

HANDOUT/PROCEDURE FOR CIVIL BENCH TRIALS DISTRICT COURT, DEPT. XI

Depositions

All original depositions anticipated to be used in any manner during the trial (other than in lieu of live testimony) must be delivered to the Clerk at the date and time exhibits are delivered, at or prior to the Calendar Call.

If deposition testimony is anticipated to be used in lieu of live testimony, the parties shall discuss the designations at the EDCR 2.67 conference. Any designation (by page/line citation) of the portion(s) of the testimony to be offered must be served on all parties, with a courtesy copy to the Court, two (2) judicial days prior to the Calendar Call. Any counter-designations (by page/line citation) of testimony must be served on all parties, with a courtesy copy to the Court, one (1) judicial day prior to the Calendar Call.

If there are any objections to the designations or counter-designations, then the parties need to provide the Court (at or before the Calendar Call) with copies of the depositions which show on each page which excerpts are objected to and by whom. ******(If there is to be use of deposition testimony in lieu of live testimony for more than one (1) witness, notify the Court at the Pre-Trial Conference so that time can be set aside prior to trial to hear the objections.)******

Exhibits

In accordance with EDCR 2.67, counsel shall, meet, review, and discuss exhibits. All exhibits must comply with EDCR 2.27.

The parties are directed to submit three (3) sets of trial exhibit three-ring binders. Each exhibit should appear under its own numbered/lettered tab. The parties are directed to submit an Exhibit List with the binders, using **NUMBERS** for Plaintiff's exhibits and **LETTERS** for Defendant's exhibits, with a short description of each exhibit and Bates numbered, if appropriate. Please make three (4) columns on the right-hand side labeled "Stipulated", "Offered", "Objected", and "Admitted" (See example attached). The Exhibit list may be emailed to the Court Clerk in Word format to ortegan@clarkcountycourts.us.

Counsel are encouraged to submit joint exhibit binders. If counsel are submitting separate sets of exhibits, they should remove duplicates. If joint exhibits are submitted, use Numbers.

Depositions are not marked nor admitted as exhibits; however, original depositions should be provided, which are "Published" when used in court.

Bates stamp the exhibit pages for ease in locating a specific page of an exhibit and list the Bates numbers as part of the exhibit list. If there are an excessive number of exhibits, contact the Department Clerk who may assign a block of numbers to each side, and may request that you color coordinate and number your binders to identify Plaintiff's and Defendant's binders.

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Photographs and Receipts **MUST BE IDENTIFIED SEPARATELY**. Do not place several photos or receipts on one sheet of paper as this causes problems if only one is admitted. You may label them, for example, 7A, 7B, 7C, etc.

Exhibit binders must be delivered to the Clerk prior to the Trial. Any demonstrative exhibits anticipated to be used must be disclosed prior to Calendar Call. These are generally not marked as exhibits. Pursuant to EDCR 2.68, at the final Pre-Trial Conference, counsel shall be prepared to stipulate or make specific objections to individual proposed exhibits.

Audio Visual Witness Appearances

The Court strongly urges in-person testimony for trial. However, if a party wishes a witness to appear at trial via Audio/Visual BlueJeans, pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING APPEARANCE BY AUDIO-VISUAL TRANSMISSION EQUIPMENT, the party must comply with Rule 4 and complete an **Audiovisual Audio Visual Witness Appearances Transmission Equipment Appearance Request form and Consent**, located on the Court's website, as well as comply with the terms therein, at least five (5) Judicial Days prior to the Calendar Call unless the Court provides a different time-frame. If the Audio Visual appearance is objected to, the parties need to notify the Court and schedule time to have the objection heard.

Proposed Findings of Fact and Conclusions of Law

Each side shall provide the Court, two (2) working days prior to the start of trial, a detailed, proposed Findings of Fact and conclusions of Law with an electronic copy in Word format. The detailed proposed Findings of Fact and Conclusions of Law shall include all elements of each Cause of Action alleged by Plaintiff and the basis for Defendant's Affirmative Defense.

These should be emailed to the Department JEA, rawlinsont@clarkcountycourts.us, and the Department Law Clerk, Dept11LC@clarkcountycourts.us.

PowerPoint Presentations

If counsel anticipates using a PowerPoint presentation for opening and/or closing arguments, a copy must be provided to the clerk to be marked as a Court's exhibit. The PowerPoint presentation must be shown to opposing counsel prior to openings.

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Audio Visual Equipment

If counsel anticipates the need for audio visual equipment during the trial, a request must be submitted to the District Courts AV Department, copied to the Court Recorder, following the calendar call. You can reach the AV Dept. at (702) 671-3300 or via email at courthelpdesk@clarkcountycourts.us.

If counsel needs to test any equipment to be used in the courtroom prior to trial, you must contact the Court Recorder, hawkinsj@clarkcountycourts.us, and the JEA, rawlinsont@clarkcountycourts.us, to set this up.

Court Recorder

The Court Recorder must be notified, 702-671-4374, a minimum of three (3) judicial days, in advance, if Counsel is requesting to have any or all of the proceedings recorded. If Counsel would like to have daily transcripts or CDs of the trial prepared, the Court Recorder must be notified a minimum of two (2) weeks prior to the start of trial. Failure to notify with advance notice may result in the delay of the production of transcripts and/or CDs.