

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE  
AMENDMENT OF EIGHTH JUDICIAL  
DISTRICT COURT RULES 1.53, 1.61,  
1.64, 1.65, 1.92, 1.93, 5.28, AND 7.20.

ADKT. No. 418

**FILED**

NOV 17 2008

THOMAS W. UNDERMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER AMENDING EIGHTH JUDICIAL DISTRICT COURT RULES

WHEREAS, petitions were filed on December 17, 2007, February 1, 2008, April 7, 2008, and July 31, 2008, by Chief District Judge Kathy Hardcastle and Judge Valorie J. Vega requesting amendments to the Eighth Judicial District Court Rules; and

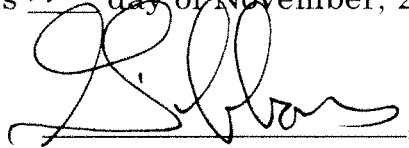
WHEREAS, this court has considered the petitions and concludes that the proposed amendments are warranted; accordingly,

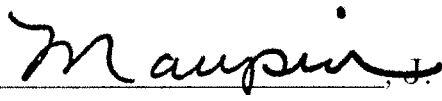
IT IS HEREBY ORDERED that Rules 1.53, 1.61, 1.64, 1.65, 1.92, 1.93, 5.28, and 7.20 of the Eighth Judicial District Court Rules shall be amended and shall read as set forth in Exhibit A; and

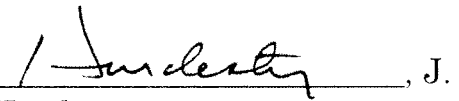
IT IS FURTHER ORDERED that this amendment shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and

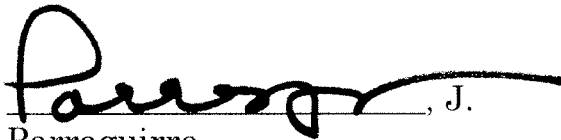
dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

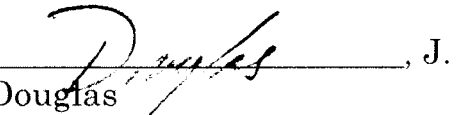
Dated this 17<sup>th</sup> day of November, 2008.

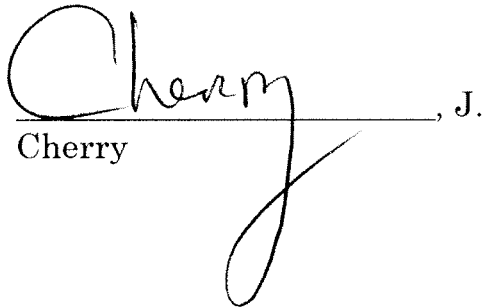
  
\_\_\_\_\_, C.J.  
Gibbons

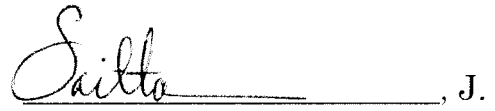
  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: All Judges of the Eighth Judicial District Court  
Eighth Judicial District Court Administrator  
Eighth Judicial District Court Clerk  
Administrative Office of the Courts

## EXHIBIT A

### AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT

#### Rule 1.53. Court employees participating in recognized employee organizations.

(a) The court may, at its discretion, allow a subset of its employees to join an employee organization recognized by the court to negotiate a contract with such employee organization regarding terms and conditions of employment of such court employees.

(b) The court may also, at its discretion, prohibit specific employees from joining such employee organizations. These employees include, but are not limited to, the following:

- (1) Judicial executive assistants;
- (2) Law clerks;
- (3) Staff attorneys; and
- (4) Court employees who hold management positions

with the court.

(c) The court shall not discriminate in any way against court employees based upon their membership or nonmembership in an employee organization recognized by the court.

(d) The court's recognition of an employee organization does not preclude any court employee who is not a member of that organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

(e) As used in this section:

(1) "Court employee" means any employee who is employed by the Eighth Judicial District Court and any employee working under the clerk of the court.

(2) "Employee organization" means an organization having as one of its primary purposes improvement of the terms and conditions of employment of court employees.

**Rule 1.61. Assignment of business matters. [~~Unless otherwise provided in these rules, business matters must be divided evenly among those full-time civil judges deemed necessary to handle all business matters.~~]**

(a) **Business matters defined.** “Business [M]atters” shall be ~~[deemed as follows]~~:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS Chapters 78-92A or other similar statutes from other jurisdictions, without regard to the amount in controversy;

(2) Any of the following where the amount in controversy exceeds \$500,000, excluding costs, fees, interest, and/or punitive damages;

(i) Claims or cases arising under the Uniform Commercial Code, or as to which the Code will supply the rule of decision;

(ii) Claims arising from business torts;

(iii) Claims arising from the purchase or sale of (A) the stock of a business, (B) all or substantially all of the assets of a business, or (C) commercial real estate; or

(iv) Business franchise transactions and relationships; and

~~(1) Disputes concerning the validity, control, operation, or governance of entities created under NRS Chapters 78-88, including shareholder derivative suits;~~

~~(2) Disputes concerning trademarks asserted under Nevada law, causes of action asserted pursuant to the Nevada Trade Secrets Acts, the Nevada Securities Act, involving investment securities described in Article 8 of the Nevada Uniform Commercial Code; or commodities described in NRS Chapter 90;~~

~~(3) Disputes between two business entities where the court determines that the case would benefit from enhanced case management.]~~

(b) ~~[The following shall not be deemed business matters]~~ **Examples of cases that are not business matters.** Examples of cases which are not business matters include, but are not limited to, those for which the predominant legal issues are centered on:

(1) Personal injury;

(2) Products liability;

(3) Claims brought by a consumer individually or as a representative of a class against a business;

(4) Landlord-tenant disputes involving residential property;

(5) Occupational health or safety;

(6) Environmental claims which do not arise as a result of the sale or disposition of a business subject to subsection (a)(2)(iii), above;

- (7) Eminent domain;
  - (8) Malpractice
  - (9) Employment law, including but not limited to wrongful termination of employment;
  - (10) Administrative agency, tax, zoning, and other appeals;
  - (11) Petition actions involving public elections;
  - (12) Residential real estate disputes between individuals or between an individual and an association of homeowners;
  - (13) Claims to collect professional fees;
  - (14) Declaratory judgment as to insurance coverage for a personal injury or property damage action;
  - (15) Proceedings to register or enforce a judgment regardless of the nature of the underlying case;
  - (16) Actions by insurers to collect premiums or rescind policies;
  - (17) Construction defect claims involving primarily residential units;
  - (18) The granting, denying, or withholding of governmental approvals, permits, licenses, variances, registrations, or findings of suitability; and
  - (19) Cases filed under NRS 3.223 in the family division.
- ~~[(1) Matters where the primary claim is an action for personal injury;~~
- ~~(2) An action based on products liability;~~
- ~~(3) An action brought by a consumer against a business;~~
- ~~(4) An action for wrongful termination of employment; or~~
- ~~(5) Landlord-tenant disputes shall not be deemed a business matter.]~~

(c) Assignment of business matters.

(1) Unless otherwise provided in these rules, business matters shall be divided among those full-time civil judges designated as business court judges by the chief judge.

(2) Any party in a case may file a request in the pleadings that a case be assigned as a business matter. A request may be made by a plaintiff or petitioner in the caption of the initial complaint or petition by identifying the category that provides the basis for assignment as a business matter. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned as a business matter by the clerk's office. If the request is

made by a party in the caption of its initial appearance or response, other than the plaintiff/petitioner, then the case shall be randomly assigned to a business court judge for determination as to whether the case should be handled as a business matter.

(3) Any party aggrieved by designation of a case as a business matter may seek review by the business court judge within ten (10) days of receipt of the assignment of the case to a business court judge or within ten (10) days of filing a responsive pleading, whichever is later.

(4) The business court judge shall decide whether a case is or is not a business matter and that decision shall not be appealable or reviewable by writ. Any matter not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court judge. If a case was submitted to the business court judge to determine whether it is a business matter and the business court judge rules that it is not, that case will be remanded to the department from which it came.

~~[Either party in a case may file a request in the pleadings that a case be assigned as a business matter. If the request is made by the plaintiff, the case will automatically be assigned to a full-time civil judge assigned to business matters. If the request is not made by the plaintiff, but is made by a defendant in its answer, the case shall be randomly reassigned to a business court judge for determination whether the case should be handled as a business court matter.]~~

(d) **Peremptory challenge.** In those instances where one of the business court judges is peremptorily challenged pursuant to SCR 48.1, or recuses or is disqualified, the case shall be assigned to another business court judge. If all business court judges are ineligible to sit, then the case shall be assigned to the alternative judge. In those instances where all business court judges and the alternative judge are ineligible to sit, then the case shall be assigned to the chief judge.

~~[The court shall decide whether a case is or is not a business matter and that decision shall not be appealable by any appeal nor reviewable upon any writ; any matters not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court. If a case was remanded to the business court for determination of whether it would be handled as a business court matter and the business court deems it not to be a business court matter, that case will~~

~~be remanded back to the department to which it was originally assigned.]~~

**Rule 1.64. Assignment of criminal cases.**

(a) Each criminal case must be randomly assigned to the ~~[civil]~~criminal trial judge aligned with that department of justice court which initiated the case, in accordance with the track and team system. This rule does not apply to misdemeanor appeals ~~[from a municipal court]~~. The trial judges in the ~~[civil]~~criminal division will rotate the hearing of misdemeanor appeals ~~[from municipal courts]~~ on a monthly basis.

(b) When an indictment is filed against a defendant who had the same case pending against him or her filed by complaint in justice court, the indictment must be assigned directly to the trial judge to whom the complaint had originally been tracked.

**Rule 1.65. Assignment of and lack of peremptory challenges in construction defect matters.**

(a) Assignment. In those instances where one of the construction defect judges recuses or is disqualified pursuant to NRS 1.235, the case shall be randomly reassigned to another construction defect judge by the office of the clerk of the court. In those instances where all construction defect judges have recused or been disqualified, then the case shall be reassigned by the chief judge to a judge in the civil division. Should such civil judge recuse or be disqualified, the chief judge will then reassign to another judge in the civil division.

(b) Peremptory challenges. The assignment procedure established here is an exception to Supreme Court Rule 48.1. Neither a construction defect judge nor a civil judge assigned a construction defect case by the chief judge may be the subject of a peremptory challenge by the parties.

**Rule 1.92. Actions for medical or dental malpractice.**

(a) In each action for medical or dental malpractice filed pursuant to NRS Chapter 41A, the chief judge or his/her designee will calendar a status check to schedule the trials of those actions.

(b) During the status check hearing, the chief judge or his/her designee must address the following issues:

(1) The status of discovery;

(2) The status of settlement negotiations, including an update regarding the settlement conference required pursuant to NRS 41A.081; and

(3) Any issues that would affect the scheduling of a trial date.

(c) After considering the issues set forth in subsection (b), the chief judge or his/her designee may set a firm trial date in any available department based upon the age of the case and the parties' readiness to commence trial, unless a specific case has previously been granted a preferential setting. Where possible, the trial will be set in compliance with the statutory deadlines set forth in NRS Chapter 41A; however, if a case cannot be set for trial within these deadlines because of limited judicial resources, the case may be set beyond the statutory deadlines, and the parties will be advised that any penalties relating to the scheduling will be waived.

**Rule 1.93. Process for the removal and discipline of a pro tempore judge pursuant to Short Trial Rule 3(c).**

(a) A Committee composed of the chief judge of the district court or the chief's designee, the ADR commissioner, and a representative of the Alternative Dispute Resolution (ADR) Committee of the State Bar of Nevada may remove, censure or impose other forms of discipline.

(b) The committee shall send written notification to the pro tempore judge informing him/her of removal, censure, or other form of discipline.

(1) If the committee has determined that removal may be appropriate, the committee shall send written notification of the potential removal to the pro tempore judge.

(2) The pro tempore judge shall have 30 days to respond to the removal notification.

(3) The committee shall make a final determination once it has received the pro tempore judge's response and/or 30 days have passed.

(4) The committee's decision is final, and once removal has been determined, the pro tempore judge's name shall be removed from the panel of short trial judges.

(c) Pro tempore judges may resign from their position by sending written notification to the committee. Once notification is received and the committee has reviewed and approved the resignation,



the pro tempore judge's name shall be removed from the panel of short trial judges.

**Rule 5.28. Withdrawal of attorney in limited services (“unbundled services”) contract.**

(a) An attorney who contracts with a client to limit the scope of representation shall state that limitation in the first paragraph of the first paper or pleading filed on behalf of that client. Additionally, if the attorney appears at a hearing on behalf of a client pursuant to a limited scope contract, the attorney shall notify the court of that limitation at the beginning of that hearing.

(b) An attorney who contracts with a client to limit the scope of representation shall be permitted to withdraw from representation before the court by filing a **[Substitution of Attorney]** Notice of Withdrawal of Attorney with the clerk's office. The **[Substitution of Attorney]** Notice of Withdrawal of Attorney shall state that the attorney is withdrawing from the case because the attorney was hired to perform a limited service, that service has been completed, and shall include a copy of the limited services retainer agreement between the attorney and the client. The **[Substitution of Attorney]** Notice of Withdrawal of Attorney shall also state that the client will be representing himself or herself in proper person unless another attorney agrees to represent the client and shall contain the client's address, or last known address, and telephone number at which the client may be served with notice of further proceedings taken in the case. The attorney must serve a copy of the **[Substitution of Attorney]** Notice of Withdrawal of Attorney upon the client and all other parties to the action or their attorneys. No attorney shall be permitted to withdraw from representation pursuant to this Rule if such attorney has failed to complete any service required of the attorney by the court during any hearing the attorney attended in the subject legal proceeding.

**Rule 7.20. Form of papers presented for filing; exhibits; documents; legal citations.**

(a) All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8 1/2 x 11 inches in size. All papers must be typewritten or prepared by some other duplication process that will produce clear and permanent copies equally legible to printing. All print size shall not be smaller than size 12-pitch font for

pleadings and papers created on a computer or 10 pica for pleadings and papers created on a typewriter. All or part of a pleading or paper may be legibly printed by hand at the discretion of the court. Carbon or photocopies may not be filed, except as provided in paragraphs (d) and (f) of this rule. Only one side of the paper may be used.

All papers presented for filing, receiving or lodging with the clerk shall be pre-punched with 2 holes, centered 2 3/4 inches apart 1/2 to 5/8 inches from the top edge of the paper. All original papers shall be stamped ORIGINAL between the punched holes.

The lines on each page must be double-spaced, except that descriptions of real property may be single-spaced. All quotations of more than 50 words must be indented and single-spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin which shall measure one inch in width.

(b) No original pleading or paper may be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court.

(c) The following information shall appear upon the first page of every paper presented for filing, single-spaced:

(1) The document code (list of document codes available at the ~~[County Clerk's Office]~~ office of the Clerk of the Court), the name, Nevada State Bar identification number, address, **[and]** telephone number, fax number, and e-mail address of the attorney and of any associated attorney appearing for the party filing the paper; and whether such attorney appears for the plaintiff, defendant, or other party, or the name, address, **[and]** telephone number, fax number, and e-mail address of a party appearing in proper person, shall be set forth to the left of center of the page beginning at line 1. If the attorney or proper person party does not have a fax number, and/or e-mail address they may so indicate with "no fax number" and/or "no e-mail address." The space to the right of center shall be reserved for the filing marks of the clerk.

CODE  
NAME  
BAR NUMBER  
ADDRESS  
CITY, STATE, ZIP CODE  
TELEPHONE NUMBER  
FAX NUMBER  
E-MAIL ADDRESS



CODE  
NAME  
BAR NUMBER  
ADDRESS  
CITY, STATE, ZIP CODE  
TELEPHONE NUMBER  
FAX NUMBER  
E-MAIL ADDRESS  
ATTORNEY FOR:

DISTRICT COURT  
CLARK COUNTY, NEVADA

JOHN DOE,	)	Case No. A 000000
	Plaintiff, )	Dept. No. II or A
vs.	)	Docket J
RICHARD ROE,	)	
	Defendant. )	

MOTION, ORDER, REPLY,  
JUDGMENT, ETC.

Date of Hearing:  
Time of Hearing:

(6) If the paper to be filed is a response, reply or other document related to a matter which has already been set for hearing but not yet heard, the time and date of the hearing shall appear immediately below the title of the paper.

(d) All exhibits attached to pleadings or papers must be 8 1/2 inches x 11 inches in size. Exhibits which are smaller must be affixed to a blank sheet of paper of the appropriate size. Exhibits which are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches or must be folded so as to measure 8 1/2 x 11 inches in size. All exhibits attached to pleadings or papers must clearly show the exhibit number immediately preceding the exhibit on an 8-1/2 x 11 inch sheet of white paper [at the bottom or on the right side]. If a courtesy copy is delivered to the Judge's chambers, all exhibits attached to pleadings or papers must be clearly divided by a tab. Plaintiffs must use numerical designations and defendants must use alphabetical designations.

Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(e) When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's *Pacific Reporter* and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court and year of decision must be given.

(f) The clerk must not accept for filing any pleadings or documents which do not comply with this rule, but for good cause shown, the court may permit the filing of noncomplying pleadings and documents. Paragraph (a), except as to the size of paper and that only one side of the paper may be used, and paragraph (c) of this rule do not apply to printed forms furnished by the clerk, the district attorney or the public defender.