

1 **NRCP 43 – Proposed**
2 **(Adopt federal rule with edits)**

3 **Rule 43. Taking Testimony**

4 (a) **In Open Court.** At trial, the witnesses’ testimony must be taken in open
5 court unless ~~a federal statute, the Federal Rules of Evidence, these rules, or other~~
6 ~~rules adopted by the Supreme Court~~ provides^{sd} otherwise by applicable law. For good
7 cause in compelling circumstances and with appropriate safeguards, the court may
8 permit testimony in open court by contemporaneous transmission from a different
9 location.

10 (b) **Affirmation Instead of an Oath.** When these rules require an oath, a
11 solemn affirmation suffices.

12 (c) **Evidence on a Motion.** When a motion relies on facts outside the record,
13 the court may hear the matter on affidavits or may hear it wholly or partly on oral
14 testimony or on depositions.

15 (d) **Interpreter.** The court may appoint an interpreter of its choosing; fix
16 reasonable compensation to be paid from funds provided by law or by one or more
17 parties; and tax the compensation as costs.

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19 **ADVISORY COMMITTEE NOTE—2017 AMENDMENT**

20 NRCP 43(d) is intended to work in harmony with NRS Chapters 1 and 50, and
21 any other state law governing interpreters.

1 **NRCP 43 – Proposed**
2 **(Committee Note)**

3 (1) NRCP 43(a) was edited to simply state "[applicable law](#)" rather than
4 enumerate where the exceptions may lie.
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