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FILED

FEB 06 2012

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Standards of Operation and Best Practices Making the Court Record

Purpose: To ensure Nevada trial courts the flexibility to use the various methods available, while creating the most efficient, accurate, and timely official record of the proceeding, which is an essential requirement of the due process of law.

12-03978

Background

- 2009 Legislative Session
 - SB 34 made amendments to NRS 171.198
 - Commitment from Justice Hardesty
- June 2010 Official Court Records Subcommittee Appointed
 - Judge John Tatro, Co-Chair
 - Karen Yates, Co-Chair
- August 2010 Survey
- Developed Standards and Best Practices Manual

Definitions

- Official Record
- Ownership of the Record

Certified Court Reporter

- A person who is technically qualified and registered under NRS Chapter 656 to practice court reporting.
- Certified Court Reporters are governed by Nevada Certified Court Reporters Board under NRS Chapter 656

Court Recorders and Transcriptionist

- **Certified Court Recorder** is an individual employed by the court to record testimony by electronic means using “confidence monitoring” while taking simultaneous notes.
- **Transcriptionists** is any person employed or utilized by a court to prepare a transcript of a proceeding from an electronic or other recording.

Certification Recommendation

- Certification from the American Association of Electronic Reporters and Transcribers, Inc. (AAERT)
- Costs to become certified with AAERT
 - \$125 year membership
 - \$45 for the test study guide
 - \$150 per certification test/\$75 to re-test
 - Certifications
 - CER**D (Certified Electronic & Digital Court Reporter)
 - CET**D (Certified Electronic & Digital Court Transcriber)
 - CERT**D (Certified Electronic & Digital Court Reporter & Transcriber)

Certified Electronic Operator (CEO)

- A CEO operates the electronic recording equipment during the court proceedings
- CEO may include the:
 - Judge
 - Bailiff
 - Court Clerk
 - Other Court Staff

CEO Recommendations

- Certification and Training
 - Require Certified Electronic Operators are adequately trained to proficiently operate the system
 - Determine who would provide the training
 - Determine how many hours of training would be required to obtain & maintain certification

Statute Recommendations

- Require **ALL** civil proceedings be recorded
- **NRS 172.215** Add “or court recorder”
- **NRS 171.198** Add “court recorder”
- **NRS 3.370** Add new paragraph allowing the court to be compensated for transcribing services
- **NRS 189.035** Add “municipal courts”

Tier Implementation Table

- Provides a guideline of the methods district, family, justice, & municipal courts may use to record the record for various proceedings
- The table is broken down into district, justice, municipal, & family courts, type of proceeding, and which method of recording should be utilized

Comments from Nevada Judges

- Transcripts prepared by court reporters are accurate and easily accessible
- Digital recording systems have been working fine with no problems
- Concerns if the lower courts are required to use a court reporter or court recorder in proceedings with enhanceable offenses