



State of Nevada
CERTIFIED COURT REPORTERS BOARD

6628 Sky Pointe Drive, Suite 104
Las Vegas, Nevada 89131
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LORI JUDD – Chairperson
SHERRILL GROTHEER – Vice Chairperson
PEGGY ELIAS – Board Member
PEGGY HOOGS – Board Member
SEVERIN CARLSON – Board Member

Notice of Workshop to Solicit Comments on Proposed Permanent Regulations

The State of Nevada Certified Court Reporters Board is proposing the amendments of permanent regulations pertaining to chapter 656 of the Nevada Administrative Code. The workshop is set for:

Monday, March 19, 2012 @ 5:30pm

Las Vegas, Nevada (Video Conference)

Esquire Deposition Services, LLC
2300 West Sahara Avenue, Suite 770
Las Vegas, Nevada 89102
Tel: 702-382-8778 Contact: Gloria Perry

Reno, Nevada

Aevos Office Suites
10775 Double R Boulevard
Reno, Nevada 89521
Tel: 775-682-4300

1. **Workshop called to order.**
Speaker: Peggy Elias – Legislative Committee Chairperson
2. **Public Comments.**
Members of the public will be invited to speak before the Committee; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual, the Committee may refuse to consider public comment. See NRS 233B.126. Public comments may be limited to 3 minutes per person at the discretion of the chairperson.
3. **To solicit comments to amend regulation NAC 656.210 and NAC 656.270:**
 - To expand the subject matter regarding the Nevada law continuing education requirements to include ethics relating to court reporting; specifically NAC 656.210 and NAC 656.270.
4. **To solicit comments to amend regulations regarding proceedings commenced in a foreign jurisdiction and exceptions thereto; specifically NAC 656.320.**
5. **To solicit comments to amend NAC Chapter 656 disciplinary language:**
 - Accurately set forth procedures to be followed in addressing informal complaint proceedings, including but not limited to those actions that may be taken by staff, the investigating board member, and the Board as a whole.
 - To streamline and promote efficiency in the disciplinary process.
 - Ensure consistency of language between the disciplinary procedures and the regulations setting forth professional standards of conduct.
6. **To solicit comments to conduct a review of all regulations to determine whether amendment or repeal of any of the regulations is recommended pursuant to NRS 233B(1e).**
7. **Public comments.**
8. **Next scheduled workshop for new or amended regulations.**

Adjournment

A copy of all materials relating to the proposed language will be provided to you at the workshop. If you wish to obtain a copy prior to the meeting, please log on to our website at www.crptr.state.nv.us and click on "Archived Meetings and Agendas – March 19, 2012 Workshop Agenda w/Language" to print out a copy. Or, you may contact our office and request that a copy be sent to you.

Debbie Uehara - Executive Secretary
State of Nevada Certified Court Reporters Board
6628 Sky Pointe Drive, Suite 104
Las Vegas, Nevada 89131
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Email: NVCCR@aol.com

This notice of Workshop to Solicit Comments on Proposed Permanent Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

State of Nevada Certified Court Reporters Board
6628 Sky Pointe Drive, Suite 104
Las Vegas, Nevada 89131

Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, Nevada 89155

Second Judicial District Court
75 Court Street
Reno, Nevada 89520

Office of the Attorney General
885 East Musser Street, #2030
Carson City, Nevada 89701

Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Date Posted: March 2, 2012

Proposed language bolded and italicized. Strikethrough indicates deleted language.

NAC 656.210 Required hours; means to obtain certain credits; applicability of credit. ([NRS 656.130](#), [656.200](#))

1. Each court reporter must, 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, regulations and court rules governing the practice of court reporting in this State, *and/or ethics relating to court reporting*.

2. The Board will provide each court reporter with the means to obtain these two credits other than by personal attendance.

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

NAC 656.320 Acceptance of work from firm; service in foreign jurisdiction. ([NRS 656.130](#), [656.250](#))

1. 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 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 *and must comply with the regulatory requirements of the State of Nevada unless otherwise stipulated by the attorneys in the case Said stipulations must be recorded verbatim by the reporter in the transcript of deposition or proceedings.* ~~if the court reporter complies with the requirements of the regulatory body that governs the practice of court reporting in the foreign jurisdiction.~~

(A) Exception to paragraph 2 above:

1. *No attorneys may stipulate to reducing of the court reporter's rates.*

2. *No attorneys may stipulate to the court reporter having to arrange for the provision of a courtesy copy of a transcript of a deposition to any attorney, party or witness.*

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.

DISCIPLINARY PROCEDURE

NAC 656.420 Informal complaint: Filing; action by Board and its staff; response; failure of respondent to cooperate or respond. ([NRS 656.130](#))

1. A person may file an informal complaint with the Board or the Board may, on its own initiative, cause an informal complaint to be filed concerning the acts of or services provided by a holder of a certificate.

2. Each informal complaint must be filed with the Board on a form provided by the Board. A complainant shall include in his or her informal complaint information that is sufficiently detailed so as to enable the Board to investigate and verify each accusation set forth in the informal complaint.

3. Upon receipt of an informal complaint, the staff of the Board shall examine the informal complaint to determine whether it:

(a) Is within the jurisdiction of the Board;

(b) Has been properly verified; and

(c) Alleges sufficient facts to warrant further proceedings.

4. If the staff of the Board determines that an informal complaint does not meet the requirements of subsection 3, the Board shall so inform the complainant by certified mail. If the staff of the Board determines that an informal complaint meets the requirements of subsection 3, the staff shall notify the respondent by certified mail. The notice must include:

(a) A statement setting forth each violation of this chapter or [chapter 656](#) of NRS alleged in the informal complaint;

(b) A copy of the informal complaint; and

(c) A request for a written response for review by the staff of the Board.

5. The transmission of a notice pursuant to subsection 4 will be deemed to be a notice of intended action pursuant to subsection 3 of [NRS 233B.127](#). Upon receipt of a copy of an informal complaint filed against him or her, the respondent shall submit to the Board a written response within 30 days after the service of the notice. The written response must:

(a) Address each allegation set forth in the informal complaint; and

(b) Be accompanied by all documentation that would be useful to the staff of the Board in its review.

6. Failure by a respondent to cooperate with the Board or the staff of the Board during an investigation of an informal complaint filed against the respondent, including, without limitation, failure by the respondent to respond in a timely manner regarding the informal complaint, is a ground for disciplinary action.

7. If a respondent fails to respond to an informal complaint pursuant to subsection 5, the respondent shall be deemed to have admitted each allegation set forth in the informal complaint. The Board may, based on such an admission, impose appropriate disciplinary action against the respondent.

8. If a respondent responds to an informal complaint pursuant to subsection 5, and the respondent admits each allegation set forth in the informal complaint and agrees to the imposition of the proposed disciplinary action, the Board shall consider the matter settled and will take no further action regarding the informal complaint.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)

NAC 656.430 Informal complaint: Review and investigation; production and copying of records and other evidence. ([NRS 656.130](#))

1. If a response is filed pursuant to subsection 5 of [NAC 656.420](#) and the Board does not settle the matter or impose disciplinary action against the respondent, the staff of the Board shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or any other qualified person in conducting the review and may take any other reasonable action required to further the review. After reviewing the informal complaint and the responses thereto, the staff of the Board may:

(a) Investigate each allegation set forth in the informal complaint and employ any person required by the staff to further the investigation;

(b) Consult with a person who is an expert in an appropriate field, including, without limitation, employing such a person for the purpose of an investigation or hearing;

(c) Investigate any new information discovered or allegation made during the course of the investigation;

(d) Enlist the aid of a member of the Board or any other qualified person to conduct the investigation; and

(e) Take any other reasonable action required to further the investigation.

2. During an investigation of an informal complaint, the staff of the Board or any investigator employed by the staff may demand that the respondent produce his or her records or other evidence for inspection or copying, with or without notice to the respondent, and with or without a subpoena. A respondent shall not deny any such demand for records or other evidence if the record or evidence is not confidential as provided by law. If a respondent refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend the certificate of the respondent until he or she complies with the request. If the respondent continues to refuse or fail to comply with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

3. If the staff of the Board or any investigator employed by the staff determines that a record or other evidence is required for an investigation, the staff or investigator may copy the record or evidence. If the record or other evidence can be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator at that location. If a record or other evidence cannot be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator within 10 business days after the staff or investigator requests the record or evidence.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)

NAC 656.440 Action following investigation of informal complaint; notice of hearing and formal complaint; answer by respondent; exchange of lists of witnesses and evidence; joining of complaints.
[\(NRS 656.130\)](#)

1. When an investigation of an informal complaint is complete, the staff of the Board and any investigator employed by the staff shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff and the investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the staff shall provide a written notice of that determination to the respondent and the complainant. If the staff and the investigator determine that an allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the Board or the legal counsel for the Board shall:

- (a) Offer to:
 - (1) Engage in mediation;
 - (2) Enter into a settlement agreement;
 - (3) Stipulate to any fact or to the existence or extent of any liability; or
 - (4) Conduct any informal hearing; or
- (b) Prepare a notice of hearing and a formal complaint.

2. The notice of hearing and the formal complaint prepared pursuant to subsection 1 must:

- (a) Set forth a plain statement of the facts asserted and any applicable provision of the statute or regulation allegedly violated by the respondent;
- (b) Include the date, time and place for the hearing; and
- (c) Be signed by the legal counsel for the Board and, if a member of the Board participated in the investigation, by that member of the Board.

3. If a notice of hearing and a formal complaint are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the notice of hearing and formal complaint to the respondent named in the notice of hearing and formal complaint.

4. A respondent who receives a notice of hearing and a formal complaint pursuant to subsection 3 shall file an answer to the notice of hearing and the formal complaint not later than 15 days after the date of service of the notice of hearing and formal complaint. The answer must respond to each allegation and statement made in the notice of hearing and the formal complaint by admitting to or denying each allegation and statement. If the respondent fails to file an answer as required pursuant to this subsection, he or she shall be deemed to have admitted each allegation and statement set forth in the notice of hearing and the formal complaint. The Board may, based on such an admission, enter a finding and impose appropriate disciplinary action against the respondent in the same manner as if the allegation or statement had been proven by substantial evidence at a hearing held by the Board on the formal complaint.

5. Not later than 10 days after the respondent files an answer to a notice of hearing and a formal complaint pursuant to subsection 4, the respondent and the legal counsel for the Board shall exchange a list of the witnesses and any evidence that will be used at the hearing. A party may not present any testimony or other evidence obtained by the party after the date of the exchange required pursuant to this subsection unless the party demonstrates to the Board that:

- (a) The evidence or witness providing the testimony was not available upon diligent investigation before the date the exchange was required; and
- (b) The evidence or the name of the witness was given or communicated to the other party immediately after it was obtained.

6. The Board may join two or more formal complaints into a single formal complaint if:

- (a) The causes of action set forth in each formal complaint are against the same person and allege the same or substantially similar violations of statutes or regulations; and
- (b) The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004)

NAC 656.460 Hearings: Presentation of evidence; participation by interested members of Board. ([NRS 656.130](#), [656.280](#))

1. Upon the request of the Board, the member of the Board who presides at the hearing or the Attorney General who represents the Board shall present the evidence against the respondent at the hearing.

2. A member of the Board who:

(a) Is a relative by blood or marriage to the respondent;

(b) Has a business relationship with the respondent; or

(c) Participated in the investigation of the respondent,

↪ shall not participate in the hearing, and the Chair 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.