

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

**LCB File No. R020-10**

March 16, 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 *or proceeding* 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) 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 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 *or proceeding* 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.*