SUMMARY—Revises provisions relating to court reporters and court reporting firms. (BDR 54-75)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: May have Fiscal Impact.

Effect on the State Highway Fund: No.

AN ACT relating to court reporting; establishing requirements and restrictions concerning the provision by a certified court reporter or court reporting firm of a transcript of a proceeding to a person who is not a party to the proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Nevada Certified Court Reporters' and Licensed Court Reporting Firms' Law, which provides for the certification and regulation of certified court reporters and the licensure and regulation of court reporting firms by the Certified Court Reporters' Board of Nevada. (Chapter 656 of NRS) This bill sets forth circumstances under which a certified court reporter and court reporting firm are authorized or prohibited from providing a transcript of a proceeding to a person who is not a party to the proceeding. Under this bill, a person who is not a party to a proceeding is authorized to request a copy of a transcript of that proceeding from the certified court reporter or court reporting firm with possession of the transcript. Upon receipt of

such a request, the certified court reporter or court reporting firm is required to: (1) provide certain notice to each party in the proceeding concerning the third-party requester; (2) if the transcript is of the testimony of an expert witness and the third-party requester is involved in litigation in which the expert witness is also involved, provide a copy of the transcript to the third-party requester unless a court order prohibiting the provision of the transcript is served within 60 days after the notice is provided; and (3) if the transcript is any other transcript, including, without limitation, the transcript of the testimony of an expert witness who is not involved in litigation with the third-party requester, provide a copy of the transcript to the third-party requester unless a party objects, in which case the certified court reporter or court reporting firm is prohibited from providing the transcript unless a court order authorizing the provision of the transcript is served. This bill requires the court to consider certain factors before issuing any of those orders. In all cases, this bill requires the third-party requester to pay a certified court reporter or court reporting firm a reasonable fee prescribed by the reporter or firm to obtain the transcript.

Finally, this bill additionally requires the Board to adopt regulations which address the redaction of confidential information from any transcript before a copy is provided to a third-party requester.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each party to a proceeding is entitled, upon payment of a reasonable fee, to a copy of a transcript of the proceeding.

2. Any person who is not a party to a proceeding may request a copy of a transcript of the proceeding from the certified court reporter or court reporting firm with possession of the transcript.

3. Upon receipt of a request described in subsection 2, the certified court reporter or court reporting firm shall notify each party to the proceeding or the attorney of each party to the proceeding of the following:

(a) That a copy of the transcript is being sought by a third-party requester; and

(b) The name of the third-party requester.

4. If the request is for a copy of:

(a) The transcript of the testimony of an expert witness, whether or not the expert was required to produce a written report pursuant to N.R.C.P. 16.1, 16.2 or 16.205, and the third-party requester is involved in litigation in which the expert witness is also involved, unless a court order prohibiting the provision of the transcript to the third-party requester is served on the certified court reporter or court reporting firm not later than 60 days after providing the

notification described in subsection 3, the certified court reporter or court reporting firm shall, upon receipt of a reasonable fee prescribed pursuant to subsection 5, provide a copy of the requested transcript to the third-party requester.

(b) Any transcript other than a transcript described in paragraph (a), including, without limitation, the transcript of the testimony of an expert witness who is not involved in litigation in which the third-party requester is involved, any party to the proceeding may object to the provision of the transcript, not later than 60 days after receipt of the notification described in subsection 3, by providing written notice to the certified court reporter or court reporting firm, each party to the proceeding or the attorney of each party and the third-party requester. If no party objects within the time required by this paragraph, the certified court reporter or court reporting firm shall, upon receipt of a reasonable fee prescribed pursuant to subsection 5, provide a copy of the requested transcript to the third-party requester. If a party objects within the time required by this paragraph, the certified court reporter or court reporting firm shall not provide a copy of the requested transcript to the third-party requester unless a court order authorizing the provision of the transcript is served on the certified court reporter or court reporting firm and the third-party requester pays a reasonable fee prescribed pursuant to subsection 5.

5. The third-party requester must pay to the certified court reporter or court reporting firm a reasonable fee prescribed by the certified court reporter or court reporting firm before the furnishing of any copy of a transcript which is authorized pursuant to this section.

6. The Board shall adopt regulations which address the redaction of confidential information from any transcript before a copy is provided to a third-party requester pursuant to this section.

7. Before issuing any order pursuant to subsection 4, a court must consider the existence of any non-disclosure agreement, confidential settlement agreement or similar agreement of confidentiality between the parties.

8. The provisions of this section do not apply to any portion of a transcript of a proceeding which is part of a public court record and not sealed, redacted or otherwise confidential.

9. As used in this section:

(a) "Litigation" means:

(1) Any suit at law or in equity; or

(2) Any arbitration that is subject to judicial review.

(b) "Proceeding" means any hearing or other matter that is conducted or considered during litigation, including, without limitation:

(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.