

PROPOSED REGULATION OF THE CERTIFIED COURT

REPORTERS' BOARD OF NEVADA

LCB File No. R120-97

October 16, 1997

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

AUTHORITY: §§2-6 and 19-20, NRS 656.110; §§7-12 and 14-18, NRS 656.150, 656.160, 656.170 and 656.180; §13, NRS 656.200; §21, NRS 656.335; §§22-31, NRS 656.250; §§32 and 33, NRS 656.280.

Section 1. Chapter 656 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this regulation.

Sec. 2. *“Board” has the meaning ascribed to it in NRS 656.030.*

Sec. 3. *“Certificate” has the meaning ascribed to it in NRS 656.030.*

Sec. 4. *“Court reporter” has the meaning ascribed to it in NRS 656.030.*

Sec. 5. *“Practice of court reporting” has the meaning ascribed to it in NRS 656.030.*

Sec. 6. *The board declares that the purpose for the examination that is required pursuant to NRS 656.160 is to ensure that the persons whom the board certifies as court reporters possess the standard of competence and integrity in the practice of court reporting that is required to protect the public interest.*

Sec. 7. 1. *An application for a certificate must be submitted to the Certified Court Reporters' Board of Nevada, Post Office Box 237, Las Vegas, Nevada 89125-0237.*

2. *The board will consider applications for the immediately succeeding examination. The executive secretary of the board shall establish a deadline for submission of applications at*

least 30 days before the examination for certification is administered. If an application is postmarked after the deadline, the executive secretary of the board shall return the application to the applicant and the applicant is ineligible to take the examination.

3. An application must be submitted to the board in its original form. If an applicant submits an application that is photocopied, the executive secretary of the board shall return the application to the applicant and the applicant is ineligible to take the examination.

4. All questions on the application must be completed. If an application is incomplete, the executive secretary of the board shall return the application to the applicant. An applicant whose application is returned because it is incomplete may resubmit his application if the application that is resubmitted is postmarked on or before the date of the deadline.

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

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

7. If the fee accompanying the application is in the form of a check and the check is returned by the bank, the applicant must immediately submit a money order to the board. If the applicant does not submit a money order in a timely manner, the executive secretary of the board may deny the applicant:

(a) Admission to the examination;

(b) The results of his examination; or

(c) A certificate.

8. *An application must be signed by the applicant under penalty of perjury and include an acknowledgment by the applicant that a misrepresentation or omission in the application may constitute a ground for denial, suspension or revocation of a certificate pursuant to NRS 656.240. The signature of the applicant attests to the accuracy of all information provided by the applicant, including, but not limited to, the information contained in the application and all other evidence and information accompanying the application.*

9. *If the board rejects an application, the board will include a letter that explains the reason for the rejection.*

10. *If the board approves an application, the executive secretary of the board shall mail to the applicant a letter of admission to the examination.*

Sec. 8. 1. *The executive secretary of the board shall assign a unique identification number to each application that is approved by the board and include that identification number in the letter of admission to the examination. An applicant must register on the day of the examination by presenting the identification number assigned to his application and the original of the photo identification that accompanied his application. The board or a member of the staff of the board will open the examination room on the day of the examination at 8:00 a.m. for registration. The board or a member of the staff of the board will provide a seat for the applicant in the examination room according to the identification number that is assigned to his application.*

2. *The chairman of the board shall give oral instructions and remarks of introduction at approximately 9:00 a.m. on the day of the examination. Unless special arrangements are made*

pursuant to subsection 7 or 8, all applicants shall register and be present for the oral instructions and remarks of introduction.

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

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

5. An applicant shall not:

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

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

6. An applicant shall bring to the examination room a pen or pencil, a typewriter and stenographic equipment. The board will provide paper for transcription. The board will not:

(a) Provide ribbons for typewriters, typewriters or stenographic equipment.

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

7. Upon the request of an applicant with a disability, 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.

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

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

10. Questions concerning the administration, procedure or content of the examination must be submitted to the chairman of the board at the Certified Court Reporters' Board of Nevada, Post Office Box 237, Las Vegas, Nevada 89125-0237.

Sec. 9. *1. After the presentation of the oral instructions and remarks of introduction by the chairman of the board, the board will provide for the administration of the written section of the examination. Unless special arrangements are made pursuant to subsection 7 of section 8 of this regulation, the board will give an applicant 1 hour and 45 minutes to complete the written section. A grade of at least 70 percent is required to pass the written section.*

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

(a) Vocabulary;

(b) Punctuation;

(c) Grammar;

(d) Spelling;

(e) Medical terminology;

(f) Legal terminology;

(g) The provisions of the Nevada Rules of Civil Procedure relating to the practice of court reporting; and

(h) The provisions of the Supreme Court Rules relating to the practice of court reporting.

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. 10. *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. The board will grant an applicant time to prepare for the section on transcription. An accuracy of 97.5 percent is required to pass the section on transcription.*

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

3. *After the completion of the sessions of dictation, the applicant shall transcribe each session of dictation. Unless special arrangements are made pursuant to subsection 7 of section 8 of this regulation, the board will give each applicant 3 hours to complete the transcription. An applicant may use a dictionary. If an applicant elects not to complete the section on transcription, he must sign an affidavit acknowledging that he forfeits the examination. An applicant who signs such an affidavit shall turn in all notes taken by him during the examination and include on the notes his name, the date and the identification number assigned to him.*

4. *An applicant shall prepare the transcription by typewriter. An applicant shall not use an electronic device that records or handwriting to prepare the transcription. If an applicant uses a typewriter that has the capacity to check spelling, the applicant must turn off or otherwise disable that capacity of the typewriter. After an applicant completes the transcription, he shall turn in all disks, tapes and other electronic recordings of the transcription. If the applicant uses a typewriter that has the capacity to preserve the transcription of the applicant, the applicant must delete or erase the transcription after he completes the examination.*

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

- (a) One wrong word;*
- (b) Misuse of the singular or plural of a word;*
- (c) Misuse of the present or past tense of a word;*
- (d) Omission of a word;*
- (e) Addition of a word that was not included in the dictation;*
- (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 incorrectly placed 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. 11. *1. Not more than 8 weeks after the administration of the examination, the chairman of the board shall provide official written notice to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.*

2. After the chairman of the board provides official notice of the results of the examinations, the board will issue a certificate to each successful applicant if the applicant submits a written request for a certificate to the board which includes the:

- (a) Fee required by NAC 656.200 for 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; and*
- (d) The date on which the applicant successfully passed the examination.*

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

4. An applicant may submit a written request to the board to review his examination. Upon 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 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.

Sec. 12. *1. If an applicant fails one or both sections of the examination, he is ineligible for a certificate. Such an applicant may retake the examination if he submits an application and the fee required for examination to the board.*

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

Sec. 1. 1. *A court reporter may submit an application in a form prescribed by the board to place his certificate on inactive status. A court reporter whose certificate is on inactive status shall pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.*

2. *A court reporter whose certificate is on inactive status may reactivate his certificate if he pays the fee for renewal of a certificate and demonstrates to the board that he possesses the skills necessary for certification as a court reporter. The board may 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 proof of his compliance with the requirements for continuing education.*

(d) *Submit other proof that is required by the board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.*

Sec. 14. *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 section 7 of this regulation.

Sec. 15. *1. Each firm that practices court reporting in this state must complete a form for registration provided by the board and file the form with the executive secretary of the board. The form for registration must include:*

(a) The business address of the firm;

(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; and

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

2. Upon receipt of a completed form for registration, the executive secretary of the board shall issue to the firm a certificate of registration.

3. If a change in the ownership of a firm occurs or other change in the information provided in the form for registration occurs, the firm shall file an amended form for registration with the executive secretary of the board not more than 10 days after the change occurs.

Sec. 16. *The name of a professional corporation that practices court reporting must contain the last name of one or more of the current shareholders of the corporation. A sole proprietorship or professional corporation that practices court reporting may file a certificate pursuant to chapter 602 of NRS to do business under an assumed or fictitious name.*

Sec. 2. 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, to a firm that practices court reporting in the same manner as the board applies those statutes and regulations to court reporters.*

Sec. 18. 1. *Each owner of a firm that practices court reporting must be a court reporter.*

2. *Each firm that practices court reporting must provide the service of court reporting by court reporters only.*

3. *If a court reporter whose certificate is suspended or revoked provides service as a court reporter for a firm in which he is a shareholder, the income attributable to the court reporter must not be paid or otherwise accounted to the court reporter.*

Sec. 19. 1. *A court reporter shall possess basic understanding and knowledge of the statutes, regulations and court rules governing the practice of court reporting in this state. A court reporter may obtain a booklet from the board that contains the applicable statutes, regulations and court rules upon the payment of \$10 to the board.*

2. *In addition to the requirements of continuing education, the board encourages each court reporter to maintain his competence by learning of technological advances and developments in the field of court reporting.*

Sec. 20. *The board encourages each court reporter to cooperate with organizations that provide legal services to indigents.*

Sec. 21. *The board will interpret the requirement contained in NRS 656.335 as authorizing a court reporter to retain computer disks, cartridges and other electronic means of storing data in lieu of retaining the paper notes of the court reporter.*

Sec. 22. *The provisions of sections 22 to 31, inclusive, of this regulation constitute the standards of conduct that a court reporter shall follow while he is engaged in the practice of court reporting. A violation of the provisions of sections 22 to 31, inclusive, of this regulation 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. 23. *1. Except as otherwise provided in this subsection, a court reporter shall not provide services as a court reporter in a proceeding if the court reporter has a relationship with a party to the proceeding, an attorney who represents a party to the proceeding or a witness who provides testimony in the proceeding if the provision of services by the court reporter reasonably gives the appearance of partiality and unfairness. As soon as practicable after a court reporter discovers a conflict of interest or potential conflict of interest pursuant to this subsection, the court reporter shall notify each party or attorney who represents a party and the judge or arbiter presiding over the proceeding of the conflict of interest or potential conflict of interest. After the disclosure, the court reporter may provide services as a court reporter in a proceeding if each party to the proceeding and each attorney who represents a party in the proceeding authorizes the court reporter to provide services.*

2. A court reporter shall provide uniform service to all persons involved in a proceeding, including, but not limited to, providing uniform price and quality for comparable service.

3. *Except as otherwise provided in this subsection, a court reporter shall not give, directly or indirectly, a gift, incentive, reward, referral fee, rebate or item of value to attorneys, parties or the employees or agents of attorneys or parties. For each proceeding in which a court reporter provides service as a court reporter, the court reporter may give items that do not exceed \$25 in value, except that a court reporter shall not give more than \$100 per year to a party, an attorney who represents a party or an employee or agent of a party or attorney.*

Sec. 24. *1. A court reporter shall not accept work or assignments from a firm that is engaged in the practice of court reporting if the owner of the firm is not a court reporter. A court reporter may make inquiries to the board to determine whether an owner of a firm is a court reporter.*

2. A court reporter may provide service as a court reporter in a proceeding in a foreign jurisdiction if the court reporter complies with the requirements of the regulatory body that governs the practice of court reporting in the foreign jurisdiction.

Sec. 25. *A court reporter shall not enter into a contract or other agreement with a person or entity to provide ongoing services as a court reporter or ongoing services which are incidental to the practice of court reporting for an action that is not pending before a court or administrative agency. This subsection does not apply to:*

- 1. The provision of services to a governmental body;*
- 2. A court reporter who agrees to provide services for a single proceeding before the commencement of litigation; or*
- 3. A court reporter who agrees to provide services for a matter that is not related to litigation.*

Sec. 26. *1. A court reporter shall:*

(a) Perform the practice of court reporting in a fair and impartial manner.

(b) Take steps to avoid the appearance of impropriety in a proceeding.

2. A court reporter shall not provide service as a court reporter if he is:

(a) Under the influence of an intoxicating liquor, controlled substance or other drug that affects the ability of the court reporter to transcribe the proceeding accurately and truthfully.

(b) Suffering from an illness or other impairment that prevents him from performing competently.

Sec. 27. *1. For each proceeding in which a court reporter provides service as a court reporter he shall establish his fees for:*

(a) Attending the proceeding.

(b) Preparing an original transcript of the proceeding.

(c) Preparing a copy of the transcript.

(d) Preparing a computer disk of the transcript.

(e) Preparing a portion of the transcript.

(f) Assembling and copying exhibits that are identified in the proceeding.

2. After establishing his fees pursuant to subsection 1, a court reporter shall charge the same fee to each person who requests a service listed in that subsection.

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

Sec. 28. *1. A court reporter shall deliver a transcript of a proceeding to each party who orders an original or a copy in a timely manner and in accordance with any applicable statute, rule, order, custom or practice.*

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

Sec. 29. *1. Except as otherwise provided in this subsection, a court reporter who provides services as a court reporter shall treat all words spoken during a proceeding to be on the record and shall accurately report all words spoken during the proceeding. This subsection does not apply if the judge or arbiter presiding over the proceeding instructs otherwise or if each party to the proceeding or his attorney stipulates otherwise. Before the commencement of a proceeding, a court reporter may request each party to the proceeding or his attorney to stipulate that, if one party or his attorney instructs the court reporter to go off the record, the court reporter will stop reporting unless another party or his attorney makes an immediate objection to the instruction.*

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

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

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

Sec. 30. *A court reporter shall preserve the confidentiality and ensure the security of all written and oral information that is entrusted to the court reporter by the parties to a*

proceeding pursuant to a stipulation entered into the record or attached to the record. Except as otherwise provided by statute, if the parties have not entered into a stipulation concerning the confidentiality of information, the court reporter shall deem the transcript of the proceeding a public record.

Sec. 31. *Except as otherwise provided by statute, an order of a court or a rule of a court, a court reporter shall prepare each transcript of a proceeding in accordance with the following guidelines:*

- 1. The transcript must be prepared on pages which are 8 1/2 by 11 inches in size. 2. The left margin must not be more than 1 3/4 inches from the left edge of the paper and the right margin must not be more than 3/8 inches from the right edge of the paper.*
- 3. Each page must contain at least 25 lines of type.*
- 4. The type pitch must not be less than 9 characters per inch and not more than 10 characters per inch.*
- 5. Each question and answer must begin on a separate line.*
- 6. The first line of a question or answer must be indented not more than five spaces from the left margin.*
- 7. If a question or answer takes 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. 32. 1. *Upon the request of the board, the executive secretary of the board shall conduct an investigation pursuant to subsection 1 of NRS 656.280.*

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

3. *The executive secretary of the board shall set the time and place for the hearing in accordance with subsection 3 of NRS 656.280. The executive secretary shall consider the:*

(a) *Convenience of the members of the board, the executive secretary, the attorney general who represents the board and the accused;*

(b) *Number of witnesses; and*

(c) *Type and amount of evidence that will be presented.*

Sec. 33. 1. *Upon the request of the board, the executive secretary of the board or the attorney general who represents the board shall present the evidence against the accused at the hearing.*

2. *A member of the board who is a relative by blood or marriage or has a business relationship with the accused shall not participate in the hearing, and the chairman of the board shall immediately notify the governor to appoint an additional member of the board to take the place of the member for participation in the hearing.*

Sec. 34. NAC 656.010 is hereby amended to read as follows:

656.010 As used in this chapter, unless the context otherwise requires[:

1. “Board” has the meaning ascribed to it in NRS 656.030; and

2. “Court reporter” has the meaning ascribed to it in NRS 656.030.], *the words and terms*

defined in sections 2 to 5, inclusive, of this regulation have the meanings ascribed to them in

those sections.