

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF EIGHTH JUDICIAL
DISTRICT COURT RULES 1.60, 2.14
AND 2.22.

FILED

ADKT No. 418

MAY 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Castella*
CHIEF DEPUTY CLERK

ORDER AMENDING EIGHTH JUDICIAL DISTRICT COURT RULES

WHEREAS, on January 20, 2010, the Honorable Judge T. Arthur Ritchie, Chief Judge of the Eighth Judicial District Court and the Honorable Valorie J. Vega, Chairperson of the Rules committee of the Eighth Judicial District Court filed a petition in this court seeking amendment of various Eighth District Court Rules, including Rules 1.60, 2.14 and 2.22; and

WHEREAS, this court has considered the petition and concludes that the proposed amendments to Rules 1.60, 2.14 and 2.22 are warranted; accordingly,

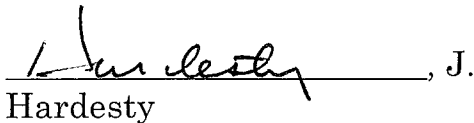
IT IS HEREBY ORDERED that Rules 1.60, 2.14 and 2.22 of the Eighth Judicial District Court Rules shall be amended and shall read as set forth in Exhibit A; and


IT IS FURTHER ORDERED that these amendments 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

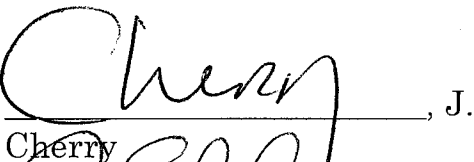
and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

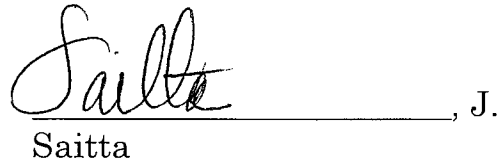
Dated this 19th day of May, 2010.

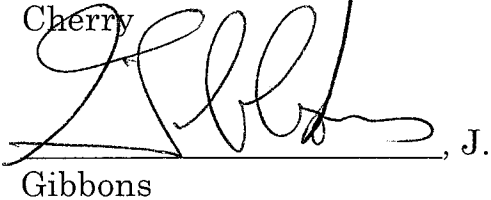

Parraguirre C.J.

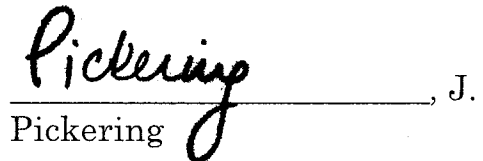

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

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 LOCAL RULES OF PRACTICE OF THE EIGHTH JUDICIAL DISTRICT COURT

Rule 1.60. Assignment or transfer of cases generally.

(a) The chief judge shall have the authority to assign or reassign all cases pending in the district. Additionally, the presiding judge of the family division shall have the authority to assign or reassign cases pending in the family division; the civil presiding judge shall have the authority to assign or reassign civil case pending in the civil/criminal division; and the criminal presiding judge shall have the authority to assign or reassign criminal cases pending in the civil/criminal division. Unless otherwise provided in these rules, all cases must be distributed on a random basis. However, when a case is remanded to a lower court or tribunal for further proceedings, it must be returned to the original judge at the conclusion of these proceedings.

(b) The chief judge may, in the event the calendar of any judge becomes unusually congested due to extraordinary circumstances, redistribute a calendar portion thereof on an equitable basis provided, however, that the calendar of a judge serving in the family division may not be redistributed in violation of NRS 3.0105.

(c) Any judge who plans to be absent on a judicial day (for vacation, education or other court approved project) must reset the time for the hearing of his or her cases or arrange for another department to handle the judge's calendar, and shall coordinate planned absences with the chief judge to assure that adequate judicial coverage is maintained. If a judge is ill or unexpectedly absent, the judge's secretary or the chief judge must arrange for the absent judge's calendar to be heard by any other district judge.

(d) Judges who disqualify themselves from hearing a case must direct the entry of an appropriate minute order for reassignment on a random basis.

If all the trial judges in this district are disqualified, the clerk must notify the court administrator to reassign the case to a senior judge or a visiting judge from another judicial district.

(e) Under the supervision of the chief judge, the court administrator shall assign appropriate matters to available senior judges and visiting judges.

(f) No attorney or party may directly or indirectly influence or attempt to influence the clerk of the court or court staff or any officer thereof to assign a case to a particular judge. A violation of this rule is an act of contempt of court and may be punished accordingly.

(g) These rules also apply to the family division, its judges and presiding judge.

(h) When, upon motion of a party, or sua sponte by the court, it appears to the assigned judge that a case has been improperly assigned to the wrong division of the court, then that judge must transfer the case to the correct division and order the clerk's office to randomly reassign the case to a judge serving in the new division. Any objection to the ruling must be heard by the **[chief]** presiding judge of the division from which the case was reassigned in the same manner as objections to a discovery recommendation under Rule 2.34(f). Disputes concerning case assignments that remain unresolved shall be resolved by the chief judge. The ruling of the chief judge is final and non-appealable.

Rule 2.14 Petitions for Judicial Review pursuant to the Foreclosure Mediation Rules

(a) A Petitioner seeking Judicial Review under authority of NRS 107 must first file and then serve a memorandum of points and authorities, if desired, in support of the Petition for Judicial Review within 15 days of the

date of the mediator's statement.

(b) Within three (3) judicial days of filing the Petition, Petitioner must file a Request for Transmission of the Record and serve it on the Administrator of the Mortgage Foreclosure Program.

(c) The Petitioner shall serve the Petition in accordance with NRCP 4. Due to the urgency of these matters the time for service of these matters under NRCP 4(i) is shortened from 120 days to 30 days.

(d) Following the filing of the Petition for Judicial Review, if the Court determines that good cause is shown for the issuance of sanctions, it may issue an order scheduling an evidentiary hearing to show cause why the Respondent should not be sanctioned as provided for in Chapter 107 and the Foreclosure Mediation Rules adopted by the Supreme Court.

(e) The Respondent must serve an Answer and file a memorandum of points and authorities, if desired, in opposition to the Petition for Judicial Review within 10 judicial days after service of Petitioner's points and authorities.

(f) Petitioner may serve and file reply points and authorities, if desired, not later than 5 judicial days after service of Respondent's opposition.

(g) After Petitioner's time to reply has expired, if an evidentiary hearing has not already been scheduled, either party may serve and file a notice of hearing with Master Calendar in the Office of the County Clerk setting the Petition for hearing on a day when the Judge to whom the case is assigned is hearing civil motions, and which is not less than 5 judicial days from the date the notice is served and filed.

(h) All memoranda of points and authorities filed in proceedings involving Petitions for Judicial Review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

(i) Upon completion of the evidentiary hearing the court shall issue its Decision including findings of fact and conclusions of law within 5 judicial days.

(j) Continuances or extensions may be granted upon stipulation and order or upon motion with a finding of good cause shown.

(k) The statement of the Mediator in connection with these proceedings is admissible without the necessity of any additional foundation or testimony of the Mediator.

(l) EDCRs 2.21 through 2.28, inclusive, apply to the hearing of Petitions for Judicial Review.

Rule 2.22. Motions; appearance of counsel; and stipulations and orders for extension of time.

(a) Unless the date for the hearing of a motion is vacated or continued as provided in these rules, counsel for all parties to the motion must appear on the date and at the time set for hearing.

(b) Counsel may not remove motions from the calendar by calling the clerk's office of the judge's chambers. If the date for the hearing of the motion has been notice by counsel, all interested parties to the motion may **[stipulate]** file a stipulation and order to vacate or continue the hearing of the motion. Written stipulations and orders must be filed not less than 1 full judicial day before the hearing date. Unless otherwise directed by the court, if the stipulation is not in writing, counsel for movant must appear at the hearing to present the oral stipulation. A hearing date which has been vacated or continued by stipulation and order may only be reset by stipulation and order or with a new notice of motion setting the same for hearing not less than 7 days from the date the new notice or stipulation and order is filed. ~~If the date for the hearing of the motion has been set by~~

~~the judge, counsel must obtain the judge's approval before the hearing of the motion will be continued or vacated.]~~

(c) All interest parties to a motion may stipulate to continue the day fixed for the filing of ~~[a response]~~ an opposition or reply thereto. Such stipulation is ineffective unless it:

(1) Is in writing,

(2) Is filed with the clerk before the day fixed for filing the ~~[response]~~ opposition or reply, and

(3) Contains an agreement and order extending the date for the hearing of the motion not less than the number of days granted as a continuance for the filing of the response or reply.

(d) When it appears to the court that a written notice of motion has been given, the court may not, unless the other business of the court requires such action, continue the matter specified in the notice except as provided in this rule or upon a showing by motion supported by affidavit or oral testimony that such continuance is in good faith, reasonable necessary and is not sought merely for delay ~~[or by reason of neglect]~~.

