

For possible action; review and discussion to streamline NAC Chapter 656 pursuant to Executive Order 2023-003.

Speaker: William LaBorde - Legislative Regulations Committee Chairman

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

## CHAPTER 656 - CERTIFIED COURT REPORTERS

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## GENERAL PROVISIONS

**NAC 656.010 Definitions.** ([NRS 656.130](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 656.015](#) to [656.070](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R120-97, 4-13-98; R101-03, 2-18-2004; R029-07, 10-31-2007; R030-09, 10-27-2009)

**NAC 656.015 "Advisory opinion" defined.** ([NRS 656.130](#)) "Advisory opinion" means an opinion rendered by the Board upon request pursuant to [NAC 656.415](#).

(Added to NAC by Cert. Court Reporters' Bd. by R030-09, eff. 10-27-2009)

~~**[NAC 656.020 "Board" defined.** ([NRS 656.130](#)) "Board" has the meaning ascribed to it in [NRS 656.030](#).~~

~~(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98)]~~

~~[NAC 656.030 “Certificate” defined. (NRS 656.130) “Certificate” has the meaning ascribed to it in NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98)]~~

~~[NAC 656.035 “Complainant” defined. (NRS 656.130) “Complainant” means any person who submits a written complaint to the Board regarding any act of a holder of a certificate or license.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R030-09, 10-27-2009; R112-17, 2-27-2018)]~~

~~[NAC 656.040 “Court reporter” defined. (NRS 656.130) “Court reporter” has the meaning ascribed to “certified court reporter” in NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R112-17, 2-27-2018)]~~

~~[NAC 656.045 “Designated representative of a court reporting firm” defined. (NRS 656.130) “Designated representative of a court reporting firm” has the meaning ascribed to it in subsection 5 of NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R029-07, eff. 10-31-2007)]~~

~~[NAC 656.050 “Firm” defined. (NRS 656.130) “Firm” has the meaning ascribed to “court reporting firm” in NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009)]~~

~~[NAC 656.054 “License” defined. (NRS 656.130) “License” has the meaning ascribed to it in NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R112-17, eff. 2-27-2018)]~~

~~[NAC 656.055 “Litigation” defined. (NRS 656.130) “Litigation” means:~~

- ~~1. Any suit at law or in equity; or~~
- ~~2. Any arbitration that is subject to judicial review.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004)]~~

~~[NAC 656.060 “Practice of court reporting” defined. (NRS 656.130) “Practice of court reporting” has the meaning ascribed to it in NRS 656.030.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98)]~~

**NAC 656.065 “Proceeding” defined. (NRS 656.130) “Proceeding” means any hearing or other matter that is conducted or considered during litigation, including, but not limited to:**

1. Any final decision of an agency that is subject to judicial review pursuant to [chapter 233B](#) of NRS;
2. Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure; and
3. Any other matters subject to judicial review.

(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R030-09, 10-27-2009)

~~[ NAC 656.070 “Respondent” defined. (NRS 656.130) “Respondent” means a holder of a certificate or license who is charged in a formal or informal complaint with a violation of a provision of this chapter or chapter 656 of NRS.~~

~~—(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R112-17, 2-27-20180]~~

#### CERTIFICATION

**NAC 656.100 Application for certificate; cancellation by applicant. (NRS 656.130, 656.150, 656.170)**

1. The Board will consider applications for certificates 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.

2. ~~[An]~~ **A completed** application must be submitted to the Board in ~~[its original form]~~ **a manner determined by the Board.** ~~[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.]~~

~~[3.—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]~~ **who submits an incomplete application** may resubmit ~~[his or her application if the application that is resubmitted is postmarked]~~ **the application** on or before the date of the deadline.

~~[4]~~ 3. 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 submitting his or her application.

~~[5]~~ 4. An application must include a photocopy of a picture identification of the applicant.

~~[6]~~ 5. The fee accompanying the application must be in the form of a money order, cashier’s check ~~[or]~~, certified check **or online payment** which is payable to the Board. If the applicant does not submit the fee in a timely manner, the ~~[Executive Secretary of the Board may deny the]~~ applicant **is ineligible to take the examination.** ~~[:]~~

~~—(a) Admission to the examination;~~

~~—(b) The results of his or her examination; or~~

~~—(c) A certificate.]~~

~~[7]~~ 6. 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.

~~[8]~~ 7. If the Board rejects an application, the Board will include a letter that explains the reason for the rejection.

~~[9]~~ 8. If the Board approves an application, the ~~[Executive Secretary of the]~~ Board shall ~~[mail]~~ **send** to the applicant a letter of admission to the examination.

~~[10]~~ **9.** An applicant may ~~[cancel his or her submission of]~~ an application and request a refund of the examination fee by submitting a written request to the Board on or before the deadline for submission of applications established by the ~~[Executive Secretary of the]~~ Board pursuant to subsection 1. ~~[If the request is submitted on or before the deadline for submission of applications, the [Executive Secretary of the] Board shall cancel the applicant's application and refund the examination fee to the applicant.]~~ The ~~[Executive Secretary of the]~~ Board shall not refund an examination fee if the request for a refund is submitted after the deadline for submission of applications.

~~[11]~~ **10.** An applicant may ~~[cancel his or her submission of]~~ *withdraw* an application and request that the Board apply the applicant's examination fee to the immediately succeeding examination by submitting a written request to the Board after the deadline for submission of applications established by the ~~[Executive Secretary of the]~~ Board pursuant to subsection 1 but before the date of the examination. If the request is submitted after the deadline for submission of applications but before the date of the examination, the ~~[Executive Secretary of the]~~ Board shall ~~[cancel the applicant's application and]~~ apply the applicant's examination fee to the immediately succeeding examination.

~~[12]~~ **11.** An applicant who is unable to take the examination because of an emergency may submit a written request to the Board not later than 15 days after the date of the examination requesting that the Board apply the applicant's examination fee to the immediately succeeding examination. The request must include documented proof of the emergency. If the Board grants the applicant's request, the ~~[Executive Secretary of the]~~ Board shall apply the applicant's examination fee to the immediately succeeding examination.

~~[13. As used in this section, "emergency" means a sudden or unforeseen circumstance that makes it impractical or impossible for the applicant to take the examination and includes, without limitation, an illness or injury to the applicant or an injury to or the illness or death of a family member of the applicant.]~~

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R075-10, 6-30-2010; R072-12, 4-5-2013)

**NAC 656.110 Examination: Purpose.** ([NRS 656.130](#), [656.160](#)) 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.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98)

**NAC 656.120 Examination: Administration.** ([NRS 656.130](#), [656.160](#))

1. The ~~[Executive Secretary of the]~~ Board shall assign a unique identification number to each application that is approved by the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his or her application and by signing the sheet for registration provided by ~~[a member of the staff of]~~ the Board. ~~[A member of the]~~ *The* Board ~~[or a member of the staff of the Board]~~ will open the examination room on the day of the examination for registration. ~~[A member of the]~~ *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 or her application.

2. A member of the Board ~~[or a member of the staff of the Board]~~ shall give oral instructions and remarks of introduction immediately before administering the examination. Unless special arrangements are made pursuant to subsection 8 or 9, all applicants must register and be present for the oral instructions and remarks of introduction.

3. Each applicant must be on time to take the examination. An applicant who arrives late to take the examination:

- (a) Will be denied admission to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister before taking a subsequent examination.

4. ~~[A member of the]~~ *The* Board ~~[or a member of the staff of the Board]~~ will administer the examination. The name of the applicant or the applicant's identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

5. 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, the applicant must return the examination and material to the registration desk.

6. 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]~~.

7. An applicant must bring to the examination room a pen or pencil. The Board will not provide any equipment.

8. Upon the written request of an applicant with a disability at least 10 working days before the examination, the ~~[Executive Secretary of the]~~ Board shall make special arrangements for the administration of the examination to the applicant if those arrangements are:

- (a) Feasible;
- (b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

9. Upon the request of an applicant whose religious beliefs prevent the applicant 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.

10. If an applicant cheats on the examination, a member of the Board ~~[or a member of the staff of the Board]~~ will expel the applicant from the examination room and fail the applicant.

11. Questions concerning the administration, procedure or content of the examination must be submitted in writing to the Board.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R029-07, 10-31-2007; R030-09, 10-27-2009; R005-11, 12-30-2011; R072-12, 4-5-2013; R099-16, 6-21-2017; R112-17, 2-27-2018)

**NAC 656.130 Examination: Administration and contents; use of materials prohibited. (NRS 656.130, 656.160)**

1. After the presentation of the oral instructions and remarks of introduction by ~~{a member of}~~ the Board, the Board will provide for the administration of the examination. Unless special arrangements are made pursuant to subsection 8 of [NAC 656.120](#), the Board will give an applicant 1 hour and 45 minutes to complete and submit the examination to the Board ~~{or a member of the staff of the Board}~~. A grade of at least 70 percent is required to pass the examination.

2. 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 applicable *court and procedural* laws, regulations, and ~~{court and procedural}~~ rules governing the practice of court reporting in this State; and
- (h) Any other subject relating to the duties of a court reporter specified by the Board.

↪ The ~~{Executive Secretary of the}~~ Board shall include material to prepare for 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 examination. All books, papers and other such material must be placed on the floor during the examination.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R030-09, 10-27-2009; R005-11, 12-30-2011; R072-12, 4-5-2013; R112-17, 2-27-2018)

**NAC 656.150 Certification and notice of results of examination; submission of application for certificate by successful applicant. (NRS 656.130, 656.155, 656.160, 656.180)**

1. Not more than 8 weeks after the administration of the examination, the Board will, at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the Board will 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 Board provides official notice of the results of the examination, a successful applicant may submit an application for a certificate on a form provided by the Board. The application must include:

- (a) The fee required by [NAC 656.200](#) for the 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;
- (d) The date on which the applicant successfully passed the examination;
- (e) In accordance with [NRS 656.155](#), the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#); and
- (f) Complete answers to the questions contained on the form.

↪ Upon receipt of a complete application, the Board will process an application for a certificate.

3. A successful applicant shall not practice court reporting in this State until he or she receives a certificate from the Board.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R005-11, 12-30-2011; R072-12, 4-5-2013; R112-17, 2-27-2018)

**NAC 656.160 Failure and retaking of examination; submission of application for certificate within 2 years after date of passage. ([NRS 656.130](#), [656.150](#), [656.160](#), [656.180](#))**

1. If an applicant fails the examination, the applicant is ineligible for a certificate. Such an applicant may retake the examination if he or she submits an application and the fee required for examination to the Board.

2. An applicant who passes the examination must submit an application to the Board for a certificate within 2 years after the date on which the applicant passed the examination.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R029-07, 10-31-2007; R005-11, 12-30-2011; R112-17, 2-27-2018)

**NAC 656.170 Placement of certificate on inactive status; payment of reduced fee; waiver of reduced fee; reactivation of certificate. ([NRS 656.130](#), [656.160](#), [656.200](#))**

1. A court reporter who is current in the fees required by the Board and the requirements of continuing education may submit an application in a form prescribed by the Board to place his or her certificate on inactive status. Except as otherwise provided in subsection 2, a court reporter whose certificate is on inactive status must pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.

2. If a court reporter wants to request to have the fee for obtaining inactive status waived by reason of hardship caused by injury or illness of the court reporter or an immediate relative of the court reporter, the court reporter must appear before the Board to request the waiver. A waiver granted by the Board is valid for 1 year but may be requested again by the court reporter. As used in this subsection, "immediate relative" has the meaning ascribed to it in [NRS 622.020](#).

3. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

- (a) The court reporter's certificate is placed on inactive status;
- (b) 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 placed on inactive status; and
- (c) A person has requested a transcript of the proceeding.

4. A court reporter whose certificate has been on inactive status for less than 5 years may reactivate his or her certificate if the court reporter pays the fee for renewal of a certificate and complies with the requirements for continuing education for the year in which the court reporter reactivates his or her certificate.

5. If the certificate of a court reporter has been on inactive status for 5 years or more, the Board may, in addition to requiring the applicant to comply with the provisions of subsection 4, require the applicant to do one or any combination of the following:

- (a) Take the examination.
- (b) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that his or her certificate was on inactive status, submit proof of such practice.
- (c) Submit any other proof that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R030-09, 10-27-2009; R072-12, 4-5-2013; R099-16, 6-21-2017; R112-17, 2-27-2018)

**NAC 656.180 Voluntary surrender of certificate. (NRS 656.130)**

1. A court reporter may voluntarily surrender his or her certificate to the Board if the court reporter 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 or her certificate desires to practice court reporting, the person must submit an application to the Board pursuant to [NRS 656.150](#) and [NAC 656.100](#).

2. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

- (a) The court reporter voluntarily surrenders his or her certificate;
- (b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before he or she voluntarily surrendered the certificate; and
- (c) A person has requested a transcript of the proceeding.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009; R072-12, 4-5-2013)

**[NAC 656.200 Fees for issuance or renewal of certificate. (NRS 656.130, 656.220)** The following fees must be paid:

- 1. For the original issuance of a certificate.....  
\$200
- 2. For the annual renewal of a certificate.....  
\$200

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R101-03, 2-18-2004; R029-07, 10-31-2007)]

**NAC 656.203 Fees: Notification by Board when payment returned for insufficient funds; resubmission of payment and related application or other paperwork. (NRS 656.130)**

If the payment of any fee due to the Board pursuant to [NRS 656.220](#) is returned for insufficient funds, the ~~Executive Secretary of the~~ Board must inform the person who submitted the payment. If the person resubmits the payment:

- 1. Such payment must be in the form of a money order, cashier's check or certified check which is payable to the Board; and
- 2. The person must resubmit to the Board any application, request or other paperwork that was submitted with the original payment.

(Added to NAC by Cert. Court Reporters' Bd. by R099-16, eff. 6-21-2017)

**CONTINUING EDUCATION**

**NAC 656.205 Understanding and knowledge of applicable *court and procedural* laws, regulations, and ~~court and procedural~~ rules. (NRS 656.130, 656.200)** Each court reporter and designated representative of a court reporting firm shall possess a basic understanding and knowledge of the applicable *court and procedural* laws, regulations, and ~~court and procedural~~ rules governing the practice of court reporting in this State. The applicable *court and procedural*

laws, ~~and~~ regulations, *and rules* governing the practice of court reporting in this State may be obtained at the Internet

addresses <http://www.leg.state.nv.us/nrs> and <http://www.leg.state.nv.us/nac>, respectively.

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

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

1. Each court reporter and designated representative of a court reporting firm shall, every *two* ~~{2}~~ years, complete at least 15 ~~{hours}~~ *credits* of continuing education relating to the practice of court reporting. ~~{.}~~

(a) at least two of *the required 15 credits* ~~{which}~~ must include a review of the applicable *court and procedural* laws, regulations, and ~~{court and procedural}~~ rules governing the practice of court reporting in this State.

(b) *No more than three of the required 15 credits may be obtained by attending a Nevada Certified Court Reporters Board meeting where credit is offered.*

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 *court and procedural* laws, regulations, and ~~{court and procedural}~~ rules governing the practice of court reporting in this State other than by personal attendance.

3. Credit 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 656.220 Form for report of compliance; verification by Board. ([NRS 656.130](#), [656.187](#), [656.200](#))**

1. During each odd-numbered year, the Board will mail to each court reporter and designated representative of a court reporting firm, with the annual notice of renewal of certification or licensure, a form on which to report his or her compliance with the requirements of continuing education set forth in [NAC 656.210](#).

2. Each court reporter and designated representative of a court reporting firm who receives a form pursuant to subsection 1 shall complete and return the form to the Board *postmarked* on or before June 30 of that odd-numbered year.

3. The Board may take such action as the Board determines is necessary to verify that a court reporter or designated representative of a court reporting firm has complied with the requirements of continuing education set forth in [NAC 656.210](#).

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R021-10, 6-30-2010; R072-12, 4-5-2013; R099-16, 6-21-2017)

**NAC 656.230 Notice of noncompliance; suspension or revocation of certificate or license for failure to file report of compliance; reinstatement of certificate or license. ([NRS 656.130](#), [656.160](#), [656.187](#), [656.200](#))**

1. If a court reporter or designated representative of a court reporting firm fails to complete and return the form required pursuant to [NAC 656.220](#), the Board will[, on or before July 15,]

provide written notice of noncompliance to the last known address of the court reporter or designated representative of a court reporting firm.

2. The notice of noncompliance must contain:

(a) A statement explaining the manner in which the court reporter or designated representative of a court reporting firm failed to comply with the requirements for continuing education;

(b) A notice that the court reporter or designated representative of a court reporting firm shall, on or before August 15, file with the Board a compliance form showing that he or she has cured the failure specified; and

(c) A notice which specifies the consequences provided in subsection 3 for failure to file the form by August 15.

3. The Board may suspend or revoke the certificate of a court reporter or the license of a firm if the court reporter or designated representative of the court reporting firm fails to file a report of compliance by August 15. Reinstatement of a certificate or license may be conditioned upon one or both of the following:

(a) Proof of compliance with the requirements for continuing education.

(b) The passage of the examination required pursuant to [NRS 656.160](#).

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R101-03, 2-18-2004; R072-12, 4-5-2013; R099-16, 6-21-2017; R112-17, 2-27-2018)

**NAC 656.240 Request for accreditation of program or course of study; determination of *accreditation* ~~[hours of credit]~~; requirements for approval of course of study; credit 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 of]~~ 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 *court and procedural* 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)

#### PRACTICE BY FIRM

#### **NAC 656.250 Application for and issuance of license; filing of amended application upon certain changes. ([NRS 656.130](#), [656.185](#))**

1. Each firm that conducts business as a court reporting firm in this State must complete an application for a license provided by the Board and file the application with ~~[the Executive Secretary of]~~ the Board. The form for application for the license must include:

- (a) The business address of the firm in this State;
- (b) The tax identification number of the firm;
- (c) The residential address of each owner of the firm;
- (d) If applicable, a copy of each certificate filed pursuant to [chapter 602](#) of NRS to do business under an assumed or fictitious name;
- (e) Copies of all business licenses issued to the firm by a local government in this State;
- (f) All other documents, reports and other information required by the Board; and
- (g) The name of the designated representative of the court reporting firm, as well as a copy of his or her certificate as a certified court reporter or a certificate of completion which demonstrates satisfactory completion of the examination required pursuant to subsection 2 of [NRS 656.186](#) and [NAC 656.261](#).

2. Upon receipt of a completed application for a license and the payment of the fees required pursuant to [NRS 656.220](#), the ~~[Executive Secretary of the]~~ Board shall issue a license to the firm.

3. If a change in the ownership of a firm occurs or other change pursuant to [NRS 656.260](#) occurs, the firm shall file an amended application for a license with ~~[the Executive Secretary of]~~ the Board not more than 30 days after the change occurs.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R029-07, 10-31-2007; R030-09, 10-27-2009; R072-12, 4-5-2013)

#### **NAC 656.261 Examination of designated representative: Prerequisite to service; schedule for administration; fee. ([NRS 656.130](#), [656.186](#), [656.220](#))**

1. Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, the person must pass an examination administered by the Board.

2. The ~~{Executive Secretary of the}~~ Board shall prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. The fee for an examination is \$250.

(Added to NAC by Cert. Court Reporters' Bd. by R029-07, eff. 10-31-2007; A by R112-17, 2-27-2018)

**NAC 656.265 Examination of designated representative: Content; procedure; notice of results; application for and restrictions on retaking. (NRS 656.130, 656.186)**

1. Each examination administered pursuant to [NAC 656.261](#) will consist of 125 multiple-choice questions that test the knowledge of the applicant in:

(a) The applicable *court and procedural* laws, regulations, and ~~{court and procedural}~~ rules governing the practice of court reporting in this State;

(b) Technical advances in the practice of court reporting;

(c) Ethics and professionalism in the practice of court reporting;

(d) Management of the business and economics of court reporting; and

(e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not later than 7 days after an examination, the Board will mail the results of the examination to each applicant. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

~~{4. An applicant may not take more than four examinations during any period of 12 consecutive months. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to [NAC 656.261](#).~~

~~—(Added to NAC by Cert. Court Reporters' Bd. by R029-07, eff. 10-31-2007; A by R072-12, 4-5-2013; R112-17, 2-27-2018)}~~

**NAC 656.270 Application of certain statutes and regulations. (NRS 656.130, 656.187)**

To the extent applicable, the Board will apply the statutes and regulations governing court reporters, including, without limitation, suspension or revocation of a certificate, to a firm in the same manner as the Board applies those statutes and regulations to court reporters. The provisions of this section do not negate an independent contractual relationship between a court reporter and a firm.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R029-07, 10-31-2007; R153-10, 12-16-2010; R072-12, 4-5-2013)

**NAC 656.280 Standards of practice. (NRS 656.130)**

1. Each firm must have at least one owner who is a court reporter or a designated representative of the court reporting firm to whom a certificate of completion has been issued pursuant to [NAC 656.265](#).

2. Each firm 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 or she is a shareholder, the income attributable to the court reporter must not be paid or otherwise accounted to the court reporter.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R029-07, 10-31-2007)

## PROFESSIONAL CONDUCT

### Standards of Conduct

#### **NAC 656.300 Scope; violation of provisions. ([NRS 656.130](#), [656.250](#))**

1. The provisions of [NAC 656.300](#) to [656.390](#), inclusive, constitute the standards of conduct that:

(a) A court reporter must follow while the court reporter is engaged in the practice of court reporting; and

(b) A firm must follow while it is conducting business as a court reporting firm.

2. A violation of the provisions of [NAC 656.300](#) to [656.390](#), inclusive, 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.

*3. The Board encourages each court reporter to cooperate with and donate services to organizations that provide legal services to indigent persons, including, without limitation, programs for legal services described in [NRS 12.015](#).*

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009)

#### **NAC 656.310 Conflicts of interest; limitations on gifts. ([NRS 656.130](#), [656.250](#))**

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 *waives disclosed conflict of interest* ~~[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 *waives disclosed conflict of interest* ~~[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 *waives disclosed conflict of interest* ~~[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 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 services. A court reporter or firm may:

(a) Give or receive *promotional items* ~~[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.

(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R020-10, 6-30-2010)

*Please refer to R003-19 for uncodified language.*

**NAC 656.320 Requirements for engaging in practice of court reporting on behalf of firm not *licensed* ~~[registered]~~ by *the* Board. ([NRS 656.130](#), [656.250](#))**

1. Except as otherwise provided in subsection 2, a court reporter or court reporting firm shall not engage in the practice of court reporting on behalf of a firm that is not registered with the Board. Each court reporter and court reporting firm shall verify whether a firm is registered with the Board before engaging in the practice of court reporting on behalf of the firm.

2. A court reporter or court reporting firm may engage in the practice of court reporting on behalf of a firm that is not registered with the Board in any proceeding conducted in this State as a result of an action commenced or maintained in a foreign jurisdiction if the court reporter or court reporting firm otherwise complies with the applicable *court and procedural* laws, regulations, and ~~[court and procedural]~~ rules governing the practice of court reporting in this State.

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.

(Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R020-10, 6-30-2010; R072-12, 4-5-2013)

**NAC 656.330 Prohibited acts. (NRS 656.130, 656.250)**

1. A court reporter or firm shall not:

(a) Provide or arrange for the provision of services if the court reporter or firm is financially interested in the litigation;

(b) Enter into or arrange a financial relationship that:

(1) Compromises the impartiality of the court reporter or firm; or

(2) Creates or may create the appearance that the impartiality of the court reporter or firm has been compromised;

(c) Enter into any contract or other agreement to provide services that restricts the ability of an attorney or party to repudiate the contract or agreement;

(d) Allow a person, other than the court reporter or firm, to establish the rates charged by the court reporter or firm;

(e) Provide or arrange for the provision of a courtesy copy of a transcript of a deposition to any attorney, party or witness if provision of the courtesy copy might create an appearance of impropriety on the part of the court reporter or firm; or

(f) Except as otherwise provided in subsection 2, enter into a contract or other agreement with a person or entity to provide ongoing services as a court reporter or firm, or ongoing services which relate to the practice of court reporting, if:

(1) The ongoing services relate to litigation that has not commenced;

(2) The impartiality of the court reporter or firm may be reasonably questioned;

(3) The court reporter or firm is required to relinquish control of an original transcript of a deposition and copies of that transcript before the transcript is certified and delivered in accordance with [NAC 656.370](#); or

(4) The provisions of the contract or agreement confer or appear to confer an unfair advantage upon a party.

2. The provisions of paragraph (f) of subsection 1 do not apply to:

(a) The provision of services to a governmental body; or

(b) A court reporter or firm who agrees to provide services for a matter that is not related to litigation.

(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)

**NAC 656.340 Fairness and impartiality; avoidance of impropriety; impairment of performance. (NRS 656.130, 656.250)**

~~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.]~~

**1[2].** A court reporter shall not provide service as a court reporter if ~~[he or she is]~~ *the court reporter:*

- (a) *Is ~~Under~~ 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) *Is ~~Suffering~~ suffering* from an illness or other impairment that prevents ~~him or her~~ *the court reporter* from performing competently.
  - (c) *Has a conflict of interest that, when disclosed, is not waived by all parties in the matter.*
- (Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98)

**NAC 656.350 Accuracy of reporting; alteration of record of proceeding; nonsubstantive alterations of transcript. ([NRS 656.130](#), [656.250](#))**

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 and if each party to the proceeding or the party's attorney stipulates otherwise. Except as otherwise provided in [Rule 30\(d\)](#) of the Nevada Rules of Civil Procedure, during the proceeding, if a party or his or her attorney instructs the court reporter to go off the record, the court reporter shall stop reporting unless another party or his or her attorney makes an immediate objection to the instruction.

2. Except as otherwise provided in subsection 3, a court reporter or firm shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:

- (a) Each party to the proceeding stipulates to the alteration; or
- (b) The judge or arbiter presiding over the proceeding orders the alteration.

3. A firm may, upon receiving a transcript from a court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the firm notifies the court reporter who certified the transcript of the proposed alterations and receives *the court reporter's* ~~his or her~~ approval for each alteration.

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

**NAC 656.360 Preparation of transcripts. ([NRS 656.130](#), [656.250](#))** Except as otherwise provided by statute, an order of a court or a rule of a court, each court reporter or firm 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 3/4 of an inch 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 requires 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.

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

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

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 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)

**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 656.380 Confidentiality. ([NRS 656.130](#), [656.250](#))** Each court reporter and firm shall preserve the confidentiality and ensure the security of all written and oral information that is entrusted to the court reporter or firm 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 or firm is not required to preserve the confidentiality of the transcript of the proceeding pursuant to this section.

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

**NAC 656.390 Establishment of fees for services; uniformity of fees and services; provision of itemized statements. ([NRS 656.130](#), [656.250](#))**

1. For all litigation and any proceeding conducted during that litigation in which a court reporter provides service as a court reporter, the court reporter or firm providing for the services of the court reporter shall establish the fees of the court reporter for:

- (a) Attending each proceeding.
- (b) Preparing an original transcript of each proceeding.

- (c) Preparing a copy of each transcript.
- (d) Preparing a computer disc or electronic copy of each transcript.
- (e) Preparing a portion of each transcript.
- (f) Assembling and copying exhibits that are identified in each proceeding.
- (g) Any other service he or she provides as a court reporter during the litigation or proceeding.

2. After establishing the fees pursuant to subsection 1, each court reporter or firm shall charge the same fee and provide uniform service to each party to the litigation or proceeding who requests a service listed in that subsection.

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

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

#### Miscellaneous Provisions

~~[NAC 656.400 Cooperation with and donation of services to organizations that provide legal services to indigents encouraged. (NRS 656.130) The Board encourages each court reporter to cooperate with and donate services to organizations that provide legal services to indigent persons, including, without limitation, programs for legal services described in NRS 12.015.~~

~~(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009; R112-17, 2-27-2018)]~~

**NAC 656.410 Retention of electronically stored data in lieu of paper notes. (NRS 656.130, 656.335)**

1. The Board will interpret the requirement contained in [NRS 656.335](#) as authorizing a court reporter to retain computer discs, cartridges and other electronic means of storing data in lieu of retaining the paper notes of the court reporter.

2. Any notes stored by electronic means pursuant to subsection 1 must be retained in at least two forms for the period prescribed in [NRS 656.335](#).

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004)

**NAC 656.415 Request for advisory opinion; issuance. (NRS 656.130)**

1. Except as otherwise provided in subsection 3, a person may request that the Board issue an advisory opinion concerning the applicability of a statute, regulation or decision of the Board.

2. A request for an advisory opinion must be in writing and:

(a) Set forth:

(1) The name and address of the person requesting the advisory opinion;

(2) A clear and concise statement of the specific question for which the advisory opinion is being sought; and

(3) A statement of the facts that support the advisory opinion being sought; and

(b) Contain a certification, verified by oath, that to the best of the person's knowledge and belief, the request does not concern a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

3. The Board will not issue an advisory opinion concerning a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

4. The Board will review a request for an advisory opinion and, within 30 days after receiving the request, will issue a response concerning whether the Board will issue the advisory opinion.

5. An advisory opinion issued by the Board will be limited to the facts and circumstances set forth in the request.

6. An advisory opinion issued by the Board is not binding for the purposes of judicial review.

7. The Board will not render an oral advisory opinion to a request for an advisory opinion. An oral response, including, without limitation, a response given over the telephone, by ~~[a member of the staff of]~~ the Board is not a decision or an official advisory opinion of the Board.

(Added to NAC by Cert. Court Reporters' Bd. by R030-09, eff. 10-27-2009; A by R112-17, 2-27-2018)

#### 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 *detailed* 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 or license.

~~[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.]~~

~~2~~<sup>3</sup>. 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; *and*

~~[(b) Has been properly verified; and]~~

~~(b)~~<sup>e</sup>) Alleges sufficient facts to warrant further proceedings.

~~3~~<sup>4</sup>. If the ~~[staff of the]~~ Board determines that an informal complaint does not meet the requirements of subsection ~~2~~ <sup>3</sup>, the Board ~~[or the staff of the Board]~~ shall so inform the complainant. If the ~~[staff of the]~~ Board determines that an informal complaint meets the requirements of subsection ~~2~~ <sup>3</sup>, the *Board* ~~[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.

~~4~~<sup>5</sup>. The transmission of a notice pursuant to subsection ~~3~~ <sup>4</sup> 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 a court reporter or a court reporting firm, 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 referenced in the response and all other 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.]~~

~~5[7].~~ If a respondent fails to *cooperate with the Board or fails to* respond in a timely manner to an informal complaint pursuant to subsection ~~[5]~~ 4, 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.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004; A by R099-16, 6-21-2017; R112-17, 2-27-2018)

**NAC 656.430 Informal complaint: Review and investigation; production and copying of records and other evidence; disciplinary action against respondent for failure to produce. (NRS 656.130)**

1. If a response is filed pursuant to subsection 4 ~~[5]~~ of [NAC 656.420](#) ~~[and the Board does not settle the matter, 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 *investigate and* 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 *Board* ~~[staff]~~ may demand that the respondent produce records or other evidence for inspection or copying ~~[-, 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 or license of the respondent until the respondent complies with the request. If the respondent continues to refuse or fails 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; A by R099-16, 6-21-2017; R112-17, 2-27-2018)

*Please refer to R104-19 for uncodified language.*

**NAC 656.440 Action following investigation of informal complaint; notice of hearing and formal complaint; answer by respondent; joining of complaints. (NRS 656.130)**

1. When an investigation of an informal complaint is complete, ~~[the staff of]~~ the Board ~~[or any investigator employed by the staff]~~ shall determine whether a preponderance of evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the **Board** ~~[staff or the investigator]~~ determines that no allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the **Board** ~~[staff]~~ shall provide a written notice of that determination to the respondent and the complainant. If the **Board** ~~[staff or the investigator]~~ determines 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; and

(b) If the actions set forth in paragraph (a) do not resolve the informal complaint, 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 20 days after the date of service of the notice of hearing and formal complaint.

5. 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; A by R099-16, 6-21-2017; R112-17, 2-27-2018)

**NAC 656.460 Hearings: Presentation of evidence; participation by interested members of Board. ; *Posthearing Motions*, (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.

*3. If, after the close of a hearing, a party files a motion pursuant to subsection 1 of NRS 622A.30, the Chair of the Board is authorized to rule on the motion.*

*4. Oral argument regarding the motion is not permitted.*

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004)

~~[NAC 656.470 — Chair authorized to rule on certain posthearing motions; oral argument not permitted. (NRS 622A.390, 656.130)~~

~~— 1. — If, after the close of a hearing, a party files a motion pursuant to subsection 1 of NRS 622A.390, the Chair of the Board is authorized to rule on the motion.~~

~~— 2. — Oral argument regarding the motion is not permitted.~~

~~— (Added to NAC by Cert. Court Reporters' Bd. by R099-16, eff. 6-21-2017)]~~

**AMENDMENTS MADE TO NEW REGULATIONS THAT ARE NOT CODIFIED**

**LCB File No. R003-19**

NAC 656.210(5) If the original issuance of a certificate or a license is less than *six* ~~{6}~~ months before May 15 of an odd-numbered year, the Board will waive the requirements for continuing education set

forth in this section for the court reporter or designated representative of a court reporting firm, as applicable, for that reporting period.

## LCB File No. R104-19

### Sec. 6. NAC 656.420:

656.420 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) A holder of a certificate or license;
- (b) A designated representative of a court reporting firm; or
- (c) A person who:
  - (1) Is not the holder of a certificate or license; and
  - (2) Performs an act or service that requires a certificate or license.

~~[2. Each informal complaint must:~~

~~(a) Be filed with the Board on a form provided by the Board.; and~~

~~(b) Include:~~

- ~~(1) Information that is sufficiently detailed so as to enable the Board to investigate and the respondent to prepare a defense to each accusation set forth in the informal complaint;~~
- ~~(2) All documentation referenced in the complaint and all other documentation that would be useful to the staff of the Board in its review; and~~
- ~~(3) The signature of the complainant verifying, by oath, that the complaint and the documentation provided with the complaint are true to the best of his or her knowledge;]~~

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 ~~[or the staff of the Board]~~ shall so inform the complainant. If ~~[the staff of]~~ the Board determines that an informal complaint meets the requirements of subsection 3, the ~~[staff]~~ **Board** shall notify the respondent by certified mail. The notice must include:

- (a) A copy of the informal complaint; and

(b) A request for a written response for review by ~~the staff of~~ the Board which includes, without limitation, the date by which the response must be submitted to the Board pursuant to subsection 5.

5. 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 referenced in the response and all other documentation that would be useful to ~~the staff of~~ the Board in its review.

~~{6. Failure by a respondent to cooperate with 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 by the date on which the response is due regarding the informal complaint, is a ground for disciplinary action.}~~

~~{7}~~ 6. If a respondent fails to respond by the date on which the response is due, 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.

#### **Sec. 7. NAC 656.430:**

1. After reviewing the informal complaint and the responses filed pursuant to NAC 656.420, ~~the staff of~~ the Board may:

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

(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) Take any other reasonable action required to conduct or further the investigation, including, without limitation, employing or enlisting the aid of any qualified person.

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 records or other evidence for inspection or copying, 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 is a person described in paragraph (b) or (c) of subsection 1 of NAC 656.420 and the person refuses or fails to cooperate with a request for records in violation of this section, the Board may refer the matter to the Office of the Attorney General for further action including, without limitation, possible prosecution. If any respondent continues to refuse or fails to comply with a request for records or other evidence in violation of this section, the Board may take such further action against the respondent as the Board determines necessary.

3. If ~~{the staff of}~~ the Board or any investigator employed by the ~~{staff}~~ Board determines that a record or other evidence is required for an investigation, the ~~{staff}~~ Board 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}~~ Board 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}~~ Board or investigator within 10 business days after the ~~{staff}~~ Board or investigator requests the record or evidence.

#### **Sec. 8. NAC 656.440:**

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

**Provide a list of not less than 10 regulations recommended for removal, ranking them in descending order of priority, pursuant to Executive Order 2023-003, specifically, Section 2.**

1. **NAC 656.470 Chair authorized to rule on certain posthearing motions; oral argument not permitted.** (NRS 622A.390, 656.130)
  1. If, after the close of a hearing, a party files a motion pursuant to subsection 1 of NRS 622A.390, the Chair of the Board is authorized to rule on the motion.
  2. Oral argument regarding the motion is not permitted.(Added to NAC by Cert. Court Reporters' Bd. by R099-16, eff. 6-21-2017)
2. **NAC 656.400 Cooperation with and donation of services to organizations that provide legal services to indigents encouraged.** (NRS 656.130) The Board encourages each court reporter to cooperate with and donate services to organizations that provide legal services to indigent persons, including, without limitation, programs for legal services described in NRS 12.015. (Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009; R112-17, 2-27-2018)
3. **NAC 656.070 "Respondent" defined.** (NRS 656.130) "Respondent" means a holder of a certificate or license who is charged in a formal or informal complaint with a violation of a provision of this chapter or chapter 656 of NRS. (Added to NAC by Cert. Court Reporters' Bd. by R101-03, eff. 2-18-2004; A by R112-17, 2-27-2018)
4. **NAC 656.060 "Practice of court reporting" defined.** (NRS 656.130) "Practice of court reporting" has the meaning ascribed to it in NRS 656.030. (Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98)

5. **NAC 656.055 “Litigation” defined. ([NRS 656.130](#))** “Litigation” means:
  1. Any suit at law or in equity; or
  2. Any arbitration that is subject to judicial review.(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004)
6. **NAC 656.054 “License” defined. ([NRS 656.130](#))** “License” has the meaning ascribed to it in [NRS 656.030](#).  
(Added to NAC by Cert. Court Reporters’ Bd. by R112-17, eff. 2-27-2018)
7. **NAC 656.050 “Firm” defined. ([NRS 656.130](#))** “Firm” has the meaning ascribed to “court reporting firm” in [NRS 656.030](#). (Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R030-09, 10-27-2009)
8. **NAC 656.045 “Designated representative of a court reporting firm” defined. ([NRS 656.130](#))** “Designated representative of a court reporting firm” has the meaning ascribed to it in subsection 5 of [NRS 656.030](#). (Added to NAC by Cert. Court Reporters’ Bd. by R029-07, eff. 10-31-2007)
9. **NAC 656.040 “Court reporter” defined. ([NRS 656.130](#))** “Court reporter” has the meaning ascribed to “certified court reporter” in [NRS 656.030](#). (Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98; A by R112-17, 2-27-2018)
10. **NAC 656.035 “Complainant” defined. ([NRS 656.130](#))** “Complainant” means any person who submits a written complaint to the Board regarding any act of a holder of a certificate or license.  
(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R030-09, 10-27-2009; R112-17, 2-27-2018)
11. **NAC 656.030 “Certificate” defined. ([NRS 656.130](#))** “Certificate” has the meaning ascribed to it in [NRS 656.030](#). (Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98)
12. **NAC 656.020 “Board” defined. ([NRS 656.130](#))** “Board” has the meaning ascribed to it in [NRS 656.030](#).
  - a. (Added to NAC by Cert. Court Reporters’ Bd. by R120-97, eff. 4-13-98)