

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

LCB File No. R020-10

Effective June 30, 2010

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

AUTHORITY: §§1 and 2, NRS 656.130 and 656.250.

A REGULATION relating to certified court reporters; revising limitations governing gratuities; revising provisions relating to the acceptance of work and assignments by a court reporter or court reporting firm; and providing other matters properly relating thereto.

Section 1. NAC 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in this section, a court reporter shall not provide services as a court reporter in a proceeding if the court reporter:

(a) Is an employee or independent contractor of a party to the proceeding or an attorney who represents a party to the proceeding;

(b) Is a relative within the third degree of consanguinity or affinity of a party or attorney specified in paragraph (a);

(c) Has a financial interest in the proceeding; or

(d) Has any other relationship that may reasonably cause the impartiality of the court reporter to be questioned.

2. If a court reporter discovers a conflict of interest or potential conflict of interest pursuant to this section, the court reporter shall disclose the conflict of interest or potential conflict of interest to each party who is present at the commencement of the proceeding. After the disclosure, the court reporter may provide services as a court reporter in the proceeding if each

party to the proceeding and each attorney who represents a party in the proceeding authorizes the court reporter to provide services.

3. If a court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2 and if each party and attorney for each party authorizes the court reporter to provide services as a court reporter pursuant to that subsection, the court reporter shall include the following parenthetical statement in the record of the proceeding:

(The reporter made a disclosure pursuant to subsection 2 of NAC 656.310 and noted the specific conflict of interest in the record.)

↪ In addition, the court reporter shall include in the record a statement from each party and attorney for each party indicating that the disclosure was made and that the party and attorney authorized the provision of services.

4. If a court reporter prepares a transcript of a proceeding, the court reporter shall attach a page to the transcript certifying that the court reporter is not prohibited from providing services pursuant to subsection 1. If the court reporter discloses a conflict of interest or potential conflict of interest pursuant to subsection 2, the court reporter shall amend the page certifying the transcript to include the information required pursuant to subsection 3.

5. Except as otherwise provided in this subsection, a court reporter or firm shall not give ~~{} or receive,~~ directly or indirectly, a ~~[gift, incentive, reward or other thing of value]~~ *gratuity* to *or from* an attorney, client, witness, insurance company or any other person associated with any litigation in which the court reporter *or firm* provides ~~[service as a court reporter. A court~~

~~reporter may give items that do not exceed \$100 per year to such an attorney, client, witness, insurance company or person.]~~ services. A court reporter or firm may:

(a) Give or receive pens, pencils, coffee mugs, other paraphernalia that is printed or otherwise produced for the purpose of advertisement, and meals and refreshments not to exceed in the aggregate \$100 per year. Any thing of value given or received by a court reporter or firm with a value of less than \$5 will not be counted for purposes of the annual aggregate limit.

(b) Provide pro bono services in accordance with applicable law.

6. The advertisement of any gratuity is prohibited.

7. As used in this section, “gratuity” includes, without limitation, any item, gift, incentive, reward, cost of entertainment, favor, premium, award, consideration, financial kickback, inducement, prize, promotional material, discount, rebate, points or credits that may be exchanged for things of value, or any other item of monetary value. The term does not include compensation received by a court reporter or firm for providing service as a court reporter.

Sec. 2. NAC 656.320 is hereby amended to read as follows:

656.320 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a* court reporter shall not accept work or assignments from a firm that is not registered with the Board. A court reporter ~~[may make inquiries to the Board to determine]~~ *shall verify* whether a firm is registered with the Board ~~[]~~ *before accepting work or assignments from the firm.*

2. A court reporter may provide service as a court reporter in any litigation that is commenced or maintained 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.

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.*



**State of Nevada
Certified Court Reporters Board**

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SEVERIN CARLSON, Esq. – Chairman
LORI JUDD – Vice Chairperson
DENISE PHIPPS – Board Member
SHERRILL GROTHEER – Board Member
MARY CAMERON – Board Member

Informational Statement

Date: Monday, June 14, 2010
Start Time: 3:42pm
End Time: 4:08pm

Las Vegas Location: Esquire Solutions – An Alexander Gallo Company
2300 West Sahara Avenue, Suite 770
Las Vegas, Nevada 89102

Reno Location: Aevos Office Suites
10775 Double R Boulevard
Las Vegas, NV 89521

Present in Las Vegas: Lori Judd Sherrill Grotheer Gloria Perry Alycia Hansen
Debbie Uehara Debbie Hines

Present in Reno: Mary Cameron Severin Carlson Denise Phipps

The adoption hearing on proposed permanent regulations was called to order by Legislative Committee Chairperson, Mary Cameron.

Board member roll call:

Severin Carlson – Present
Lori Judd – Not Present
Denise Phipps – Present
Sherrill Grotheer – Present
Mary Cameron - 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.

Notice of public hearing for adoption of permanent regulations for the state of Nevada Certified Court Reporters Board was noticed on May 14, 2010 at the following locations:

Certified Court Reporters Board 6628 Sky Pointe Drive, Suite 104 Las Vegas, NV 89131	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 Library 110 1st Street Hawthorne, NV 89415	Pershing County Library 1125 Central Avenue Lovelock, NV 89419	Storey County Public Library 95 South R Street Virginia City, NV 89440
Tonopah Public Library 167 Central Street Tonopah, NV 89049	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301

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

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

Workshop – Wednesday, April 14, 2010

Number of persons who attended Las Vegas location: 8
Number of persons who attended Reno location: 4 (2 via teleconference)
Number of persons who testified: 0
Number of written comments: 1

Adoption Hearing – Monday, June 14, 2010

Number of persons who attended Las Vegas location: 5
Number of persons who attended Reno location: 3
Number of persons who testified: 0
Number of written comments: 0

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

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

4. **If the permanent regulations were adopted without changing any part of the proposed permanent regulation, 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 regarding certification exam fee refunds and court reporting practices in this state. A copy of the permanent regulations as adopted with corrections is attached.

5. **The estimated economic effect of the permanent 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 regarding court reporting practices in the state of Nevada to better safeguard the public.

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

None anticipated at the time of this posting.

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

None known at the time of this posting.

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

None known at the time of this posting.

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

No new fees established.

MOTION by Mary Cameron: That the Board move to adopt the proposed NAC language identified as LCB File #R020-10 with corrections made to Section 1 and 2. Motion seconded by Denise Phipps, all in favor, motion moves forward. (A copy of the language in its entirety is attached)

MOTION by Mary Cameron: That the Board move to adopt the proposed NAC language identified as LCB File #R021-10 with corrections made to Section 2 and 3. Motion seconded by Denise Phipps, all in favor, motion moves forward. (A copy of the language in its entirety is attached)

MOTION by Mary Cameron: That the Board move to adopt the proposed NAC language identified as LCB File #R075-10 with a correction made to Section 4. Motion seconded by Denise Phipps, all in favor, motion moves forward. (A copy of the language in its entirety is attached)

MOTION by Severin Carlson: To adjourn at 4:08pm.