firm.*

*2. If a copy is requested from the court reporter or firm, the court reporter or firm shall notify in writing all parties attending the deposition and the deponent at the deponent's last-known address or through the deponent’s counsel of record advising them of all of the following:*

- (a) The copy is being sought.*
- (b) The name of the person requesting the copy.*
- (c) The right to seek a protective order.*

*3. If a protective order is not served on the court reporter or firm within 60 days of the notification, the court reporter or firm shall make the copy available to the person requesting the copy.*

***NAC 656.XXX Conditions of provision of transcripts to parties by a suspended or revoked court reporter and firm. (NRS 656.130)***

*1. Unless otherwise instructed by the Board, a suspended or revoked court reporter and firm shall, in accordance with any applicable statute, rule or order:*

- (a) Deliver the original transcript of a deposition or proceeding that had not been previously transcribed before suspension or revocation to the party to a proceeding who orders the original; and*

*(b) Deliver a copy of the transcript of a deposition or proceeding that had not been previously transcribed to each party to a proceeding who orders such a copy. The suspended or revoked court reporter or firm shall not prepare more than one original transcript of a deposition or proceeding.*

*(c) Shall take reasonable steps to notify each party to a proceeding or each attorney who represents a party to the proceeding in a timely manner of the request to transcribe a deposition or proceeding that was not previously transcribed that allows a party to a proceeding or his or her attorney to order a copy of the transcript that was requested.*

***NAC 656. XXX Effect on court reporting firm, limited-liability company, partnership or corporation of revocation or suspension of the designated representative of a court reporting firm; termination of suspension or reinstatement of license. (NRS 656.130)***

*In the event of the revocation or suspension of (a) the certificate of a designated representative of a court reporting firm for any reason, or (b) the license of a licensee due to the acts or omissions of its non-certificated designated representative, the court reporting firm shall not conduct business unless the designated representative whose acts or omissions caused the certificate or license to be revoked or suspended is severed, including the termination of his or her interest and activities in the court reporting firm. The designated representative whose certificate has been revoked or suspended, or caused the license of a court reporting firm to be revoked or suspended, may resume his or her connection and activities with, or be reengaged by the court reporting firm upon reinstatement of his or her certificate or the license of the court reporting firm.*

***NAC 656.XXX Determination of whether a person's criminal history will disqualify that person from obtaining a certificate; request for criminal history record; fee; instructions to remedy disqualification determination; prohibition on submission of false or misleading information. (NRS.622.085)***

- 1. The Board will consider a petition for review of criminal history that may be a potential disqualification to obtain a certificate.*
- 2. Upon receiving a petition, the Executive Secretary will send the petitioner a packet containing:
  - a. A form authorizing the Board to possess and review the petitioner's criminal history*
  - b. A letter informing the person that the petition cannot be processed until the petitioner returns the following:
    - 1. The Central Repository for Nevada Records of Criminal History;*  
*and*
    - 2. The Federal Bureau of Investigation**
  - iii. The signed authorization form provided in the packet*
  - iv. A fee in the amount of \$50 for administrative costs in the form of a money order, cashier's check or certified check**

3. *No later than 90 days after receiving the required documentation, a determination will be made by the Board as to whether the petitioner's criminal history will be a disqualification from obtaining a certificate.*
  - a. *Upon receiving a complete set of documents per subsection (2), the petition shall be included on the next Agenda.*
  - b. *At the meeting, the board will review the person's criminal history and petition documents. In every case, the board will move to go into closed session for such a review, and shall then come out into public session for a motion to render a determination regarding the petition.*
  - c. *A written determination letter shall be provided to the petitioner.*
4. *If a disqualification determination is rendered, then the Petitioner will be provided instructions by the Board to remedy such determination of disqualification. This Board is not bound by such a determination, and may rescind such determination at any time.*
  - a. *A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*
  - b. *A person may submit a new petition to the Board not earlier than 2 years after the final determination of the initial petition submitted to the Board.*
5. *A person who petitions the Board for a determination pursuant to subsection 1 shall not submit false or misleading information to the Board.*

***NAC 656.XXX Aggravation and mitigation [Adapted from Supreme Court Rule 102.5]***

*Aggravating and mitigating circumstances may be considered by the Board in deciding what discipline to impose and may be admitted into evidence at a hearing conducted pursuant to NAC 656.460.*

*1. Aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:*

- (a) prior discipline offenses;*
- (b) dishonest or selfish motive;*
- (c) a pattern of misconduct;*
- (d) multiple offenses;*
- (e) bad faith obstruction or delay of the disciplinary proceeding, including by intentionally failing to comply with rules, regulations, or orders;*
- (f) submission of false evidence, false statements, or other deceptive practices in conjunction with the investigation or hearing;*
- (g) refusal to acknowledge the wrongful nature of conduct;*
- (h) substantial experience in the practice of court reporting;*
- (i) indifference to making restitution;*
- (j) illegal conduct, including that involving the use of controlled substances.*

2. *Mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:*

- (a) absence of prior disciplinary offenses;*
- (b) absence of a dishonest or selfish motive;*
- (c) personal or emotional problems;*
- (d) timely good faith effort to make restitution or to rectify consequences of misconduct;*
- (e) full and free disclosure to the Board, the staff of the Board, or any investigator employed by the staff to conduct an investigation, or other cooperative attitude toward the disciplinary process and proceedings;*
- (f) inexperience in the practice of court reporting;*
- (g) character or reputation;*
- (h) physical disability;*
- (i) mental disability or chemical dependency including alcoholism or drug abuse when:*
  - (1) there is medical evidence that the respondent is affected by chemical dependency or a mental disability;*
  - (2) the chemical dependency or mental disability caused the misconduct;*
  - (3) the respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation;*
  - (4) the recovery arrested the misconduct; and*
  - (5) recurrence of the misconduct is unlikely;*
- (j) delay in the disciplinary proceedings not caused by respondent;*
- (k) interim rehabilitation;*
- (l) imposition of other penalties or sanctions;*
- (m) remorse;*
- (n) remoteness of prior offenses and/or discipline.*

3. *Factors which should not be considered as either aggravating or mitigating include:*

- (a) forced or compelled restitution;*
- (b) agreeing to a client's demand for improper behavior;*
- (c) withdrawal of complaint against the respondent;*
- (d) resignation prior to completion of disciplinary proceedings;*
- (e) complainant's recommendation as to form of discipline; and*
- (f) failure of injured client to complain.*