

Item # 16

**City of Carson City
Agenda Report**

Date Submitted: March 19, 2010

Agenda Date Requested: April 1, 2010

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Max Cortes, Court Administrator

Subject Title: Action to approve the use of sound recording equipment in the First Judicial District Court effective July 1, 2010, pursuant to NRS 3.380 and NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

Staff Summary: The Supreme Court requested that Nevada Courts implement a uniform audio/video system to enable courts to use the systems following the same guidelines and procedures. The Supreme Court recommended Jefferson Audio Video System (JAVS). To date, more than 90 JAVS systems have been installed in courts throughout Nevada. The First Judicial District Court installed the JAVS in March of 2008. JAVS replaced outdated cassette tape recorders. JAVS also has enhanced court security through placement of cameras in the courtrooms that are being monitored by the Department of Alternative Sentencing. Cameras and microphones are positioned strategically throughout the courtrooms. As a microphone becomes active, the JAVS switcher will switch the associated camera. When two or more people speak simultaneously, the camera remains on the first individual who speaks until finished. No matter which camera is selected all audio is recorded. When the court becomes quiet, the switcher reverts to an overall view or default camera. The District Court will continue to utilize a certified court reporter for all civil and criminal jury trials.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the use of sound recording equipment in the First Judicial District Court effective July 1, 2010, pursuant to NRS 3.380 and NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such

proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

Explanation for Recommended Board Action:

NRS 3.380 Sound recording equipment: Installation; operation; transcription of recording; use of transcript; provision by party of certified court reporter; effect.

1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment, the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment shall subscribe to an oath that he will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to read the recording and to transcribe it into typewriting. The person transcribing the recording shall subscribe to an oath that he has truly and correctly transcribed it.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at his own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

[7:52:1907; added 1949, 506; 1943 NCL § 8460.01]—(NRS A 1995, 1594; 2007, 1036)

NRS 3.320 Official reporter: Appointment; duties.

1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing him. The appointee may be any business organization if the person representing it, who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, make a record of all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) If directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, write out the record, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine. The reporter shall certify to that copy as being correctly reported and transcribed and, when directed by the law or court, shall file it with the clerk of the court.

[1:52:1907; A 1921, 96; NCL § 8455]—(NRS A 1973, 1321; 1981, 245; 1993, 1410; 2007, 1035)

Applicable Statue, Code, Policy, Rule or Regulation: NRS 3.380 Sound recording equipment and NRS 3.320 Official reporter: Appointment; duties.

Fiscal Impact: Reduction to General Fund for payments to Certified Court Reporters to report court hearings. An approximate annual \$40,000 savings.

Funding Source:

Supporting Material:

Prepared By: Max Cortes, Court Administrator

Reviewed By:

James T. Russell
(James T. Russell, First Judicial District Court Judge, Dept I)
James E. Wilson Jr.
(James E. Wilson Jr., First Judicial District Court Judge, Dept II)
[Signature]
(City Manager)
Melanie Popkett
(District Attorney)
[Signature]
(Finance Director)

Date: 3-22-10

Date: 3-22-10

Date: 3/23/10

Date: 3-23-10

Date: 3-23-10

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)