



STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD

5135 Camino Al Norte, Suite 270 North Las Vegas, Nevada 89031

Phone: (702) 489-8787

Website: www.crptr.nv.gov Email: NVCCRB@gmail.com

Board Members:

LISA MC GRANE – Chair

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HEIDI KONSTEN – Vice Chair

Court Reporter Member

WILLIAM LABORDE – Board Member

Court Reporter Member

KEVIN DIAMOND – Board Member

Attorney Member

LINDA SHAW – Board Member

Court Reporter Member

OPEN MEETING MINUTES

Date: Tuesday, April 2, 2024

Start Time: 5:30pm

End Time: 6:56pm

Location: Virtual Meeting via Zoom

Present Via Zoom:	Heidi Konsten	William LaBorde	Kevin Diamond	Linda Shaw
	Senator Skip Daly	Matthew Feeley	April Chandler	Barbara Montgomery
	Becky Parker	Brenda Roberts	Cameo Kayser	Carol Chase
	Carolyn Harkins	Clara Casey	Daisy Cortez	Debbie Arnaud
	Debra Morris	Gina DiLuzio	Gloria Perry	Heather Bautista
	Heidi Hunter	Jami Hetzel	Jane Efaw	Jazz Taylor
	Jeeyeon Kim	Jennifer Church	Jennifer Clark	Joanne Williams
	Jocelyn Galvan	Julie Filiberti	Kathy Silva	Kathy DiLorenzo
	Kellie Peterson	Kit MacDonald	Marcia Leonard	Matthew Spievak
	Michelle Young	Peggy Elias	Penelope Nisotis	Robert Balian
	Romona McGinnis	Samantha McNett	Sharon Cahn	Suzanne Stone
	LaTia Ely	Vicki Turner	Victoria Pittman	

ITEM #1: Meeting Called to Order:

Without motion, Heidi Konsten called the meeting to order at 5:30pm.

Board Members:

Lisa McGrane	Not Present
Heidi Konsten	Present
William LaBorde	Present
Kevin Diamond	Present
Linda Shaw	Present

ITEM #2: Public Comments: No public comments.

ITEM #3: Approval of the Agenda:

MOTION by Kevin Diamond: That the Board approves the agenda in its entirety. Motion seconded by William LaBorde, all in favor, motion moves forward.

ITEM #4: **LCB File No. R193-22:** Kevin Diamond extended his appreciation to Senator Daly for his attendance and guidance relating to new regulations being formulated by the Board. Mr. Diamond presented LCB File No. R193-22, a regulation that addresses several different topics. The file was deferred by the Legislative Commission for further research and Senator Daly offered his time for further discussion and input. Mr. Diamond presented a recap of the regulation and pointed out that the areas of concern were in Section 3 and 4 using the word proceeding and in section 4, subsection 1 relating to a third-party requesting a copy of a transcript. Mr. Diamond stated there are reasons an expert witness or any other professional would request a copy of a transcript and understands that there are times the transcript is sensitive and protected and should be kept confidential; for example, when a transcript contains personal medical information of an individual. The regulation needs to provide the court reporter clear instructions on how to respond to a third-party request. Senator Daly stated his appreciation to have the opportunity to discuss this matter further. Senator Daly strongly feels the court reporter cannot provide a copy of the transcript to a third party if one party objects. If there is opposition from a party, the court reporter must obtain a ruling to release the transcript. Senator Daly suggested the Board rework the language to address the issues and re-submit for the next legislative session. Mr. Diamond pointed out another area of concern; it's easier to address a third-party request during an active on-going case but it will be difficult to address a request to a case that's been closed for many years. The Board may need to research the court's position in re-opening a closed case. Senator Daly agrees there are many scenarios to be addressed. He brought up his concerns he shared at the Sunset Subcommittee meeting; medical records are deemed confidential, who will be responsible to review the transcript to confirm the transcript does not include confidential information? A fee could be charged to review the transcript or the review could fall under the purview of the Public Records Request committee. William LaBorde shared he submitted proposed language on third-party requests because the language is currently silent and the court reporting profession needs clarification on this matter. Mr. LaBorde also stated in the original proposed language, the word deposition was used instead of proceeding. If the Board switches back to the word deposition it may address the concerns with the word proceeding and will exclude arbitrations. Mr. LaBorde pointed out in the next agenda item regarding videographers and notaries providing court reporting services, they are not governed by any authority. Senator Daly stated using the word deposition may be the expedient way to move the language forward. Heidi Konsten stated as a court reporter working for a firm, she looks to her firm for clarification. Mr. LaBorde said he relied on California's Code of Civil Procedure when formulating the proposed language for third party requests. Mr. Diamond and Ms. Konsten confirmed there is no existing language for Nevada. Ms. Konsten shared that sometimes a transcript is back ordered from 3 years ago and she's not aware of the order until she receives her pay check. She has no knowledge if the transcript was ordered by the parties or if it was a third-party request. This agenda item concluded without motion. No further comments.

ITEM #5: **Unlicensed Court Reporting Services Provided by Videographers and Notaries:** Peggy Elias presented a 11-year recap of the efforts to safeguard the public from unlicensed practices provided by videographers and notaries. A copy of her presentation is attached and will be kept on file. As a public member, Ms. Elias offered her services to Senator Daly regarding this matter. She extended her appreciation to Senator Daly for his time and attention to attend the meeting and his public service is greatly appreciated. Kevin Diamond shared a personal experience of attending a deposition and only seeing an 18-year-old videographer who identified himself as a notary. A certified court reporter was not present. The opposing counsel claimed that a certified court reporter was not

needed and the videographer could conduct the deposition. Mr. Diamond did not agree with the opposing counsel and left the deposition. Mr. Diamond took further action and met with the Discovery Commissioner and 2 judges to get their opinion on this matter; they agreed that a certified court reporter must be present to conduct the deposition. In addition to what Ms. Elias shared in her presentation, he stated the biggest issue of a videographer or notary taking the deposition was the accuracy and validity of the transcript. Ms. Elias added that it seems unfair that videographers and notaries are not required to be licensed and pay licensing fees and court reporters are. She added that the Attorney General's office informed the Board that they do not govern videographers and notaries. However, the Secretary of State's office governs notaries and they sent a letter to the Board, instructing the Board to take action. William LaBorde stated that it's unlikely a certified court reporter would transcribe the audio taken from the videographer. It is more likely the audio is sent overseas or through an A.I for transcribing. Certified court reporters are generally not receiving requests from videographers to transcribe the video taken from a deposition, typically a transcriptionist will provide the service. Senator Daly referred to SB160 that was sponsored and introduced by Senator Hammond at the 2023 legislative session. He suggested taking a new approach for the 2025 session and remove the licensing requirements for a videographer and formulate language that a live court reporter must be present to take and transcribe the proceeding and include the use of a videographer to work alongside a certified court reporter during these proceedings. Senator Daly agrees this matter must be addressed and offered to formulate language that requires attorneys to utilize a certified transcript when their case goes to trial. Ms. Konsten questioned what authority does the Board have to oversee unlicensed practices of court reporting? Senator Daly requested the Board ask the Governor if he would favor a 2/3 bill, if he declines, the Board may need to take a different direction. Ms. Elias stated it is not the full videographer profession that violates the law, it is only a few that participate in unlicensed court reporting practices. Senator Daly will look into SB160 to gain a better understanding and asked the Board to consider him to sponsor the bill draft request. Ms. Konsten extended the Board's appreciation to Senator Daly and Peggy Elias for their time. This agenda item concluded without motion. No further comments.

ITEM #6: **Public Comments:** Heather Bautista thanked the Board and those who put in their time to these matters. Ms. Bautista said it's really important when drafting language to include direction when an uncertified transcript arrives in court for the judges. She shared her personal experience when an unsealed transcript prepared by a digital reporter arrived in a California court. She presented language to the judge taken from the California Code for Civil Procedure that requires the transcript be certified by a court reporter. The deposition notice should be amended since it states the deposition could be conducted by a notary. Senator Daly thank Ms. Bautista for her comments and agreed specific instructions can be included in legislation. Sharon Cahn thanked the Board. Ms. Cahn said court reporters are very conscientious people and want to provide good transcripts. In order for court reporters to conduct themselves, the Board needs to protect the court reporters. Make us the gold standard by making the record reliable and useable in court. It's important that court reporters are present (in attendance) to ensure the record is taken correctly. Ms. Cahn thanked Ms. Elias for her time and efforts. Peggy Elias stated attorneys are not familiar with court reporting laws. Ms. Elias and Ms. Konsten conducted a presentation to local attorneys that was approved for continuing education by the State Bar. A Board member is employed at the State Bar and can provide the opportunity to conduct future classes for Nevada attorneys. Ms. Elias suggested to expand the presentation with more courting reporting laws and invited court

reporting firms to meet with their clients to educate the attorneys on court reporting laws. Jeeyeon Kim stated she is licensed in 3 states and unlicensed practices by members of a different profession and not by a certified court reporter is clearly an issue. Look at other professions that are regulating unlicensed practices that may benefit the Board. Heather Bautista posed a question. Ms. Konsten informed Ms. Bautista that questions cannot be posed during public comment. Debbie Uehara instructed Ms. Bautista to contact her with any questions and she will present her query to the Chair for consideration. No further comments.

ITEM #7: Next Open Meeting: The next scheduled open meeting date will be determined at a later date.

Adjournment:

Motion by Heidi Konsten to adjourn the meeting at 6:56pm.