

# HANDOUT/PROCEDURE FOR COUNSEL CIVIL BENCH TRIALS DISTRICT COURT - DEPT XXXI

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Courtroom Clerk: TENA JOLLEY ▪ 671-0638 ▪ [jolleyt@clarkcountycourts.us](mailto:jolleyt@clarkcountycourts.us)

## **Trial Briefs (EDCR 7.27)**

If the trial of the case will involve significant issues not adequately addressed by the parties in connection with dispositive motions or other pretrial motions, the parties may prepare trial briefs addressing such issues and submit to the Court **any time prior to the close of trial** in accordance with EDCR 7.27. The original must be filed and a copy must be served to opposing party(ies). Parties may deliver an unfiled copy to the Court if the brief is provided in open court.

## **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 should 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.)**\*\***

## **Audio Visual Witness Appearances**

Pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING APPEARANCE BY AUDIOVISUAL TRANSMISSION EQUIPMENT, if a party wishes a witness to appear at trial the party must comply with Rule 4 and complete an Audiovisual **Transmission Equipment Appearance Request form**, 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) judicial days prior to the start of trial**, a detailed, proposed Findings of Fact and Conclusions of Law (FFCL) which is to include citations. 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. If the case sets forth specific elements of damages, then these must be set out as well. The proposed FFCL must be filed and served upon all parties. Please submit the original to Chambers. Also, please email (in Word format) your Findings of Fact and Conclusions of Law to Dept. XXXI JEA, Tracy Cordoba, at [cordt@clarkcountycourts.us](mailto:cordt@clarkcountycourts.us) with a copy to all other parties. If providing a disc is more convenient to a party, then a disc can be provided at the same time with the original of the FFCL.

## **Exhibits**

In accordance with EDCR 2.67, Counsel shall meet, review, and discuss exhibits prior to commencement of the trial. All exhibits must comply with EDCR 2.27 and be prepared in accordance with Dept. XXXI Exhibit Guidelines which are attached. **Exhibits are due at the Calendar Call unless other deadlines are discussed with the Judge and stipulated to at the Pre-Trial Conference.** If the Judge extends the exhibit deadlines beyond Calendar Call, all exhibits **MUST** be received by the Clerk no later than two (2) judicial days before start of trial.

Any demonstrative exhibits including exemplars, power point slides, etc. anticipated to be used either by counsel or any of the witnesses, must be disclosed prior to Calendar Call. If any demonstrative exhibits are oversized or involve set up etc., the proposed demonstrative exhibit must either be brought to the Court's attention at the Calendar Call or via a written motion filed prior to the Calendar Call. Demonstrative exhibits are not marked as exhibits. Counsel shall be prepared to stipulate or make specific objections to individual proposed exhibits at the EDCR 2.69(d) conference set by the Court or as otherwise directed by the Court.

1. **Counsel is encouraged to submit Joint Exhibits, which may, or may not, be stipulated to for admittance.** If separate sets of exhibits are submitted, duplicate exhibits **MUST** be removed. Notify the Court Clerk of any stipulation(s) prior to start of trial.

2. **Two (2) sets of exhibits, which MUST be three-hole punched and MUST be submitted in three-ring binders no larger than four (4) inches, to be submitted to the Court (one for the witness stand, and one for the Court Clerk/official record.)** Do not mark or place a sticker on the exhibit itself, as the Court Clerk will mark it. If there are a large amount of exhibits, please discuss with the Court at the time of the Pre-Trial Conference.

Exhibits submitted in binders **MUST** be separated by tabs. Label the tabs with **numbers (1-500) for Plaintiff's Exhibits** and **letters (A-Z, AA) for Defendant's Exhibits**. An exhibit with more than two (2) pages should be Bates-stamped. (In order to accommodate the parties, the Court will allow the Bates stamp numbering to either reflect the exhibit tab number and then the individual page (e.g. 2-0001, 2-0002, etc.) or if it is too costly to re-number the exhibits to reflect the tab number before the individual page number, then the Court allows the pages to bear a Bates stamp number which does not reflect the exhibit number (e.g. 0001, 0002 etc.) Regardless of which format counsel chooses to use, each page of the tabbed exhibit MUST be Bates-stamped if that exhibit contains more two pages.)

If there are more than 500 exhibits for Plaintiff, and/or more than 75 exhibits for Defendant, contact the Court Clerk **no later than five (5) judicial days prior** to the Calendar Call so a block of numbers can be assigned. If **Joint Exhibits** are submitted, label tabs with **numbers**.

- The rules for photographs are different than the rules for documents. The Clerks' office requires that photographs **MUST** be identified separately within each exhibit tab. If a party chooses to place more than one photo under an exhibit tab, each photo **MUST** bear both an exhibit number-tab designation, as well as a letter reference for that specific photo. For example, if there are three (3) photos listed under Exhibit 7 for Plaintiff, then those photos must be designated as 7-A, 7-B, 7-C, etc. and this designation should be consistent within the exhibit list at the front of the binder.
- **DO NOT** place several photos on one sheet of paper. For example you may not place two (2) 4x6 photos on the same piece of paper. Instead, they must be on two (2) separate sheets of paper

separately labeled.

Documents and photos should be identified separately. **DO NOT** include photos and documents within the same exhibit tab. If a party has an exhibit that contains both documents and photographs, please contact the clerk prior to the Calendar Call for guidance on how that should be designated.

**\*\*NOTE: Please ensure all social security numbers, credit card numbers, bank accounts, etc. are redacted prior to submission\*\***

3. Submit an Exhibit List to the Court Clerk, via email. Place a copy of the Exhibit List in **each** of the binders. The exhibits on the list shall be **numbered** for the Plaintiff(s), and **lettered** for Defendant(s) unless a block of numbers has been assigned to each party as noted previously. The exhibit list should contain five (5) columns labeled: “#<sup>1</sup>”; “Description” (short description of exhibit including Bates stamp if applicable); “Offered”; “Objected”; and “Admitted.” (See attached Exhibit List example for guidance.) **If it is a Joint Exhibit List, please use numbers.**
4. Large blow-ups of exhibits may be used as **demonstrative exhibits**. These are not marked as exhibits.
5. Exhibits are to remain in the binders during trial. Counsel is to use their own copies with the overhead projector or other media.
6. **ELECTRONIC EXHIBITS** - If a party is anticipating that electronic exhibits will need to be utilized, the parties **must notify the Court the earlier of eight (8) weeks prior to the trial stack date or at the Status Check set pursuant to the Trial Order/Amended Order**, so that there is sufficient time to determine if the request will be approved, prepare an Electronic Exhibit Protocol, and set a schedule for testing.
7. **Depositions** are not marked as exhibits, nor are they admitted. However, original depositions which Counsel intends to use for impeachment purposes are “published” during trial proceedings and should be lodged with the Court Clerk prior to trial. Depositions **MUST** be sealed certified copies or they will NOT be accepted. As a courtesy to the Court, if a party intends to use a deposition extensively, it is helpful to provide a mini/tote script of the deposition for the Court to review during the testimony.

## **Audio Visual Equipment and Courtroom Equipment -**

If Counsel anticipates the need for special electronic equipment during the trial, a request must be submitted to the District Court Help Desk following the Calendar Call, but no less than three (3) judicial days before the commencement of trial. Please contact the Court Help Desk via E-Mail to [courthelpdesk@clarkcountycourts.us](mailto:courthelpdesk@clarkcountycourts.us). Please check with the Department for non-audio/visual needs prior to the Calendar Call to ensure you have all materials you anticipate needing.

## **Court Recorder**

Court Recorder must be notified, (702) 671-0897, 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.

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<sup>1</sup> Although the Defendant's set of proposed exhibits is lettered, counsel can either use the “#” symbol or designate the column as “Letter”.

**\*\*\*DO NOT PLACE EXHIBITS IN BINDERS WIDER THAN FOUR (4) INCHES AS THEY ARE DIFFICULT TO HANDLE.\*\*\***

**EXHIBIT INDEX EXAMPLE**

**PLAINTIFF'S TRIAL EXHIBITS**

**CASE NO: A123456**

**MARY SMITH**

**vs.**

**JANE DOE**

**PLAINTIFF'S COUNSEL \_\_\_\_\_ DEFENSE COUNSEL \_\_\_\_\_**

# <sup>2</sup>	DESCRIPTION	DATE OFFERED	OBJECTION	DATE ADMITTED
1	Contract signed October 17, 2009			
2				
3	Bank Statement dated September 13, 2009			
4				
5				
6				
7a	Color Photo – Front of house			
7b	Color Photo – Close-up of front of house			
7c	Color Photo – Cracked wall on north east side of house			
8				
9				
10	Estimate for: John Smith Restoration dated July 16, 2009 - (Bates numbers 10-0009 - 10-00011) Alternatively the Bates numbers could read (0009-0011) as noted herein as long as the exhibit list matches the exhibit tab numbering and each page is Bates-stamped			
11				
12				
13				
14				
15				
16				
17				
18				

<sup>2</sup> NOTE NUMBERS ARE TO BE USED IF THE EXHIBITS ARE JOINT OR IF THEY ARE NOT FOR PLAINTIFF'S PROPOSED EXHIBITS. IF EXHIBITS ARE NOT JOINT, DEFENDANT'S EXHIBITS ARE TO HAVE LETTER DESIGNATIONS IN THE FIRST COLUMN RATHER THAN THE NUMBERS SHOWN IN THIS EXEMPLAR