

MEMBERS PRESENT: Chairman Stewart  
Vice Chairman Sader  
Mr. Thompson  
Ms. Foley  
Mr. Beyer  
Mr. Price  
Mr. Chaney  
Mr. Malone  
Mrs. Cafferata  
Ms. Ham  
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: Marijane Simon, 8th Jud. Dist. Court Reporters  
Nancy Banner  
Susan Banner  
Mike Cool, City of Las Vegas  
Patrick Pine, Clark County  
Loretta Bowman, Clark County  
Donna Homsher, Clark County  
Daniel R. Fitzpatrick, Clark County  
Leta Haupt, Clark County  
Connie Kroon, 8th Jud. Dist. Court Reporters  
Jim Kroon, 8th Jud. Dist. Court Reporters  
Bryce Wilson, Nevada Association of Counties  
Harold Krabbenhoft, Nv. Shorthand Reporters Assn.  
F.B. Jones, Dept. 3, Washoe County Court  
Lori Urmston, NV Shorthand Reporters Assn.  
David B. Henry, Washoe County  
W.R. Kilcourse, Washoe County  
Judi Bailey, Washoe County Clerk  
Grace Fleming, Washoe County Clerk  
Bob Shriver, Nev. Trial Lawyers Association  
Corey Creasey, Douglas County

Chairman Stewart called the meeting to order at 8:04 a.m. and indicated that before proceeding to the bills scheduled for this morning, there was additional testimony to be heard on AB 33.

AB 33: An Act relating to justices' courts: extending jurisdiction of the justices' courts over traffic citations; and providing other matters properly relating thereto.

Bryce Wilson, representing the Nevada Association of Counties, stated that the small change on line 27, page 2, Paragraph 5, will have a significant impact on several small counties, with that impact being \$60,000 to \$70,000 to one county. He continued by saying that if this is passed as it stands, an adjacent county may collect and keep bail forfeitures. At the present time, a bail forfeiture goes to the county of jurisdiction of the citation. Examples of the counties affected are Nye, Lander, Esmeralda and Eureka, however, Eureka County has a cooperative arrangement with its adjacent counties which may be affected by this bill. Mr. Wilson suggested that the lack of impact on the big counties and the major impact on the small counties, such as Nye and Esmeralda, should be considered and the bill not passed in its present form. He suggested that language be inserted to require the bail forfeiture to go back to the county of jurisdiction, however the administrative problem would be of considerable magnitude.

Mike Rowe, Douglas County District Attorney, stated that he was not speaking on behalf of the District Attorney's Assoc., however Douglas County and Peter Knight, Nye County District Attorney, have indicated that there could be a lot of confusion if there is a citation just over the county line into Douglas County, the individual brought to Carson City, and a great deal of confusion in the paperwork as far as getting the citation in the right place. It was their concern that the bond forfeiture money would be lost if someone failed to appear in court, and there would be confusion as far as arranging witnesses as in a traffic accident situation.

Mr. Rowe stated that they did like the idea of representing the Highway Patrol, but do not want to see the citations issued in such a fashion as would inconvenience not only the courts, but also the District Attorney's offices as far as arranging for trials. He further stated that the Justice Courts in Douglas County are worried that this bill will dilute their authority. He did not offer any suggestions for changing the language. On a question from Mr. Stewart, Mr. Rowe stated that there had been no problem with the situation up to this point with respect to citations or arrests that have been made.

Chairman Stewart asked if a citation was issued at the Lake where the counties are adjacent, wouldn't it be easier to have a JP in Carson. Mr. Rowe stated that Douglas County has a JP at Stateline.

Mr. Banner stated that the intent of the bill is that if a man is cited on one side of the county, he shouldn't have to drive clear to the other side of the county to have it heard if he contests it, thereby losing a day's wages in order to make the trip. Mr. Stewart indicated that in some cases a person has to travel 200 miles to go to court.

Mr. Malone asked if Mr. Rowe knew what the impact would be on Nye and Esmeralda County. Mr. Wilson responded that the estimate is \$60,000 to \$70,000 a year for Nye County in bail forfeitures.

On a question by Chairman Stewart about the cooperating already existing between counties, Mr. Wilson stated that there is a small arm of Eureka County that goes up on Highway 80. When a citation is issued on that stretch of highway, Eureka has an arrangement with Elko County, wherein Elko will hear the citation and remit the forfeiture to Eureka. Mr. Stewart felt it wasn't legal because it was his opinion that the Elko JP did not have jurisdiction over Eureka County citations.

Mr. Price asked for figures on the impact involved. Mr. Rowe indicated he would make sure that the Douglas County figures were supplied. Mr. Stewart asked that figures also be supplied showing where the arrests were made and where the individuals lived.

AB 4: Increases fees for official reporters in district courts.

Assemblyman Banner stated that this bill has been introduced by him to enable a person to come to the Legislature and negotiate for fees. The remainder of Mr. Banner's testimony as well as that of Marijane Simon and Leta Haupt are attached hereto as EXHIBIT A, a verbatim transcript taken by a court reporter present.

Milos Terzich, representing the Nevada Shorthand Reporters Association, testified next and introduced Lori Urmston, the Secretary-Treasurer of the Association. He first handed the Chairman proposed amendments to AB 4, attached as EXHIBIT B. He stated that this bill was introduced prior to the Association bill coming out of the Bill Drafter's office and in the interest of costs, they felt they could try and amend this bill to reflect the desires of the Association. Mr. Terzich stated that his Association felt that \$200 per day was a little high and they were willing to negotiate. He then went through the bill and outlined the amendments they proposed which are reflected in EXHIBIT B.

With reference to striking the language in lines 14 through 17, Mr. Terzich stated that the effect is not to limit the hours a person can work. According to the language as it stands, regard-

less of the number of hours a person works, the most they can make is \$50.00. Mr. Terzich stated that if a reporter works for 10 hours, he should be paid for 10 hours. In summarizing, he stated that the proposal is to raise the per diem, the folio rate, and the hourly rate so that the reporters can be treated like other real persons in the business world.

Mr. Terzich gave a brief history by stating that the last increase of any kind was in 1975 when the folio rate was increased from \$.50 to \$.70 on the original and up to \$.20 on the folio. He indicated that the last per diem raise was in 1971 and pointed out that in the Nevada Constitution, Section 26, in 1864 court reporters received for reporting the debates \$15 per day and \$7.50 additional for each evening session, with folios being at \$.30 each. In that day and time it was the top wage of anyone around. He stated that since that time, court reporters have not kept pace with any of the other businesses and industries.

Mr. Terzich once again stated the Association's support of AB 4 with the amendments and pointed out that if the committee wished to raise the per diem over \$100, it would be greatly appreciated as well.

Mr. Price asked if there would be any opposition if the bill were passed with the original amendments. Mr. Terzich stated that they would also ask that the folio rate be increased, but said there would not be much objection to it.

Mrs. Cafferata asked how many court reporters there are in the Association. Mr. Terzich stated that there are 106 listed and 51 paid current. Ms. Urmston stated that in addition, there are maybe 10 more court reporters not listed. Ms. Simon stated that 54 reporters took the CSR exam and only 2 passed. Ms. Urmston stated it is one of the most difficult tests throughout the state. Mrs. Cafferata then asked how their Association felt about negotiating the rate rather than having it set by statute. Mr. Terzich felt the reason the court reporters were put under the control of the statutes was so that the counties could better set their budgets. He stated that they have the option, with the approval of the county commissioners, to put a court reporter on salary, but the experience has been in Nevada that most of the reporters belong to free lance firms. He indicated that there are a few who work exclusively for a judge and do not belong to a firm. Mr. Terzich went on to say that if it were deleted from the statutes, it might also impede the system of justice in the event of strikes.

Bob Shriver, Executive Director of Nevada Trial Lawyers Association, spoke in favor of AB 4 on behalf of his association and also spoke in favor of Mr. Terzich's amendments. It was their feeling that

court reporters lag behind in salaries in their very expertise field. He stated that it was the feeling of the NTLA that their per diem and folio fees were long over-due in being raised.

David Henry, representing Washoe County, and Grace Fleming, Administrative Analyst of the Manager's Office, testified next. Mr. Henry stated that the bill as it is drawn represents a fiscal impact. He indicated that they do see two sides and do not want to jeopardize a good relationship with the court reporters. He stated that there is merit a request for a raise but that at this point in time the extent of that is subject to negotiation. Mr. Henry indicated that they were not sure that they would want to settle on \$100 per day.

Mr. Henry passed out a memorandum attached as EXHIBIT C and Ms. Fleming stated that she took the justice and district courts that do have court reporters. This memorandum represents the impact AB 4 would have on Washoe County. Ms. Fleming indicated that it would amount to 300% on strictly one line item in their budget, or \$412,800 increase to the county's budget. She went on to say that this is strictly a per diem figure and does not cover what is paid out by the county in transcripts, travel or supplies. Ms. Fleming stated that Washoe County does supply stationery to the court reporters. A sampling of the 1979-1980 free lance reporters showed that the average paid out per court reporter was \$46,700, a higher wage than anyone in the county receives at this time. She indicated she did not know how many hours those figures entailed, and that the figures included everything -- transcripts, folios -- paid to them. On a question about whether attorneys paid for the transcripts, Ms. Fleming indicated that in justice courts all preliminary hearings must be transcribed and is a court cost. Ms. Fleming further stated that the \$46,000 does not include associations as Ms. Simon represents.

On a question from Mr. Price, Ms. Fleming stated she was not sure how much of the \$46,000 went to costs and how much to profit, but assumed there would be expenses to be paid out of that figure. Mr. Henry stated that the figures represent the financial impact, but does not present the effort. Ms. Fleming stated that in the event there is a substantial increase in the fees paid, the county will have to look at alternatives such as hiring. She further indicated that just as they are limited to \$50, if the bill is passed at \$200, the counties would have no option but to pay out that high figure with no flexibility.

On a question from Mr. Thompson about how many reporters the average figure of \$46,700 covered, Ms. Fleming indicated it was probably on about 5 different free lance reporters.

On questions by Mr. Malone, Ms. Fleming indicated that the \$46,000 figure was appropriate in the case of using associations as well. Mr. Price asked if this figure covered just court hearings or other special hearings as well. Ms. Fleming stated the figure was taken strictly from billings paid out to court reporters.

Mr. Henry suggested that the Chairman consider appointing a sub-committee to work out amendments.

Mrs. Cafferata asked how the County would feel about hiring court reporters as employees, but not on the county payroll. Ms. Fleming indicated the County would compare the costs before making a decision. She indicated that she wondered also if the 95% rule would apply.

Mr. Banner pointed out that in considering the costs, county employees are paid a salary plus fringe benefits, whereas the court reporters are paid a fee minus expenses.

Ms. Foley commented that the statute does not mention justice courts which are also courts of record. Ms. Fleming stated that there is nothing specified in Chapter 4 to cover justice courts and Chapter 3 guidelines are used instead. Ms. Foley suggested reviewing those statutes to include justice courts in the fee guidelines.

Mr. Beyer asked if a tape recorder couldn't be used in lieu of court reporters. Ms. Fleming stated that the small justice courts in Washoe County all use tape recorders.

Patrick Pine, representing Clark County, stated that under the existing system and the way AB 4 is written, it is estimated that it would cost Clark County \$740,008 annually to implement this bill. See attached EXHIBIT D. He indicated that if the 8th Judicial District expands from 12 departments up, they do not have an estimated cost. He indicated that EXHIBIT D should be reviewed by a sub-committee. Mr. Pine stated that the figures compiled for Clark County closely parallel those for Washoe County and cover strictly court reporting and not special meetings. He indicated that the average paid out for 11 reporters is \$46,600.

Mr. Price asked if licensing hearings, etc., required verbatim minutes, to which Mr. Pine responded that only on occasion was that necessary and that payment for those minutes would have been funneled through a different office.

Chairman Stewart appointed a sub-committee consisting of Mr. Banner, Mrs. Cafferata and Mr. Beyer to look into AB 4, and asked that the witnesses who had testified provide their information to that committee.

Mr. Banner asked how much money Ms. Simon had paid income tax on last year. Ms. Simon indicated that figure was \$27,000 before she took her personal deductions. She stated that she was free lancing at that time, working in court for only about one-fourth of the time.

Mrs. Cafferata asked what counties had responded to the impact, stating that they obviously were not all there. There was no response.

AB 3: Provides for abandonment of fictitious name and makes certain other changes to requirements for conducting business under a fictitious name.

Loretta Bowman, Clark County Clerk, stated that fictitious firm names, or doing business as, are filed with the County Clerks. She indicated that they have records on file back to 1909. She further stated that filing for the fictitious firm name does not give exclusive right to that particular name and that over the years there have been many duplications in the names. There is no provision in the law whereby that name can be abandoned or revoked. Ms. Bowman stated that AB 3 allows for the abandonment or revocation of a name at a given time. On page 2, line 13, Ms. Bowman requested that the wording be changed to the effect that the county clerk may mail or phone individuals 60 days before the expiration of the fictitious name and stated the reason was that small counties might not want to go to the expense of mailing. She indicated that Clark County would have a problem with it being mandatory to mail to each of the 60-65,000 names on file in that many of them do not have addresses.

Ms. Bowman stated that after the initial notification and the re-registration on fictitious names, counties with computerized operations could send mailings but the small counties may not have that opportunity or be able to handle the expense of mailing.

Judi Bailey, Washoe County Clerk, stated that the only problem they would have would be if they were required to mail. She indicated that Washoe County did not have sufficient staff and that there are about 45,000 names on their list, some without addresses.

Mr. Chaney asked about the problems involved if an individual did not receive notice that their name was expiring. Ms. Bailey referred to Section 3, which places the burden on the individual to be aware of their expiration date and renew it when necessary.

Mr. Chaney expressed concern over the possibility of an individual not being home to receive a phone call or not receiving a message taken by someone else. Ms. Bailey felt it should work the same way a driver's license works where that individual should know when it is time to renew the name as he does with a driver's license.

Ms. Cafferata asked what the purpose of having the fictitious name expire is. Ms. Bowman indicated that in Clark County they have a space problem and that about 60% of the names they have on file are no longer in business and many are duplicates, thereby creating problems for individuals who want to use a particular name. She stated that she favored the five year expiration and did not have any problem with mailing. She did indicate that small counties might have some difficulty in mailing.

Ms. Bailey indicated that Washoe County has about 45,000 names on file and get an average of 3-4,000 per year, and due to the fact that Washoe County is not computerized it would require extra staff to mail notices. Mr. Sader suggested that the cost of an extra person would only come in initially to institute the new system and that it would not take an extra person to mail just 4,000 notices a year. Ms. Bailey stated that it is quite a lot of work to flag each file every year by hand. Ms. Bowman stated that there would be an entire year in which to notice people for that year and felt, even in the case of 15,000 notices per year, that was sufficient time in which to have them prepared.

Mr. Sader commented that if someone is operating a business under a fictitious name, they can develop a lot of good will which is worth a lot of money. If they did not file on time for renewal of their name, someone else could literally rob them of substantial business. He felt that for that reason alone it is imperative that they have reasonable notice. Ms. Bowman disagreed only to the extent that these individuals do not have exclusive right to the fictitious name they have filed for and if they go out of business, there is no way of knowing they are no longer using the name. It was her indication that most people do not wish to use a name which is currently being used by another business. She further stated that this bill does not give individuals exclusive right to fictitious names.

Mr. Sader pointed out that corporations are regulated by the Secretary of State and cannot have similar names. He further stated that the Secretary of State also sends corporations notices and the fact that corporations are required to have something in their names that indicates they are incorporated. Ms. Bowman stated they are required to file in each county for fictitious names at a fee of \$5.00. Mr. Stewart suggested that the fee be raised to



\$6.00 to cover the cost of mailing notices.

Mr. Price asked when the individuals who had filed years ago would begin receiving their notices to refile. Ms. Bowman indicated that Clark County would go back and notify this year those who had filed prior to five years ago. Those within the last four years would be notified next year. She stated that they hoped the forms would require a current business address. On a question by Mr. Chaney, Ms. Bowman indicated that each renewal would be charged a \$5.00 fee.

Mrs. Ham asked for a definition of "fictitious" name, to which Chairman Stewart and Ms. Bowman indicated that a fictitious business name is a name under which an individual does business. Ms. Bowman stated that a business license cannot be issued without a fictitious name filing.

Mrs. Cafferata referred to line 26 on page 2 and asked why there were certain groups to whom this requirement did not apply. Ms. Bowman stated that there is no fee to non-profit organizations for filing. Mrs. Cafferata asked if it wouldn't be practical to have their names expire as well.

Mrs. Cafferata asked for an explanation of the changes being made on line 19, page 2, to which Chairman Stewart stated that the language "corporation, firm and general partnership" had been deleted because the term "person" when used in the statutes covers corporations, firms and general partnerships.

Mr. Price pointed out that the income received for the re filings would help to counteract the cost involved.

Bryce Wilson, representing the Nevada Association of Counties, emphasized the fact that in the small counties thousands of fictitious names had piled up over the years and there was no longer any way to know how to notify those individuals. He stated that notifying current certificates would be feasible.

Mr. Sader suggested providing notice by posting in some areas.

AB 6: Makes certain changes relating to destruction of public records by clerk of court.

Ms. Bowman stated that presently by statute, records are kept standardly for five years before being destroyed. She indicated that in the case of criminal records five years is not a long enough period of time and that in some instances 7 to 10 years is needed. She went on to say that five years is too long to

maintain records in the case of contested divorces, permission to marry and other miscellaneous filings. She stated that the clerk should be allowed to film and destroy records at the appropriate time in compliance with the law and by removing the five year time limit this could be done. She indicated that it was estimated that this would save approximately 25% of their space in Clark County, or an estimate of 787.5 square feet.

Another point made by Ms. Bowman was that the film print should be deemed to be the original since they had been challenged in court. Mr. Price asked if notes made on the reverse of documents would be filmed. Ms. Bowman stated that both sides of exhibits are filmed.

Chairman Stewart adjourned the meeting at 10:01 a.m.

Respectfully submitted,



Jor Jan M. Martin  
Committee Stenographer

EXHIBIT A

BEFORE THE ASSEMBLY JUDICIARY COMMITTEE

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REPORTER'S TRANSCRIPT

OF

HEARING ON ASSEMBLY BILL AB4

Friday, February 13, 1981

8:00 o'clock a.m.

Reported By: Connie Kroon, C.S.R.  
Court Reporter - Notary Public

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APPEARANCES :

- CHAIRMAN STEWART
- ASSEMBLYMAN THOMPSON
- ASSEMBLYMAN PRICE
- ASSEMBLYMAN FOLEY
- ASSEMBLYMAN SADER
- ASSEMBLYMAN BEYER
- ASSEMBLYMAN CHANEY
- ASSEMBLYMAN MALONE
- ASSEMBLYMAN HAM
- ASSEMBLYMAN CAFFERATA
- ASSEMBLYMAN BANNER

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ASSEMBLYMAN BANNER: AB4 has been introduced by me to enable a person to come here to negotiate for fees. I'm used to dealing with wages, hours and conditions as a negotiator in the collective bargaining process, and sometimes I've had to go out for wage increases as an individual, so I do know the process.

Now she has the opportunity to come here as an individual. She isn't a professional lobbyist. She is presenting these issues here on her own, at her own expense, and this is because these people's fees are set by these statutes that she has come to this committee to negotiate.

It is somewhat a little different than most of us do -- field workers, electricians, or whatever -- doctors. You just set the fees and get on with it.

THE CHAIRMAN: Are you talking about AB4?

ASSEMBLYMAN BANNER: AB3.

THE CHAIRMAN: AB4 is to increase the fees for official reporters.

ASSEMBLYMAN BANNER: Yes. I don't know anything about Marijane's trade, and I don't have any of the people who live in my district, and so the

1       only thing that I was here to do was to introduce her  
2       into the record.

3                       Also, there has been some public  
4       comment about this bill, which I'd like to -- at least,  
5       was in the paper, and it did mention about the sheets  
6       and their costs, most things that creep into the bill,  
7       I think it is. And the person who made that comment  
8       isn't here today, but I would give a lesson in bill  
9       writing to explain that these are the things that we  
10      design, so we have to go through these bills and pick  
11      out the meat of the thing, as we know.

12                      The other part of the bill is that  
13      this wage request looks like a pretty high rate, and  
14      I think four times what the existing fee is; and if  
15      you know the negotiation process, I know that you know  
16      that sometimes there's room for amendments or compromise,  
17      and that's exactly what goes on.

18                      But nevertheless, she has to come  
19      here and ask for the wage increase.

20                      Another thing that I want, as far  
21      as the record -- there was an inference of me having  
22      a special interest in this bill, which I don't.  
23      Reference was made to my daughter, who is a court clerk  
24      in Clark County, who is here today, if that person  
25      wanted to -- in the public forum -- make any kind of

1 accusation. I feel real strong about it. She works  
2 as a court clerk and in no way, has no connection with  
3 this bill whatsoever. So myself, my family, anybody  
4 I deal with have nothing. The only thing I'm here for  
5 is to get somebody into the arena, which I've done,  
6 like I've done in many other bills.

7 So I'll turn it over to her.  
8 Somebody's doing the little thing back here.

9 MS. SIMON: I have some goodies for  
10 all of you.

11 (At this time, prepared  
12 booklets were distributed  
13 to the Assemblymen.)

14 MS. SIMON: Mr. Chairman, may I be sworn?

15 THE CHAIRMAN: Are you a notary,  
16 Georgeann?

17 GEORGEANN: Not in this state.

18 ASSEMBLYMAN SADER: I am.

19 THE CHAIRMAN: Mr. Sader, would you  
20 like to put her under oath?

21 ASSEMBLYMAN SADER: Not sure I'm going  
22 to say this right.

23 Whereupon,

24 MARIJANE SIMON,

25 having been first duly sworn to tell the truth, the

1 whole truth and nothing but the truth, testified as  
2 follows:

3

4 MS. SIMON: Mr. Chairman, members of  
5 the Committee:

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7 First of all, I'd like to thank  
8 Assemblyman Banner for giving me the opportunity to  
9 come up here and talk to you about my situation and  
10 talk to you about raising my fees. He does not have  
11 a personal interest in this bill. It was just his  
12 belief that every citizen should have a right to express  
13 their needs that made me to go him and ask him to intro-  
14 duce the bill for me.

14

The first thing I'd like to do --

15

16 THE CHAIRMAN: Let me interrupt just  
17 a moment. For the record, I think we have Marijane  
18 Simon?

18

MS. SIMON: Simon.

19

THE CHAIRMAN: Go ahead.

20

21 MS. SIMON: The first thing I'd like  
22 to do is draw your attention to the paper-clipped page  
23 in the material that I've given you. It's a circled  
24 graph about where our transcript income goes. I think  
25 I put a paperclip on it in everybody's book.

25

The important figure here is how



1 the 30 percent of gross comes out as net income to  
2 reporters. This figure varies from 30 to 42 percent.

3 Now I would like you to turn to  
4 a page that's right after a divider and right after  
5 this graph, to monies paid to court reporters in the  
6 Eighth Judicial District Court -- and yours is typed;  
7 mine isn't. It follows this graph. It's right after  
8 this graph (indicating).

9 THE CHAIRMAN: Mr. Sader, did you have  
10 a question?

11 ASSEMBLYMAN SADER: Yes.

12 MS. SIMON: I intend to develop that  
13 a little further, but I wanted to clarify it right now.

14 ASSEMBLYMAN SADER: Okay. I'll wait.  
15 I don't want to interrupt you.

16 MS. SIMON: If you can I'll just find  
17 this one, right after the divider, and then turn to  
18 this one, the actual monies paid in an Eighth Judicial  
19 District Court to court reporters.

20 What I need to explain about this  
21 is the left-hand column, transcripts. I've divided  
22 that by three and come up with a net figure for tran-  
23 scripts. That would be divided by 33 percent. I've  
24 added that to the per diems and come up with a net  
25 figure, which would be taxable income before personal

1 deductions.

2 The first number in the net column  
3 is 18,138.05. And the other thing I need to explain  
4 about that is you go down just above the line under  
5 number of days to 117 days, and that looks like the  
6 court reporter who made the most money worked the  
7 fewest days. That's not true. She was dictating  
8 double number of days in addition to those days she  
9 was in court. She was the juvenile reporter that year.

10 Now, I'd like to go to the front  
11 of the book, to my little speech.

12 ASSEMBLYMAN BANNER: Keep it short.

13 MS. SIMON: Yes, sir. It will be about  
14 20 minutes.

15 ASSEMBLYMAN BANNER: Shorter.

16 MS. SIMON: Assemblyman Banner, may  
17 I borrow the one book you have, the one --

18 ASSEMBLYMAN BANNER: Just tell them  
19 how great you are.

20 MS. SIMON: You know my name, and you've  
21 seen what I do, and you know I'm here to ask you for  
22 a raise, and a rather substantial raise. But believe  
23 me, we'll take whatever you can give us.

24 It's been 10 years since we've  
25 had a per diem raise. We have the lowest per diem in

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LAS VEGAS, NEVADA 89101

1 the country, and we want you to understand our position.

2 (Speech by Ms. Simon.)

3 MS. SIMON: Please review the material  
4 I've submitted, and please pass AB4. Thank you for  
5 your time, and I'll be happy to answer any questions  
6 you have.

7 ASSEMBLYMAN BANNER: Did you write all  
8 that?

9 THE CHAIRMAN: Thank you for coming,  
10 Miss Simon.

11 ASSEMBLYMAN CAFFERATA: She kept it  
12 under 20 minutes.

13 THE CHAIRMAN: In the experience I've  
14 had with court reporters, it's always been good. I'm aware  
15 of the work that they do, and I know it's a tremendous  
16 education that you have to go through. I think we all  
17 appreciate that.

18 Are there any questions from the  
19 assemblymen?

20 ASSEMBLYMAN MALONE: I have.

21 THE CHAIRMAN: Miss Foley and Mr.  
22 Malone?

23 ASSEMBLYMAN FOLEY: Marijane, I was  
24 wondering. You talk about a lot of these different  
25 jurisdictions having the court reporters as employees.

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1 Have you ever -- has it ever come up of possibly making  
2 reporters County employees?

3 MS. SIMON: Yes. The Eighth Judicial  
4 District Court judges are considering it now, and we  
5 approached the justices about a year ago and talked  
6 to them about it, but they feel that the statutes said  
7 that the District Court judges would have to go to the  
8 County Commission and ask about Justice Court, and we  
9 dropped it at that point.

10 ASSEMBLYMAN FOLEY: Since you have to  
11 come to us for your salary increase, would it be up  
12 to us to change the statute to make you -- you know,  
13 allow you to be County employees, or would it be up  
14 to the judges?

15 MS. SIMON: I think a lawyer would have  
16 to answer that question, but my understanding is there  
17 are two ways for us to get some kind of compensation.

18 One is to come here, and the other  
19 is to have the judges go to the County Commission.

20 ASSEMBLYMAN FOLEY: Okay. Thank you.

21 THE CHAIRMAN: Mr. Malone?

22 ASSEMBLYMAN MALONE: Thank you. I have  
23 two questions, and the first one -- well, number one.  
24 You're asking for \$200.

25 MS. SIMON: That's negotiable.

1 ASSEMBLY MALONE: I'm sure of that,  
 2 because there is only one, there is only one person  
 3 that makes more than that, and that's your U. S.  
 4 Congress, because your \$200 a day will come to \$40,000  
 5 a year, in comparison to what you told us you're making,  
 6 10,000 a year now, and that's quite high; because in  
 7 the U. S. Congress, I'm sure they have considerable  
 8 more work. I don't --

9 MS. SIMON: It's a different setup al-  
 10 together. Their transcripts are included in their  
 11 salaries.

12 ASSEMBLYMAN MALONE: Anyhow, that wouldn't  
 13 be the highest local, and on these others, I see they're  
 14 all per year. I'm wondering why you didn't state yours  
 15 per year, or why your salaries aren't set per year  
 16 as theirs are. Nor do they get paid --

17 MS. SIMON: It's a mystery to me. If  
 18 they call in a free lance reporter to fill in for them,  
 19 then that person is paid by the day. But they are  
 20 employees, paid by the year.

21 ASSEMBLYMAN MALONE: Okay. Another  
 22 thing, on top of your \$50 per day, are you able or is  
 23 it permissible for you to free lance?

24 MS. SIMON: Three of the courts are  
 25 covered by free lance firms, but generally speaking,

1 the reporter that's assigned to that court for the week  
2 is pretty much tied down from nine to five.

3 ASSEMBLYMAN MALONE: However, you're  
4 not restricted from free lancing if, in fact, you have  
5 time?

6 MS. SIMON: It depends on the judge  
7 you work for, uh-huh, and the busyness of the court.

8 THE CHAIRMAN: Mr. Sader?

9 ASSEMBLYMAN SADER: Yes. Marijane,  
10 I'd like to get a couple of basics out here on exactly  
11 what you do and how your employment status is determined.  
12 Basically, you're hired by your judge, right?

13 MS. SIMON: Right.

14 ASSEMBLYMAN SADER: He has the power  
15 to hire any court reporter he would like to?

16 MS. SIMON: (Nodded)

17 ASSEMBLYMAN SADER: So you're an  
18 independent contractor, basically, right?

19 MS. SIMON: Right.

20 ASSEMBLYMAN SADER: For your independent  
21 contractor status, you're paid \$50 a day for every day  
22 that the judge actually sits. That's how you get your  
23 \$211 figure, or 211 day figure?

24 MS. SIMON: Yes. You'll notice how  
25 much the days vary from judge to judge.

1 ASSEMBLYMAN SADER: Right. That depends  
2 on how many days he sits, right? Now, when you're  
3 talking about -- if you look at these charts you have  
4 here on comparables, pay -- and I'm looking at the one  
5 where you have, break down your transcript and all that.

6 MS. SIMON: Okay.

7 ASSEMBLYMAN SADER: Now, what you're  
8 saying is that your \$50 a day for 211 days, for example,  
9 comes out to \$10,550.

10 MS. SIMON: Right.

11 ASSEMBLYMAN SADER: Now, in addition  
12 to that, you're paid a substantial amount of money for  
13 transcripts which are requested. Now, when there's  
14 testimony in trial, like this lady here is taking down,  
15 there's no transcript that's going to be required of  
16 that, unless it's requested by one of the attorneys  
17 for appeal purposes or for other purposes, right?

18 MS. SIMON: Right.

19 ASSEMBLYMAN SADER: Okay. And you're  
20 saying that the transcripts, when they're ordered,  
21 cost whoever orders them a lot of money. Now, when  
22 those transcripts are taken, isn't it true that you have  
23 to dictate from your records there onto a tape recording,  
24 and then you have to let that out for somebody to type  
25 it up, and the transcript is given to the attorney,

1 right?

2 MS. SIMON: Right.

3 ASSEMBLYMAN SADER: Okay. So you've  
4 got to pay a typist to do that, right? And you've also  
5 got to pay for all your office supplies and the rest  
6 of it, correct?

7 MS. SIMON: Right.

8 ASSEMBLYMAN SADER: Okay. So that's  
9 how you get a figure here. For instance, here you can  
10 say you may receive over \$22,000 a year in transcripts.  
11 Only \$7,580 of that is net to you. The rest of it  
12 goes out in the expense of making transcripts?

13 MS. SIMON: Yes.

14 ASSEMBLYMAN SADER: Okay. Now, while  
15 you're sitting in a court, or supposed to be there for  
16 all of these days, there's a lot of time when the court  
17 is not in session; isn't that right?

18 MS. SIMON: That's right.

19 ASSEMBLYMAN SADER: If you have an  
20 office or someplace to dictate, you can dictate during  
21 that time?

22 MS. SIMON: That's true.

23 ASSEMBLYMAN SADER: What you're saying  
24 is you don't have enough space to do that?

25 MS. SIMON: In Justice Court.



1 ASSEMBLYMAN SADER: In Justice Court.  
2 But you do in District Court?

3 But you are aware, at least in  
4 Washoe County, they have office space up there?

5 MS. SIMON: I'm not aware, but I'll  
6 take your word for it.

7 ASSEMBLYMAN SADER: Okay. They do.

8 Okay. Can you give me an estimate  
9 of how many hours work a week you actually work?

10 MS. SIMON: We had a court reporters  
11 meeting at the Golden Nugget, and the reporters came  
12 to the agreement that we work 65 hours a week. That's  
13 how we get down to that \$6.78 an hour.

14 ASSEMBLYMAN SADER: So you're saying  
15 that at least this is an average you're talking about?

16 MS. SIMON: That's what they said. I  
17 thought mine was about --

18 ASSEMBLYMAN SADER: What's your  
19 experience?

20 MS. SIMON: Mine's around 60, but they  
21 told me I'm all wet.

22 ASSEMBLYMAN SADER: So you're working  
23 20 hours of work over a normal 40 hours a week to  
24 pump out 18,000?

25 MS. SIMON: That's the problem.

1 ASSEMBLYMAN SADER: Okay. There are  
2 a lot of court reporters that would like to have court  
3 contracts?

4 MS. SIMON: What do you mean?

5 ASSEMBLYMAN SADER: Do you mean --

6 MS. SIMON: Do you mean the independent  
7 contractors or --

8 ASSEMBLYMAN SADER: Independent  
9 contractors with the judges.

10 MS. SIMON: I don't know. They -- all  
11 the judges have reporters, but I don't know if there's  
12 five people vying for the job or not.

13 ASSEMBLYMAN SADER: Okay. I just have  
14 one more question: You've given us these charts here  
15 that say you're the lowest in the nation.

16 MS. SIMON: On per diem.

17 ASSEMBLYMAN SADER: On per diem. Are  
18 these other areas that you've given us representative  
19 of the country?

20 MS. SIMON: One of the reporters down  
21 South, Romaine Olson, told me that the next lowest one  
22 to Las Vegas was in Vermont, and it was \$18,000 a year  
23 salary plus benefits.

24 ASSEMBLYMAN SADER: Some of these figures  
25 you've given us would include transcript costs, too?

1 MS. SIMON: The only one on this chart  
2 that includes transcript is the Congress, U. S. Congress.  
3 In every other jurisdiction, transcripts are additional.

4 ASSEMBLYMAN SADDER: So, when I look  
5 at this graph page that you've given me --

6 MS. SIMON: That's strictly per diem  
7 versus salary.

8 ASSEMBLYMAN SADDER: So you're saying  
9 these cities that you're comparing -- you're less than  
10 half any other city?

11 MS. SIMON: Right.

12 ASSEMBLYMAN SADDER: And you're telling  
13 us that that's characteristic of the profession; you're  
14 really that low?

15 MS. SIMON: Yes.

16 ASSEMBLYMAN SADDER: Okay. I just have  
17 one more comment. I've had the pleasure of working  
18 in the court system in Washoe County, and a couple of  
19 people I have worked with are in the back of the room, and  
20 I've got to say for my own personal experience that  
21 you work some awfully long hours in some very adverse  
22 circumstances.

23 THE CHAIRMAN: You mean with all those  
24 attorneys?

25 ASSEMBLYMAN SADDER: If you can get along

1 with all the prima donnas in the Bar, you've got one  
2 heck of a personality.

3 ASSEMBLYMAN BANNER: Let's not say any  
4 bad words about any attorneys.

5 THE CHAIRMAN: Any other comments?

6 ASSEMBLYMAN PRICE: Now, you say you  
7 have an association?

8 MS. SIMON: Yes.

9 ASSEMBLYMAN PRICE: Does that include  
10 the recorders who worked as employees as well as ones  
11 who were --

12 MS. SIMON: There are none in Nevada  
13 who are employees of a State agency or a Government  
14 agency that I am aware of.

15 ASSEMBLYMAN PRICE: Everybody --

16 MS. SIMON: Well, the Federal courts  
17 are on salary.

18 ASSEMBLYMAN PRICE: Yes, but from, as  
19 far as State is concerned, everybody's working as an  
20 independent contractor?

21 MS. SIMON: As far as I know, they're  
22 all independent contractors.

23 ASSEMBLYMAN PRICE: You know, there's  
24 a -- just a comment, observation on my part. I would  
25 say that you are, in fact, businesses of your own, but

1 thinking somewhat like it, but I'm going to preface  
2 that by saying that you're thinking as employees, because  
3 for the type of service that I realize now that you  
4 provide, with all of your costs and everything, you're  
5 really no different than an electrical contractor,  
6 except for the way that you're doing business with the  
7 judges.

8 And by the way, I'd like to  
9 compliment you on your presentation this morning.

10 MS. SIMON: Thank you.

11 ASSEMBLYMAN PRICE: You do realize you  
12 have to do this twice? Yes?

13 ASSEMBLYMAN BANNER: That's if she gets  
14 it through the Assembly.

15 ASSEMBLYMAN PRICE: Provided. The --  
16 who gives the test that you're talking about?

17 MS. SIMON: There's an agency called  
18 the CSR Board, which is composed of two court reporters  
19 and one attorney, and they are given every six months,  
20 alternating between Reno and Las Vegas.

21 ASSEMBLYMAN PRICE: And they're -- it's  
22 a test recognized by the State or --

23 MS. SIMON: It's set up by some statute  
24 that I can't give you the number.

25 ASSEMBLYMAN PRICE: When you do, in

1 fact -- and I know you can't speak for every one --  
2 go to work for a judge, is it simply a, "Yes, Marijane.  
3 I'll hire you" situation, or is there a contract of  
4 any kind?

5 MS. SIMON: No written contract, just  
6 verbal -- custom and practice. You know, you just  
7 expect that you'll get what everybody's gotten in the  
8 last several years under the same conditions.

9 ASSEMBLYMAN PRICE: And of course,  
10 the pay and the fees and so forth are set down?

11 MS. SIMON: By statute.

12 ASSEMBLYMAN PRICE: By the statute,  
13 or could be changed by the County?

14 MS. SIMON: No. It has to be done by  
15 you.

16 ASSEMBLYMAN PRICE: Can't be changed  
17 by the County?

18 MS. SIMON: Statutory fees.

19 THE CHAIRMAN: Have you worked in other  
20 jurisdictions besides --

21 MS. SIMON: Yes, I have. I worked in  
22 Salt Lake City.

23 THE CHAIRMAN: Are their fees set by  
24 statute?

25 MS. SIMON: Up there, the court reporters --

1 I might be wrong, 'cause it's been about eight years  
2 since I've been there, but they're State employees,  
3 so I suspect that they're on a State salary scale.

4 THE CHAIRMAN: Any other questions?  
5 Mrs. Cafferata?

6 ASSEMBLYMAN CAFFERATA: Are  
7 many states set salaries like this, or agreements for  
8 fees?

9 MS. SIMON: Usually the page rate is  
10 set by statute and the salaries are set by the County,  
11 each County, 'cause you'll notice the variations in  
12 the jurisdictions in California on the -- this chart  
13 that I've prepared.

14 ASSEMBLYMAN CAFFERATA: So it's not  
15 a State thing, so they're not really independent  
16 contractors, because you limit what they can make. It's  
17 like an electrician, paid a job --

18 ASSEMBLYMAN PRICE: You're right, you're  
19 right. You're exactly right.

20 ASSEMBLYMAN CAFFERATA: They're stuck  
21 with what they get. Between lines seven and ten, you  
22 don't ask for any increases. Does that mean that those  
23 costs have not gone up to you?

24 MS. SIMON: On a transcript, the reason  
25 why I didn't ask Assemblyman Banner to change that is

1 that I'm very concerned about what I'm getting paid  
2 from nine to five, and since the judges down in  
3 Eighth Judicial District are cutting back our criminal  
4 transcripts because they're very worried about their  
5 budget and they want nothing done that's not absolutely  
6 necessary, I think that we should really focus on the  
7 per diem so that we're equal to other people, you know,  
8 in the marketplace.

9 ASSEMBLYMAN CAFFERATA: What would happen  
10 if we just took all limits off and you negotiated your  
11 own fee?

12 MS. SIMON: I don't know. I wouldn't  
13 predict.

14 ASSEMBLYMAN BANNER: Yes, but the  
15 problem in their case -- if they should shut the  
16 courthouse down for two weeks, they'd double their  
17 salary. I mean, that's the way you negotiate some  
18 places. If you're in a bargaining position and you  
19 have a sanction of shutting down the courthouse, like  
20 we do in union, organized labor, her salary would double  
21 pretty fast.

22 ASSEMBLYMAN CAFFERATA: Sure.

23 ASSEMBLYMAN BANNER: She could go ask.  
24 But she's asking here instead of the judges.

25 THE CHAIRMAN: Mr. Beyer?



1 ASSEMBLYMAN BEYER: Since you're a free  
2 lance, in your business for yourself, you have your  
3 own business, or for -- who else might hire you for  
4 your services besides the Court?

5 MS. SIMON: Well, I work for Free Lance  
6 Court Reporters -- my boss, Leta Haupt, is sitting out  
7 here -- and we cover the courts of Judges Brennan and  
8 Huffaker. And what she does is rotates several of us  
9 for a week at a time in those courts, and then we take  
10 depositions for attorneys, and conventions, the weeks  
11 we're not in court.

12 But we're a little different than  
13 Mrs. Kroon, who works strictly for Judge Christensen,  
14 and she doesn't work for anybody else.

15 ASSEMBLYMAN BEYER: But could I come  
16 to you and hire you? I'm a civil engineer. Say I'm  
17 going to a convention; I want to take some verbatim  
18 notes. Can I hire you to come with me to this convention  
19 and you take down the -- could I hire your firm?

20 MS. SIMON: You could hire our firm,  
21 because we have this arrangement with our judges that  
22 we will take turns in this court. But the week I'm  
23 working for Judge Brennan, I couldn't go. Someone else  
24 from the firm -- I couldn't go. Someone else would  
25 have to. And Connie couldn't go.

1                   But since we're a free lance firm,  
2 and that one of our functions is covering two courts,  
3 you could get someone from our firm. Please do call  
4 us if you need somebody.

5                   ASSEMBLYMAN PRICE: How much would you  
6 charge? How much would your firm charge?

7                   MS. SIMON: I'll have to --

8                   ASSEMBLYMAN PRICE: Cheap?

9                   MS. SIMON: Let me defer to my boss  
10 on that. She handles all the money. I just take the  
11 check.

12                   ASSEMBLYMAN PRICE: How much would it  
13 cost to hire your firm?

14                   MS. HAUPT: For a convention?

15                   ASSEMBLYMAN PRICE: Well, whatever.  
16 Just for your services, recording services. Getting  
17 in deeper.

18                   MS. HAUPT: A technical convention?

19                   ASSEMBLYMAN PRICE: Engineering.

20                   MS. HAUPT: Hundred dollars a day per  
21 diem. That is what is an appearance fee, which is  
22 what we're discussing now. It's \$4.25 a page original  
23 and one, for the transcript.

24                   ASSEMBLYMAN PRICE: Okay, so really  
25 what you're saying is that that is not covered by the

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1 statute? In other words, if I hire your firm --

2 MS. HAUPT: No. We can negotiate our own  
3 rates in Free Lance.

4 ASSEMBLYMAN PRICE: The statute only  
5 covers when you work in the court system; is that  
6 correct?

7 MS. SIMON: That's right. But we're  
8 an unusual situation. Most of the courts are covered  
9 by one reporter, like Mrs. Kroon.

10 ASSEMBLYMAN PRICE: Okay. I -- I do  
11 have a problem, like Miss Cafferata, really, by setting  
12 prices on a free lance operation when you are, in fact,  
13 an independent contractor.

14 MS. SIMON: I wish we could set our  
15 own prices.

16 ASSEMBLYMAN PRICE: Whereas you're  
17 entitled to do so, if I were to hire your firm to do  
18 other than just court reporting. Should be an overlap  
19 here. That doesn't belong in the statute.

20 THE CHAIRMAN: May I ask a question  
21 on the schedule of monies paid to court reporters by  
22 department? Are these -- like for the 1980, one, two --  
23 these represent the various court reporters in the  
24 Eighth Judicial District Court?

25 MS. SIMON: Yes, and there are only eight

1 and Anna Peterson didn't explain to us, you know, why  
2 she didn't have all 12, but that's what she gave us,  
3 and I thought it was good, so I brought it to you.

4 THE CHAIRMAN: Well, I see seven, I  
5 guess. Oh, I see.

6 MS. SIMON: I think she had some trouble  
7 in going back through the records and compiling this  
8 information. She did the best she could on short notice,  
9 for the judges.

10 THE CHAIRMAN: One District Court, the  
11 total gross was 57,000, and net of 24,000. That's  
12 the highest.

13 MS. SIMON: The highest one I see is  
14 26,000. It's down here. The transcript is 61, just  
15 above the line.

16 THE CHAIRMAN: That's in 1979.

17 MS. SIMON: Yes. That was Juvenile  
18 Court where everything is transcribed. That has the  
19 heaviest transcript load of any court, and that's why  
20 she has so few days worked, because she had to transcribe  
21 every word, and she took days off to transcribe those  
22 words.

23 THE CHAIRMAN: Thank you very much.

24 ASSEMBLYMAN: BEYER: Just one quick  
25 question.

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THE CHAIRMAN: Okay. Mr. Beyer?

ASSEMBLYMAN BEYER: How big a percentage of your business is working in courts, and how much is going to the conventions -- eight percent court, or ten percent court? How big a percentage of your work?

THE CHAIRMAN: Leta, are you going to testify? You haven't planned on it.

MS. HAUPT: No, I hadn't.

THE CHAIRMAN: I think if you're going to ask some questions of that, we ought to have her come up so they could be on the record.

ASSEMBLYMAN BEYER: Okay. Would you mind stating your name for the record?

MS. HAUPT: Leta Haupt, H-a-u-p-t, Clark County, Nevada.

ASSEMBLYMAN BEYER: Very simple question. Now, what percentage of your business is working for the courts, and how much is going to conventions, technical conventions for other than court systems?

MS. HAUPT: I would say probably 20 to 25 percent is the court.

ASSEMBLYMAN BEYER: Twenty and 25 percent is the court and the other 75 to 80 percent is working for --

1 MS. HAUPT: Free lance, conventions.  
2 ASSEMBLYMAN BEYER: Free lance people?  
3 MS. HAUPT: And attorneys, for depositions.  
4 ASSEMBLYMAN BEYER: Where you set your  
5 own --  
6 MS. HAUPT: State agencies, where we  
7 set our own fees. And I might state that when I said  
8 a while ago that the appearance fee was \$100 -- if we  
9 do not get an order for a transcript, then that appear-  
10 ance fee would be \$250. That's what we're discussing,  
11 about the fact that if we get no transcript, the  
12 appearance fee would be \$250.  
13 ASSEMBLYMAN BEYER: In order to make  
14 your money on the transcript rather than on the  
15 appearance?  
16 MS. HAUPT: Yes. And that's why the  
17 transcript fee on the free lance end is higher than  
18 it is in District Court. It has to be to suffice for  
19 lower appearance fee that we would charge.  
20 ASSEMBLYMAN BEYER: Okay. Thank you.  
21 THE CHAIRMAN: Mr. Price?  
22 ASSEMBLYMAN PRICE: Just to keep it  
23 clear, you're talking -- when you talk about 25-75,  
24 you're actually talking about as, as a business? You're  
25 not talking about, necessarily --

1 MS. HAUPT: Yes, sir.

2 ASSEMBLYMAN PRICE: The girls might  
3 be working 75-25?

4 THE CHAIRMAN: Boys, too.

5 ASSEMBLYMAN PRICE: Yes. Well, boys,  
6 too. Reporters. Pardon me for that sexist remark.

7 The -- some reporters might be  
8 working, I presume, all the time with the court system?

9 MS. HAUPT: Yes.

10 ASSEMBLYMAN PRICE: Or most of the time.  
11 I want to see if I'm correct in something I was thinking  
12 about, the remark or the observation that Assemblyman  
13 Malone made. He indicated \$200 a day, 2,000 hours a  
14 year, so forth, would come up to about \$40,000.

15 But if you're -- I'm presuming,  
16 because you've been quite accurate in what you said,  
17 if you were in a court all, all the time, and that  
18 40,000 would then come down to about one third in net  
19 pay, so that would be \$13,200 a year?

20 ASSEMBLYMAN MALONE: No, no. It would  
21 be \$40,000 a year.

22 MS. SIMON: Minus lost benefits.

23 ASSEMBLYMAN MALONE: She said she made  
24 \$10,000 a year, approximately, from the court system,  
25 so if they're asking for \$200 a day, it would bring

1 it up to \$40,000 a year for the court system.

2 ASSEMBLYMAN PRICE: Okay, okay. I  
3 didn't follow that.

4 My last question is, then, you  
5 have a company, so-and-so somebody, reporters?

6 MS. HAUPT: Yes, yes -- Free Lance Court  
7 Reporters.

8 MS. SIMON: I put our card right inside  
9 your front cover, for your convenience.

10 ASSEMBLYMAN PRICE: Not that this really  
11 makes any difference, but I presume, then, that you  
12 as a company must do some contracting with the courts,  
13 and then the girls working for you go over. Would that  
14 be correct?

15 MS. HAUPT: Yes.

16 ASSEMBLYMAN PRICE: Okay. My last  
17 observation -- I want to make sure that this is correct  
18 in what I'm thinking. What we're really talking about  
19 is simply setting rates that the courts would have to  
20 pay. Throughout the statutes, we set rates for all  
21 kinds of things. I remember when we argued over how  
22 much the courts could charge for Xerox copies one year,  
23 and we set rates that are paid to doctors under NIC  
24 and --

25 ASSEMBLYMAN MALONE: Court appearances.



1 ASSEMBLYMAN PRICE: Court appearances.  
2 So this is nothing unusual.

3 I was thinking in terms of initially,  
4 when we started, you know, in independent contractors,  
5 this that and the other, but what we're really talking  
6 about is simply the rate that the court must pay for  
7 services rendered. Is that simplified and correct?

8 MS. HAUPT: Yes.

9 MS. SIMON: You just brought up one  
10 other point that I can't keep from expressing, and that  
11 is that down in Eighth Judicial District, when we have  
12 to testify about something we've taken previously,  
13 if a witness doesn't show up at the next hearing --  
14 I've been called as a witness three times in the last  
15 six months, and I lost a day of work to do that, and  
16 they don't pay me. In fact, I was up here on the  
17 McKenna trial for three days. I got \$45 witness fees  
18 and lost three days work.

19 ASSEMBLYMAN PRICE: Well, now you know  
20 Assemblyman Beyer. He'll hire you.

21 THE CHAIRMAN: That's a case of almost  
22 every witness in the court.

23 MS. SIMON: Right.

24 THE CHAIRMAN: Do you have a question?

25 ASSEMBLYMAN SADER: I just want to

1 clarify a little further for my own benefit, this  
2 business about 25 percent of your time may be spent  
3 in the court, or this amounts to 25 percent of free  
4 lance at this time. How many reporters do you have  
5 working for you?

6 MS. HAUPT: I have seven, plus myself  
7 is eight. However, I'm not reporting any more. I  
8 haven't reported in about a year.

9 ASSEMBLYMAN SADER: Okay. So you have  
10 seven working reporters. You have two courts?

11 MS. HAUPT: Yes, sir.

12 THE CHAIRMAN: You're saying 25 percent  
13 of your firm's time, in your particular case?

14 MS. HAUPT: Absolutely right.

15 ASSEMBLYMAN SADER: When you give us  
16 these figures here or you say that 212 days -- let's  
17 take 1980. Two hundred three days on the first one  
18 were actually court days spent where you got a per  
19 diem, so you have someone in that court?

20 MS. HAUPT: Yes.

21 ASSEMBLYMAN SADER: For 203 days, and  
22 according to earlier testimony, an average, in her  
23 opinion of 60 or 65 hours a week?

24 MS. HAUPT: Absolutely.

25 ASSEMBLYMAN SADER: For the kind of

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1 money you're making, \$19,000, right? Net.

2 MS. HAUPT: Yes.

3 ASSEMBLYMAN SADER: Okay. Thank you.

4 THE CHAIRMAN: Thank you both for  
5 coming.

6 MS. SIMON: Thank you very much, Mr.  
7 Chairman.

8 (Whereupon, the hearing was  
9 concluded.)

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*Free Lance Court Reporters, Inc.*

316 E. BRIDGER AVE. SUITE 202  
LAS VEGAS, NEVADA 89101

SUMMARY--Increases fees for official reporters in district courts.  
(BDR 1-392)

Fiscal Note: Effect on Local Government: Yes.  
Effect on the State or on Industrial  
Insurance: No.

AN ACT relating to district courts; increasing fees for official reporters; and providing other matters properly relating thereto.

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

Section 1. NRS 3.370 is hereby amended to read as follows:

3.370 1. For his [or her] services the official reporter or reporter pro tempore [shall receive] is entitled to the following fees:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting, [~~\$50~~<sup>\$150</sup>] ~~\$200~~ per day, to be paid by the county as provided in subsection 2.

(b) For transcription, ~~70~~<sup>85</sup> cents per folio for the original draft, and ~~20~~<sup>25</sup> cents per folio for each additional copy to the party ordering the original draft. For transcription for any party other than the party ordering the original draft, ~~20~~<sup>25</sup> cents per folio.

(c) For reporting all civil matters, in addition to the salary provided in paragraph (a), [~~\$8~~<sup>\$15</sup>] ~~\$32~~ for each hour or fraction thereof actually spent, ~~but not more than \$50~~ ~~\$200 in any calendar day~~, to be taxed as costs pursuant to subsection 3. ~~If the fees for any day computed according to the hourly rate would exceed \$50, \$200, the fee to be taxed for each civil matter reported is that proportion of \$50 \$200 which the time spent on that matter bore to the total time spent that day.~~

2. The fee specified in paragraph (a) of subsection 1 [shall] must be paid out of the county treasury upon the order of the court. In criminal cases the fees for transcripts ordered by the court to be made [shall] must be paid out of the county treasury

upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention [shall] must be fixed and allowed by the court and paid in like manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to [such] the official reporter in lieu of per diem; the salary, and also actual traveling expenses in cases where the reporter acts in more than one county, to be prorated by the judge on the basis of time consumed by work in the respective counties; the salary and traveling expenses to be paid out of the respective county treasuries upon the order of the court.

3. In civil cases the fees prescribed in paragraph (c) of subsection 1 and for transcripts ordered by the court to be made [shall] must be paid by the parties in equal proportions, and either party may, at his option, pay the whole thereof. In either case all amounts so paid by the party to whom costs are awarded [shall] must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties [shall] must be paid by the party ordering [the same.] them. No reporter may be required to perform any service in a civil case until his fees have been paid to him [or her] or deposited with the clerk of the court.

4. Where a transcript is ordered by the court or by any party, the fees for [the same shall] it must be paid to the clerk of the court and by him paid to the reporter upon the furnishing of the transcript.

5. The testimony and proceedings in an uncontested divorce action need not be transcribed unless requested by a party or ordered by the court.

# WASHOE COUNTY

"To Protect and To Serve"

February 12, 1981



1205 MILL STREET  
POST OFFICE BOX 11130  
RENO, NEVADA 89520  
PHONE (702) 785-4147

DEPARTMENT OF BUDGET AND ANALYSIS

## MEMORANDUM

To: Candace Fox  
From: Grace Fleming  
Subject: Fiscal Impact of AB 4

Per your request, I have analyzed the financial impact that AB4 would have on Washoe County. The following chart shows the approximate number of days each court in the county will be in operation and how much the total court reporting fees would be at \$50 per day and at \$200 per day. I have included the two new District Courts in the calculations but not a third Justice Court for Reno.

<u>Justice Courts</u>	<u>Days</u>	<u>\$50</u>	<u>\$200</u>
Reno- 2 @ 225 days/year	450	\$22,500	\$ 90,000
Sparks- 1 @ 225 days/year	225	11,250	45,000
Incline- 1 @ 52 days/year	52	2,600	10,400
		<u>\$36,350</u>	<u>\$145,400</u>
Increase	\$109,050		
<u>District Courts</u>			
9 Courts @225 days/year		\$101,250	\$405,000
Increase	\$303,750		
Total Increase	\$412,800	300%	

It should also be noted that in addition to the daily fee the Court Reporters are paid per diem. I would question the necessity of \$200 per day.

  
Administrative Analyst

GF:ja  
cc: John MacIntyre  
Ed Everett  
Dave Henry  
District Courts  
Justice Courts

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LEGISLATURE BILL ANALYSIS

EXHIBIT D

*OK*  
*PK*

DATE: 1/28/81 RESOLUTION/BILL NO.: A.B.4

SUBJECT: Assembly Bill No. 4 - Assemblyman Banner

Increases fees for official reporters in district courts.

\* \* \*

ANALYSIS: Should the court reporters' fees under NRS 3.370 be in-  
creased from \$50 to \$200, it would mean the current Clark County bud-  
get of \$925,011 would have to be increased by \$740,008 for fiscal  
81-82 to \$1,665,019. This will mean that the budget for court reporters  
will have to be increased 79.99%. It should also be noted that approxi-  
mately 80% of the current earnings of a court reporter are not derived  
from the per diem fee but from the transcribing charges. Therefore,  
the legislature should contemplate decreasing the transcribing charges,  
if it considers increasing the per diem fee.

Under the current fee schedule and as a result of an analysis of  
eleven district court reporters, earnings for these individuals average  
approximately \$43,917 a year and range from \$13,294-\$60,388 as follows:

	<u>TRANSCRIBING</u>	<u>PER DIEM</u>	<u>TOTAL EARNINGS</u>
Low	\$10,794	\$ 2,500 41 days	\$13,294
Median	36,380	\$10,250 205 days	46,630
High	51,988	\$ 8,400 168 days	60,388

Several options could be considered concerning the requested  
increase using the current fee schedule and salary range as a base  
(see page two).

DATE: 1/28/80  
 RESOLUTION/BILL NO: A.B.4  
 Page Two

	<u>TRANSCRIBING</u>	<u>REQUESTED PER DIEM</u>	<u>TOTAL EARNINGS</u>
Low	\$10,794	41 days x \$200 = \$ 8,200	\$18,994
Median	36,380	205 days x \$200 = \$41,000	77,380
High	57,988	168 days x \$200 = \$33,600	85,588

	<u>TRANSCRIBING</u>	<u>PER DIEM 25% INCREASE</u>	<u>TOTAL EARNINGS</u>
Low	\$10,794	41 days x \$62.50 = \$ 2,563	\$13,357
Median	36,380	205 days x \$62.50 = \$12,813	49,193
High	51,988	168 days x \$62.50 = \$10,500	62,488

	<u>10% INCREASE TRANSCRIBING</u>	<u>PER DIEM 15% INCREASE</u>	<u>TOTAL EARNINGS</u>
Low	\$11,873	41 days x \$57.50 = \$ 2,358	\$14,231
Median	40,018	205 days x \$57.50 = \$11,788	51,806
High	57,186	168 days x \$57.50 = \$ 9,660	66,846

	<u>TRANSCRIBING</u>	<u>PER DIEM 50% INCREASE</u>	<u>TOTAL EARNINGS</u>
Low	\$10,794	41 days x \$75 = \$ 3,075	\$13,869
Median	36,380	205 days x \$75 = \$15,375	51,755
High	51,988	168 days x \$75 = \$12,600	64,588