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RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

APPROVED BY THE SUPREME COURT OF NEVADA

Effective March 1, 1994 and Including Amendments Through February 5, 2018

ORDER

The Committee for Specialization of the Courts, a duly appointed subcommittee of the Eighth Judicial District Court, filed on behalf of the Judges of the Eighth Judicial District Court a petition seeking changes in the rules governing case assignments in the criminal/civil divisions of the court. The committee states that the proposed rule changes would facilitate the separate handling of criminal and civil matters by various departments of the court. Petitioners also filed an amended petition requesting approval of additional rule changes to enable the Eighth Judicial District Court to streamline the new procedures and to make the practice within the various departments more uniform.

It appearing to the court that amendment of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada is warranted,

IT IS HEREBY ORDERED that the Rules of Practice for the Eighth Judicial District Court be amended as set forth in Exhibit A attached.

IT IS HEREBY FURTHER ORDERED that the amended rules shall become effective July 1, 1997. 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 order shall be conclusive evidence of the adoption and publication of the foregoing amended Rules.

DATED this 12th day of June, 1997.

BY THE COURT

MIRIAM SHEARING, *Chief Justice*

CHARLES E. SPRINGER
Associate Justice

CLIFF YOUNG
Associate Justice

ROBERT E. ROSE
Associate Justice

A. WILLIAM MAUPIN
Associate Justice

RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION

Rule 1.01. Name and citation of rules. These rules shall be known as the "Eighth Judicial District Court Rules" and may be cited and abbreviated as "EDCR."

Rule 1.10. Scope, construction and implementation of rules. These rules govern the procedure and administration of the Eighth Judicial District Court and all actions or proceedings cognizable therein. They must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

Rule 1.11. Family division — Jurisdiction. These rules shall apply to all cases within the jurisdiction of the family division of the district court pursuant to NRS 3.223. All matters heard in the family division shall be randomly assigned to a trial judge serving in the family division.

Rule 1.12. Definitions of words and terms. In these rules, unless the context or subject matter otherwise requires:

(a) "Case" must include and apply to any and all actions, proceedings and other court matters, however designated.
(b) "Clerk" means the clerk of the district court.
(c) "Court" means the district court.

(d) "District judges" means all judges elected to the district court whether serving in the family, or civil/criminal divisions of the court.

(e) "Party," "petitioner," "applicant," "claimant," "plaintiff," "defendant," or any other designation of a party to any action or proceeding, case or other court matter must include and apply to such party's attorney of record.

(f) "Person" must include and apply to corporations, firms, associations and all other entities, as well as natural persons.

(g) "Must" is mandatory and "may" is permissive.

(h) The past, present and future tenses each include the others; the masculine, feminine and neuter genders each include the others; and the singular and plural numbers each include the other.

(i) Wherever the term "master" appears in these rules it is interchangeable with the term "referee" as used in the Constitution of the State of Nevada and the Nevada Revised Statutes and vice versa.

Rule 1.14. Time; judicial days; service by mail.

(a) In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run must not be included. The last day of the period so computed must be included, unless it is a Saturday, a Sunday, or a non-judicial day, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a non-judicial day, or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of the district court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. The County Clerk shall memorialize and maintain in a written log all such inaccessible days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and non-judicial days must be excluded in the computation.

(b) If any day on which an act required to be done by any one of these rules falls on a Saturday, Sunday or legal holiday, the act may be performed on the next succeeding judicial day.

(c) Except as otherwise provided in paragraph (d) of this rule, whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, a motion for a new trial, a motion to vacate judgment pursuant to NRCP 59 or a notice of appeal, and the notice or paper is served upon the party by mail, either U.S. Mail or court authorized electronic mail, or by electronic means, three (3) days must be added to the prescribed period.

(d) The three (3) calendar days provided for in paragraph (c) of this rule shall not apply to criminal proceedings due to the necessity of getting matters on the calendar as quickly as possible as provided for in EDCR 3.20.

[As amended; effective December 10, 2009.]

Rule 1.20. Departments and courtrooms. There must be a separate numbered or lettered department for each judge in this district. The courtrooms will be designated by the department number or letter of the judge(s) assigned thereto, but may be used interchangeably by the other judges or judicial officers. The family division departments shall be designated by letters.

[As amended; effective January 1, 2001.]

Rule 1.21. Department hours. Each department shall remain open on judicial days during standard court hours which are from 8:00 a.m. to 5:00 p.m. The position of district court judge is a full time job and most of the work time of a district court judge should be spent trying cases or spent in his or her chambers at the courthouse.

[Added; September 20, 1999.]

Rule 1.30. Chief judge.

(a) The district judges must biennially select one of their number to serve as chief judge for a term of 2 years to begin July 1. However, the term may, by election, be extended 2 years.

(b) The chief judge must:

(1) Be responsible for the chief judge's own motion calendar.

(2) Hear all extraditions and any other miscellaneous petitions regarding criminal matters.

(3) Share and direct responsibility for hearing overflow cases and the probate calendar with all trial judges.

(4) Refer all involuntary mental commitment proceedings to hearing masters, direct the appointment of said masters with the approval of the district judges, reduce to written order the findings of such masters, hear all objections to the master's findings and direct the enforcement thereof as may be appropriate.

(5) Make regular and special assignments of all judges, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

(6) Instruct any grand jury impaneled, receive any reports, indictments or presentments made by it and handle any other matters pertaining to it.

(7) Supervise the court administrator in the management of the court and the performance of the administrator's duties. Supervise the administrative business of the court and have general supervision of the attaches of the court. The various commissioners, referees, hearing officers and masters shall report to and be directed by their supervising judge pursuant to local court rule; however, the chief judge will maintain general supervision over all such officers.

(8) Coordinate with the court clerk and the Office of the Clerk of the Court to assure quality and continuity of services necessary to the operation of the court.

(9) Attend meetings of the family division judges.

(10) Approve requests by civil litigants to proceed in forma pauperis and waiver of fees.

(11) Appoint presiding judges over civil, civil/criminal and family divisions of the district court.

(12) Exercise general supervision over all administrative court personnel that are not permanently assigned to a particular district court judge.

(13) Determine the need for and approve: (a) the allocation of space and furnishings in the court building; (b) the construction of new court buildings, courtrooms and related physical facilities; (c) the modification of existing court buildings, courtrooms and related physical facilities; and (d) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants, and efficient and effective case management.

(14) Supervise the court's calendar, and apportion the business of the court among the several departments of the court as equally as possible.

(15) Reassign cases from a department to another department as convenience or necessity requires. The chief judge shall have authority to assign overflow cases.

(16) Appoint standing and special committees of judges as may be advisable to assist in the proper performance of the duties and functions of the court.

(17) Provide for liaison between the court and other governmental and civic agencies; and when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, and community to review problems and to promote understanding of the administration of justice.

(18) Assure that court duties are timely and orderly performed.

(i) The chief judge shall set and preside over frequent and regular meetings of the judges or an elected representative committee of the judges not less than once a quarter and additional special meetings as may be required by the business of the court, distributing to all judges a prepared agenda before the meeting and minutes thereafter. If a quorum of judges is not present at the quarterly judges' meeting, the chief judge shall have the authority to mandate attendance at the next quarterly judges' meeting.

(ii) The chief judge must designate another judge to perform the chief judge's duties (serve as acting chief judge) in his or her absence (or unavailability as chief judge). The acting chief judge, as well as the presiding judges of the criminal and civil divisions and the family division shall serve at the pleasure of the chief judge.

(iii) The chief judge may be removed from office by a two-thirds vote of the judges present at a duly noticed meeting. Any judge may appeal any order of the chief judge to the full panel of the district judges in the district. Any order of the chief judge can only be reversed by a two-thirds vote of the judges attending a regularly scheduled meeting.

(iv) The duties prescribed in these rules shall be done in accordance with applicable Nevada Revised Statutes, Supreme Court Rules and established court policies. To facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

(19) Supervise all criminal division masters.

(i) The chief judge shall determine, within budgetary constraints, the number of criminal division masters and the compensation to be paid to those masters based on a salary schedule approved by a majority of the judges of the Eighth Judicial District Court.

(ii) The chief judge shall be responsible for disciplinary decisions involving the criminal division masters.

(iii) The chief judge shall determine, as necessary from time to time, whether to assign a criminal division master to handle matters assigned to other masters under the EDCR.

(20) An executive committee composed of the chief judge and presiding judges over the civil, criminal and family divisions shall meet once a month to address any items of administration or other business and shall provide a report and minutes of those meetings at the quarterly meeting of the district judges.

[As amended; effective February 5, 2018.]

Rule 1.31. Presiding judge — family/civil/criminal divisions.

(a) The chief judge shall appoint a presiding judge to manage the family division of the district court.

(b) The presiding judge is responsible for the following judicial duties:

(1) The presiding judge's own caseload comprised of one-half of a regular department caseload or the juvenile judge position normal caseload, and any overflow domestic calendar;

(2) Guardianship Calendars:

(i) To hear, or arrange for hearing by another family division judge, all guardianship matters, including all contested guardianship matters and objections to a commissioner's findings;

(ii) Meet with and supervise the guardianship commissioner in the performance of his or her duties under Rule 5.91 et seq.

(3) Protective Order Calendars:

(i) Hear all matters involving temporary and extended protective orders against domestic violence under NRS 33.017, including all contested matters and objections to a commissioner's findings, unless the matter has been assigned to a specific family division judge;

(ii) Meet with and supervise the domestic violence commissioner in the performance of his or her duties under Rule 5.22.

(iii) Review and approve or disapprove of the recommendation of the domestic violence commissioner with respect to disposition of all initial TPO petitions unless the matter has been assigned to a specific family division judge.

(4) Mental Commitment Calendars:

(i) To refer all mental commitment hearings to a mental commitment hearing master, hear, or arrange for such hearing by another family division judge, whether contested or an objection to a recommendation;

(ii) Meet with and supervise Mental Commitment Hearing Master in the performance of his or her duties under Rule 1.44.

(5) Child Support Calendars:

(i) To refer all child support cases to hearing masters, direct the appointment of said masters with the approval of the family division judges, hear all objections to the master's findings, unless another family division judge has been assigned to the matter, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the child support hearing masters in the performance of their duties under Rule 1.40.

(iii) Review and sign off on recommendations of the child support masters with respect to disposition of all child support petitions unless the matter has been assigned to a specific family division judge.

(6) Public Welfare Paternity Calendars:

(i) To refer all public welfare paternity cases to hearing masters, direct the appointment of such masters with the approval of the family division judges, hear all objections to the master's findings, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the hearing masters in the performance of their duties under Rule 1.42.

(7) Hear or assign all cases regarding abuse and neglect under Chapter 432B of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge which will cause the matter to be randomly assigned to another family division judge.

(8) Hear or assign all cases regarding delinquency under Chapter 62 of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge in which event the case will be randomly assigned to another family division judge.

(9) Meet with and supervise the activities of the discovery commissioner in the performance of his or her duties under Rule 2.34.

(10) Hear all out-of-state consents to terminate parental rights in contemplation of an adoption.

(11) Hear all motions to disqualify a family division judge when so directed by the chief judge.

(12) Review and approve or deny all initial requests to proceed in forma pauperis waiving the fees for the family litigant.

(13) Assign or reassign all cases pending in the family division of the district court.

(14) Assign or reassign courtrooms in the family division.
(15) Supervise compliance with Supreme Court Rule 251.
(16) Attend and preside over every family division judges monthly meeting.
(17) Attend every general district judges meeting.
(18) Attend every bench/bar and executive committee meeting.
(19) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.
(20) Attend special meetings called by the chief judge; assist with any project assigned to the family division by the chief judge.
(21) Direct the family division administrator in the management of the division and the performance of the administrator's duties including, but not limited to, the collection and compilation of statistics on the caseload and other procedures adopted by a majority vote of the family division judges to promote the objectives of the family division of the district court; meet with the family division administrator as needed.
(22) Meet with the district court administrator, the head of the Department of Family and Youth Services, the clerk's office supervisors, and family division department heads.
(23) Serve on the Department of Family and Youth Services Policy/Fiscal Affairs Board.
(24) Coordinate with the family division court clerk and the office of the court clerk for the family division to ensure quality and continuity of services necessary to the operation of the court.
(25) Meet with employees to discuss problems and/or suggestions for improvement to the family division procedures.
(26) Complete any assignment received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

Civil Presiding Judge
(a) The chief judge shall appoint a civil presiding judge to manage the civil/criminal division of the district court.
(b) The civil presiding judge is responsible for the following judicial duties:
(1) The presiding judge's own caseload;
(2) Meet with and supervise the discovery commissioner in the performance of his or her duties under Rule 2.34;
(3) Meet with and supervise the arbitration commissioner in the performance of his or her duties;
(4) Hear all motions to disqualify a civil/criminal division judge when so directed by the chief judge;
(5) Assign or reassign all civil cases pending in the civil/criminal division of the district court;
(6) Assign or reassign courtrooms in the civil/criminal division;
(7) Attend and preside over every civil division judges monthly meeting;
(8) Attend every general district judges meeting;
(9) Attend every bench/bar and executive committee meeting; and
(10) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

Criminal Presiding Judge
(a) The chief judge shall appoint a criminal presiding judge to manage the civil/criminal division of the district court.
(b) The criminal presiding judge is responsible for the following judicial duties:
(1) The presiding judge's own caseload;
(2) Meet with and supervise the arraignment master in the performance of his or her duties;
(3) Hear all motions to disqualify a civil/criminal division judge when so directed by the chief judge;
(4) Assign or reassign all criminal cases pending in the civil/criminal division of the district court;
(5) Assign or reassign courtrooms in the civil/criminal division;
(6) Attend and preside over every criminal division judges monthly meeting;
(7) Attend every general district judges meeting;
(8) Attend every bench/bar and executive committee meeting; and
(9) Complete assignments received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.
[Amended; effective July 29, 2011.]

Rule 1.32. Trial judge. For the purpose of these rules, all judges, except the chief judge and the presiding judge, are denominated "trial judges."

Rule 1.33. Specialization of judges; procedure for selection. The chief judge must assign the judges of the district (excluding family court judges) to specialized divisions of the court for 2-year terms as needed. The assignments must provide for rotation of the judges among the various divisions. In making the assignments, the chief judge shall request the district judges to recommend the assignments, and shall take into account the desires of each individual judge. The final selection, however, is left to the discretion of the chief judge. Assignments shall be made as follows:
(a) Civil/Criminal division: judges as needed;
(b) Business court division: at least 3 judges who have experience as a judge or practitioner in "business matters" as defined in Rule 1.61(a);
(c) Civil only division: judges as needed;
(d) Drug Court/Overflow division: judges as needed;
(e) Overflow division: judges as needed.
[Added; effective January 1, 2001; amended; effective July 22, 2009.]

Rule 1.40. Child support masters.
(a) Every child support master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.
(b) Except as otherwise herein provided, the proceedings of the child support masters must be in accordance with the provisions of N.R.C.P. 53.

(c) The master may request a district court judge serving in the family division to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant or release persons arrested thereon.

(d) The master's report must be furnished to each party at the conclusion of the proceeding and the court will accept the master's findings of fact unless clearly erroneous.

(e) Within 10 days after the conclusion of the proceeding and receipt of the report, either party may serve written objections thereto upon the other party. If no objection is filed, the report will be referred to the presiding judge and without further notice, judgment entered thereon.

(f) If a written objection is filed pursuant to this rule, application to the court for action upon the report over the objection thereto must be by motion and upon notice as prescribed in Rule 2.20.

[Amended; effective August 21, 2000.]

Rule 1.42. Uniform Parentage Act masters.

(a) Every paternity hearing master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.

(b) The duly appointed paternity hearing master must conduct informal, closed hearings pursuant to NRS Chapter 126 and in so doing has the authority to:

(1) Determine whether a defendant qualifies for court-appointed counsel.
(2) Appoint, with the consent of the presiding judge, counsel for those defendants who qualify.
(3) Order blood tests and review the results thereof.
(4) Make and file a written final recommendation for settlement.

The paternity hearing master must rule on all motions and questions of law and evidence put to the master. Said decisions and rulings are final and not appealable, subject only to timely rejection of the final recommendation of the paternity hearing master.

(c) Any party may reject the final recommendation of the paternity hearing master as to the issue of paternity. Written notice of rejection must be filed with the court and served upon all parties within 10 days of receiving a copy of the final recommendation of the paternity hearing master. If notice of rejection is not filed within 10 days, the master's recommendation may be approved by the presiding judge, as the judgment in the action. If notice of rejection is timely filed by any party, the cause is at issue and must be assigned at random to a trial judge serving in the family division and may be set for trial pursuant to Rule 2.60.

(d) Once paternity has been established, issues of visitation, custody and child support must be determined by a judge serving in the family division pursuant to Part V of these rules.

Rule 1.44. Civil commitments and hearing masters; duties of the Division of Mental Hygiene and Mental Retardation; duties of counsel.

(a) The provisions of this rule apply to all court-ordered admissions of any allegedly mentally ill person.

(b) Unless otherwise ordered by the chief judge, mental commitment hearings must be conducted by the mental commitment hearing master. The compensation of the masters must not be taxed against the parties, but when fixed by the chief judge must be paid out of appropriations made for the expenses of the court. Every master must be in good standing as a member of the State Bar of Nevada.

(c) The mental commitment hearing master may conduct formal court hearings at the hospital or wherever is most convenient to the master and the patient. The master has the authority to swear witnesses, take evidence, appoint independent medical evaluators, evaluate competency, recommend guardians, and conduct all other matters relating to the involuntary commitment proceeding. All proceedings must be transcribed by a duly appointed court reporter as provided by law.

(d) Not less than 24 hours before the time set for a commitment hearing, the Administrator of the Mental Hygiene and Mental Retardation Division, or the administrator's designee, must examine each allegedly mentally ill person and prepare, for presentation at the hearing, a report designating which facilities are available together with a recommendation of the least restrictive environment suitable to the patient's needs. At the time of the hearing, the allegedly mentally ill person must not be so under the influence of or so suffer the effects of drugs, medication or other treatment as to be hampered in preparing for or participating in the hearing, and a record of all drugs, medication or other treatment which the person has received during the 72 hours immediately prior to the hearing must be presented to the master.

(e) The Clark County Public Defender's Office must furnish counsel for all allegedly mentally ill persons not otherwise represented by an attorney.

(1) Prior to the hearing, the public defender or the attorney for the allegedly mentally ill person must interview the patient, explain to the patient his or her rights pending court-ordered treatment, the procedures leading to court-ordered treatment, the standards for court-ordered treatment and the alternative of becoming a voluntary patient. The public defender must also explain that the patient can obtain counsel at the patient's own expense.

(2) Prior to the hearing, the patient's attorney must review the commitment petition, evaluation reports, the patient's medical records and the list of alternatives to court-ordered treatment.

(f) At the conclusion of each hearing, a copy of the written recommendation of the hearing master must be given to the patient, the patient's counsel and the district attorney. Not later than 5:00 p.m. on the day the hearing concludes, the hearing master's recommendation must be submitted to the chief judge.

(g) Objections to the master's recommendation must be made to the chief judge at the time the report is submitted or at such other time as the chief judge may prescribe. The chief judge may require oral objections to be reduced to writing.

(h) After reviewing the master's recommendation and any objection thereto, the chief judge must:

(1) Approve the same and order the recommended disposition,
(2) Reject the recommendation and order such relief as may be appropriate, or
(3) Direct a rehearing.

(i) All rehearings of matters heard before the master must be before the chief judge and must be conducted de novo.

(j) No recommendation of a master will become effective until expressly approved by the chief judge.

Rule 1.45. Juvenile judge.

(a) The juvenile dependency division judge must:

(1) Supervise the activities of the juvenile dependency division hearing masters (hereafter masters) in the performance of their duties pursuant to NRS Chapters 432B and 128; and under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.

(2) Hear all abuse and neglect trials involving allegations of sexual abuse upon a minor child under Chapter 432B of the Nevada Revised Statutes, unless caseload management for federal compliance requires the judge to seek assistance from the masters in order that the matters may be heard timely.

(3) Hear all de novo appeals of abuse and neglect cases and any other miscellaneous matters regarding dependency cases.

(4) Prepare a plan for sharing and assigning responsibility for overflow dependency abuse and neglect cases with all family division judges.

(b) The juvenile delinquency division judge must:

(1) Supervise the activities of the juvenile delinquency division hearing masters in the performance of their duties pursuant to NRS Chapters 62A through 62I; under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.

(2) Hear all de novo appeals of delinquency cases and any other miscellaneous matters regarding delinquency cases.

(3) Prepare a plan for sharing and assigning responsibility for overflow delinquency cases with all family division judges.

(4) Where applicable, represent the division on all matters involving the probation committee, director of juvenile services, chief probation officer or other employee/services referenced in Chapter 62 of the Nevada Revised Statutes.

[Added; effective August 21, 2000; amended; effective July 29, 2011.]

Rule 1.46. Juvenile hearing masters.

(a) The district judges serving in the family division may appoint one or more masters to serve on a full-time or part-time basis as a juvenile hearing master (hereafter master).

(1) A master serves at the pleasure of the district judges serving in the family division and unless those judges make an order terminating the appointment of a master, such master must continue to serve as such until the appointment of a successor.

(2) The compensation to be allowed to a master must be fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge.

(3) Every master must be a member of the State Bar of Nevada who is in good standing and has been so for a minimum of 5 continuous years immediately preceding appointment and may not engage in any private practice after appointment as a master, except when appointed as a part-time master.

(4) The master may be assigned to either the dependency and/or delinquency division.

(b) Dependency masters. The provisions of this section derive from NRS Chapter 432B. Dependency masters may be appointed on a full-time or part-time basis. Dependency masters must hear such cases as are assigned by the supervising dependency court judge (dependency judge). The dependency masters have the following powers and responsibilities:

(1) To hear protective custody matters, pleas, adjudicatory hearings, dispositions, guardianships, in-home reviews, foster care reviews, and formal supervision reviews followed by recommendations to the supervising dependency judge;

(2) To hear procedural motions, including but not limited to, appointment of counsel to represent children or parents, to grant withdrawal of counsel, and to appoint CASA; to address placement issues followed by recommendation to the dependency judge;

(3) To hear adjudicatory hearings regarding dependency petitions;

(4) To make proper disposition of all juvenile cases;

(5) To procure the attendance of witnesses by issuance and service of subpoenas;

(6) To require the production of evidence;

(7) To swear witnesses;

(8) To take evidence and rule on its admissibility; and

(9) To make findings of fact and recommendations.

The above enumeration is not a limitation of powers of the family division dependency master. The dependency masters have all the inherent powers of the dependency judge subject to the approval of the dependency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.

(c) Delinquency masters. The provisions of this section derive from NRS Chapter 62. Delinquency masters may be appointed on a full-time or part-time basis. Delinquency masters must hear such cases as are assigned by the supervising delinquency court judge (delinquency judge). The delinquency masters have the powers and responsibilities:

(1) To hear all preliminary matters and arraignments;

(2) To take the plea of any juvenile;

(3) To appoint an attorney to represent any minor in any proceeding in which the court has jurisdiction if it appears that such minor is unable to employ counsel;

(4) To take the written waiver of any minor and the minor's family of their right to employ counsel;

(5) To conduct all detention, transfer, and adjudicatory hearings;

(6) To make proper disposition of all juvenile cases;

(7) To accept written agreements releasing a child to the custody of the child's parents, guardian, or custodian upon a return date or to set bail or bond in proper cases;

(8) To procure the attendance of witnesses by issuance and service of subpoenas;

(9) To require the production of evidence;

(10) To swear witnesses;

(11) To take evidence and rule on its admissibility;

(12) To make findings of fact and recommendations;

(13) To sign all interim orders that are necessary for the case, treatment, and welfare of the juvenile; and

(14) To act as the supervising master in juvenile traffic court of Clark County and to recommend, in connection therewith, the appointment of assistant special masters by the delinquency judge, if the same are deemed necessary.

The above enumeration is not a limitation of powers of the delinquency hearing master. The delinquency masters have all the inherent powers of the delinquency judge subject to the approval of the delinquency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.

(d) A motion to recuse or disqualify a hearing master shall be heard by the dependency judge or delinquency judge with supervisory responsibility over the master.

(e) All proceedings before a master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, and Eighth Judicial District Court Rules.

(f) All proceedings before a master shall be of record in the same manner provided by law for proceedings before judges of the Eighth Judicial District Court.

(g) Within 10 days after the evidence is closed, the master must present to the presiding judge all papers relating to the case, written findings of fact, and recommendations.

(1) Within the above time period, the master must serve upon the parties or their attorney of record and, if no attorney of record, the minor's parent or guardian or person responsible for the child's custodial placement, a written copy of the master's findings and recommendations and must also furnish a written explanation of the right of parties to seek review of the recommendations by the presiding judge.

(2) Service, as provided in this section, must be pursuant to the Nevada Rules of Civil Procedure.

(3) A motion for reconsideration of a master's recommendation shall be brought before the master and shall be decided upon the pleadings and any transcript or official record of the proceedings unless the master deems further evidence to be necessary.

(4) An interim order is not reviewable, unless it is certified by the master as a final, reviewable order.

(5) At any time prior to the expiration of 5 days after the service of a written copy of the findings and recommendations of a master, a party, a minor's attorney, or guardian or person responsible for the child's custodial placement may file an objection motion to the supervising district court judge for the division represented by the master for a hearing. Said motion must state the grounds on which the objection is based and shall be accompanied by a memorandum of points and authorities.

(6) A supervising district judge may, after a review of the record provided by the requesting party and any party in opposition to the review, grant or deny such objection motion. The court may make its decision on the pleadings submitted or after a hearing on the merits. In the absence of a timely objection motion, the findings and recommendation of the master, when confirmed or modified by an order of the supervising district court judge, become an order of the court.

(7) All objection motion hearings of matters initially heard before a master will be before the supervising district judge who may at his or her discretion conduct a trial de novo. The court will review the transcript of the master's hearing, unless another official record is pre-approved by the reviewing judge, and (1) make a decision to affirm, modify, or remand with instructions to the master, or (2) conduct a trial on all or a portion of the issues.

(8) A supervising district court judge may, on the court's own motion, order that a rehearing of any matter be heard before a master.

(9) No recommendation of a master or disposition of a juvenile case will become effective until expressly approved by the supervising district court judge.

[Amended; effective July 29, 2011.]

Rule 1.48. Criminal division masters.

(a) The provisions of this rule derive from NRS 3.245 and apply to all criminal proceedings before a criminal division master.

(b) A criminal division master must be a senior judge or justice, senior justice of the peace, justice of the peace, district judge serving in the family division, or a member of the State Bar of Nevada who is in good standing as a member of the state bar and has been so for a minimum of 5 continuous years immediately preceding appointment as a criminal division master.

(c) Upon appointment, a criminal division master shall be precluded from practicing law in Clark County and must recuse himself or herself from hearing any case that he or she previously handled as an attorney and from any case where the defendant was a client of the criminal division master or the law firm where the criminal division master practiced.

(d) The Clark County District Attorney's Office, the Clark County Public Defender's Office, the Special Public Defender's Office, and any other government office or private attorney appointed to represent an indigent defendant shall provide legal representation for the State of Nevada and indigent defendants before a criminal division master as they would before any judge of the Eighth Judicial District Court.

(e) The compensation of all criminal division masters shall be fixed as provided by Rule 1.30(b)(19) and shall be paid from appropriations made for the expenses of the court.

(f) A motion to recuse or disqualify a criminal division master shall be heard by the chief judge or a judge of the criminal division designated by the chief judge. If the chief judge must designate a district judge to hear a motion to recuse or disqualify a criminal division master, the chief judge shall, to the extent that it is practicable, designate the district judge sitting in the department to which the proceeding was randomly assigned for trial.

(g) All proceedings before a criminal division master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, and these rules.

(h) A criminal division master serves at the pleasure of the district judges of the Eighth Judicial District Court and unless those judges, by simple majority vote, cause the chief judge to enter an order terminating the appointment of a criminal division master, such master shall continue to serve until the appointment of a successor. In the event of a tie vote, the chief judge's vote shall break the tie.

(i) All proceedings before a criminal division master shall be of record in the same manner provided by law for proceedings before judges of the Eighth Judicial District Court. All pleas of guilty or nolo contendere shall be transcribed and become a part of the court record.

(j) A motion for reconsideration of a recommendation or decision of a criminal division master shall be brought before the district judge sitting in the department of origin and shall be decided upon the pleadings and any transcript of the proceedings before the criminal division master unless the district judge deems further evidence to be necessary. The "department of origin" is the department of the Eighth Judicial District Court to which the clerk's office randomly assigned the case for trial.

(k) A criminal division master shall hear cases assigned by the chief judge, including:

(1) In conjunction with a clerk of court, accepting returns of true bills by the grand jury.

(2) Conducting arraignments and accepting pleas of guilty, nolo contendere, and not guilty, including ascertaining whether the defendant will invoke or waive speedy trial rights.

(3) Setting trial dates in conjunction with the clerk of the trial court.

(4) Referring cases to the Division of Parole and Probation for preparation of a presentence report and setting sentencing dates in the department of origin.

(5) Setting or modifying bail at the time of return of a true bill or arraignment.

(6) Ruling in open court on motions to quash bench warrants and setting court dates in the department of origin.

(7) Handling cases calendared for bench warrant return.

(8) Unless the sentencing judge requests that all probation revocation proceedings come before that judge, presiding over notices of intent to seek revocation and status checks on revocation of probation and either setting a revocation hearing before the judge in the department of origin or accepting a stipulation by all parties to resolve the revocation proceedings. However, all contested hearings on motions for probation revocation shall be heard by the district court judge who originally granted probation. Furthermore, in given cases, the sentencing judge granting probation may order that any subsequent proceeding regarding probation shall be heard by that judge and any such order shall preempt the jurisdiction of a master in regard thereto.

(9) Setting motions and/or hearing dates in the department of origin.

(10) Determining conflicts or indigency and appointing counsel where appropriate.

(11) When an issue of the defendant's competency to stand trial arises, ordering a minimum of 2 psychiatric examinations and reports to be prepared and setting a date for a competency determination before the department of origin.

(12) Upon stipulation of counsel, when 2 consistent reports opining incompetence have been submitted, referring the defendant for custodial treatment pending the attainment of competency to stand trial.

(13) Upon stipulation of counsel, pursuant to negotiations, referring the defendant to drug court and setting the drug court date or referring a defendant to the Serious Offender's Diversion Program or another comparable stipulated diversion alternative.

(14) Upon stipulation of counsel, allowing the amendment of charging documents and pleadings.

(15) Pursuant to negotiations and upon stipulation and waiver, sitting as a magistrate and adjudicating and sentencing on a simple misdemeanor.

(16) Presiding over the drug court calendar and attending to all drug court related duties and procedures upon occasion and in the event that the judge assigned to preside over the drug court is out of the jurisdiction for judicial/legal training, on vacation, out sick or is otherwise temporarily unable to preside over the drug court calendar.

(17) On gross misdemeanor cases, upon stipulation of counsel to waive any jurisdictional defect and to waive the presentence report and to have imposed a particular sentence, imposing said stipulated sentence. The resulting judgment of conviction shall be reviewed by the master and, upon approval, initialed by the master, and the judgment shall then be submitted to the judge in the assigned department for signature.

[Added effective June 10, 2004; Amended; effective July 2, 2007.]

Rule 1.50. Court administrator. The court administrator is responsible for the administration of the rules, policies and directives of the district court. In addition to the duties prescribed below, the district court administrator shall be denominated the administrator of the clerk of the court and shall appoint an assistant court administrator to hold the additional title of clerk of the court who shall perform all the statutory and other duties assigned to that office. Subject to the direction of the chief judge acting on behalf of the district judges, the court administrator must:

(a) Supervise the assistant court administrator, family division administrator, jury commissioner and other officers and employees of or serving the district court, except for the department staff of each judge.

(b) Supervise the office of the court clerk and the processing of all pleadings and papers related to court business and the court clerks.

(c) Direct the supervisor of the Court Interpreter Program.

(d) Direct bailiff management at security gate and schedule relief support for all bailiff positions.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the district court and represent the judicial branch of government in the district.

(f) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the following divisions: adjudication, administration, family mediation services, jury services, family adjudication and grand jury.

(g) Expedite movement of the court calendars and coordinate automated case management system in cooperation with the clerk's office, including, but not limited to the development of integrated data entry systems.

(h) Supervise preparation and submission of reports on activities of the court to state, regional and local authorities as required.

(i) Determine statistics to be gathered and manage the flow of information through and about the court.

(j) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve work operations.

(k) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers assigned for specific purposes.

(l) Represent the court on regional and statewide judicial and justice system coordinating councils, conferences, conventions, and committees as assigned.

(m) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.

(n) Perform such other functions and duties as may be assigned by the district judges.

[Amended; effective December 5, 2006.]

Rule 1.51. Assistant court administrator. The assistant court administrator serves under the direction of the court administrator. The assistant court administrator is responsible for all duties assigned by the court administrator and, in the absence of the court administrator, shall perform all of the duties of the court administrator under Rule 1.50.

Rule 1.52. Family division administrator. The district court administrator, with the consent of the district court judges serving in the family division, must appoint a family division administrator. The family division administrator serves under the direction of the court administrator. The family division administrator is responsible for the administration of the rules, policies and directives of the family division of the district court. Subject to the direction of the presiding judge acting on behalf of the district judges serving in the family division and the court administrator, the family division administrator must:

(a) Supervise the employees of, or serving in, the family division of the district court, except for the department staff of each judge.

(b) Direct the supervisor of the Family Mediation and Assessment Center and the CASA program for the court.

(c) Coordinate jury and court interpreter services when necessary.

(d) Direct bailiff management at security installations and coordinate relief support for all bailiff positions involving the family division.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the family division.

(f) Represent, when authorized by the family division judges, the judicial branch of government in the district with regard to matters affecting the family division.

(g) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the family division.

(h) Monitor and, when necessary, expedite movement of the family division court calendars and coordinate the automated case management system in cooperation with the family division clerk's office.

(i) Supervise preparation and submission of reports on activities of the family division to state, regional and local authorities as required by law.

(j) Determine what statistics need to be gathered to manage the flow of information pertaining to the family division.

(k) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve work operations.

(l) Coordinate the calendars and activities of judges visiting from other jurisdictions and of masters assigned for specific purposes.

(m) Represent the family division on regional and statewide judicial and justice system coordinating councils, conferences, conventions and committees as assigned by the presiding judge or the court administrator.

(n) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.
(o) Perform such other functions and duties as may be assigned by the district judges serving in the family division.

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.

[Added; effective December 17, 2008.]

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 cases 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 or a 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 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.

[Amended; effective June 18, 2010.]

Rule 1.61. Assignment of business matters.

(a) **Business matters defined.** "Business matters" shall be:

(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:

(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.

(b) **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.

(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.

(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.

[Added; effective January 1, 2001; amended; effective July 22, 2009.]

Rule 1.62. Assignment of civil cases. Unless otherwise provided in these rules, all civil cases not designated business matters shall be divided among those trial judges assigned to the civil/criminal division and full-time civil division; additionally, any civil case which will take 4 weeks or more to try may be handled by a full-time civil judge. No department assignment may be made for uncontested probate matters, or mental competency cases.

(a) Assignment of civil cases to full-time civil judges. Civil cases shall be assigned randomly to the balance of full-time civil judges not designated business court judges. In addition to random assignment of cases, civil cases initially assigned to a civil/criminal judge may be reassigned and transferred to a full-time civil judge not hearing business matters if the trial of the matter is likely to exceed 4 weeks in length.

(b) At the time these rules take effect, all pending civil cases will be analyzed and a determination made by the presently assigned judge to:

(1) Keep the case and try it;
(2) Reassign it to the business court;
(3) Determine the likely length of the trial and, if the trial will exceed 4 weeks in length, the case may be remanded to a full-time civil judge, or leave the case as is and available for random reassignment to another civil/criminal judge to accommodate case reassignment pursuant to these rules.

[As amended; effective January 1, 2001.]

Rule 1.63. Assignment of family cases. Unless otherwise provided in these rules, all family cases must be divided evenly among the judges serving in the family division, except the presiding judge pursuant to Rule 5.42. The family division judges shall determine how to assign guardianship cases. Upon the election of a new presiding judge, the caseload of the new presiding judge shall be adjusted with the out-going presiding judge in the most efficient manner to accommodate the judiciary, the bar and the litigants.

[Amended; effective August 21, 2000.]

Rule 1.64. Assignment of criminal cases.

(a) Each criminal case must be randomly assigned to the 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.

(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.

[As amended; effective December 10, 2009.]

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.

[Added; effective December 17, 2008.]

Rule 1.70. Cases to be calendared to preserve track and team system. The integrity of the track and team system must be preserved. The procedures must be appropriately modified by the chief judge when additional tracks are formed or additional judgeships created.

Rule 1.72. Calendaring of civil and criminal motions. The trial judges, except those trial judges serving in the family division, and the chief judge will hear civil motions or criminal arraignments and motions Monday through Thursday. Special calendars or any other matters, as directed by the court, may be heard on Fridays. Motion times must be obtained from the clerk. A motion noticed for hearing on the wrong day may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.

Rule 1.73. Calendaring of contested family motions. The district judges serving in the family division, except the presiding judge, will provide the clerk's office with a schedule of days and times in which to set motions, reserving for the court specific times wherein the court will calendar special matters, returns and trials. Motion times must be obtained from the clerk's office. A motion noticed for hearing on the wrong day or time may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.
[Amended; effective August 21, 2000.]

Rule 1.74. Calendaring of civil and criminal trials. More than one case may be set to be heard for trial at the same time or on the same date. In the event such trailing cases are left unresolved at the time or on the day of trial, the court may direct that they remain stacked behind the case being trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys involved.

Rule 1.75. Calendaring of family trials and evidentiary hearings.
(a) The district judges serving in the family division will hear trials of contested matters and evidentiary hearings in the afternoons Monday through Thursday or at any other time designated by the judge. Trial and hearing times must be obtained from the judicial department to which the case has been assigned.
(b) More than one case may be set to be heard at the same time or on the same date. In the event such trailing cases are left unresolved at the time of the day of the trial or hearing, the court may direct that they remain stacked behind the case being heard and they shall be trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys (or pro se litigants) involved.

Rule 1.76. Deposit of jurors' fees for civil trials.
(a) As an exception to NRCP 38, allowable thereunder and pursuant to NRCP 83, the clerk shall not collect any deposits from the party demanding a civil trial by jury as otherwise would be required by said sections of the Nevada Rules of Civil Procedure.
(b) All jurors' fees and expenses shall be determined subsequent to the conclusion of the civil trial and thereafter collected accordingly.
[Added; effective January 4, 2010.]

Rule 1.80. Assignment of overflow cases. An overflow judge or judges may be selected by the chief judge when appropriate. When a district judge is not presiding at the trial of a case, that judge shall take an overflow case of any type or description which the chief judge might assign to her or him. However, the chief judge shall assign to judges serving in the family division only overflow cases within the family division.
[As amended; September 20, 1999.]

Rule 1.90. Caseflow management.
(a) Delay reduction standards.
(1) Time to disposition. For criminal cases, the aspirational standard of the court is for 50% of all cases to be resolved within 6 months, 90% of all cases to be resolved within 1 year (with the last 10% being only life sentence or death penalty cases) and for 100% of the cases to be resolved within 2 years. It is the goal of the court to achieve a final resolution in 80% of its civil cases within 24 months of filing and a final resolution in 95% of its cases within 36 months of the date of filing. The court recognizes that there will be exceptional cases which will not be resolved within 36 months. The court also recognizes that 100% of all cases must be resolved within 60 months from the date of filing, unless there is a written stipulation by the parties to extend deadlines under NRCP 41(e).
(2) Time limits for discovery commissioner. Except in complex litigation as defined in NRCP 16.1(f), the discovery commissioner shall ensure that pretrial discovery is completed within 18 months from the filing of the joint case conference report. Discovery in complex litigation shall be completed within 24 months from the filing of the joint case conference report.
(3) Time limits for pretrial motions. All pretrial motions shall be heard and decided no later than 15 days before the date scheduled for trial.
(4) Time limits for matters under submission. Unless the case is extraordinarily complex, a judge or other judicial officer shall issue a decision in all matters submitted for decision to him or her not later than 20 days after said submission. In extraordinarily complex cases, a decision must be rendered not later than 30 days after said submission. Following the decision of the judge or other judicial officer, the prevailing party shall submit a written order to the judge or judicial officer not later than 20 days from the date of the decision.
(5) Time limits for entry of judgments. Unless the case is extraordinarily complex, a judge or other judicial officer shall order the prevailing party to prepare a written judgment and findings of fact and conclusions of law and submit the same not later than 20 days following trial. In extraordinarily complex cases, the attorney for the prevailing party shall submit a written judgment and findings of fact and conclusions of law to the judge or judicial official not later than 30 days following the conclusion of trial.
(6) Time limits for remands from Nevada Supreme Court. Any case remanded for further action by the supreme court shall be scheduled for a status check no later than 30 days from issuance of the remittitur.
(b) Civil caseflow management.
(1) Responsibility of trial judge. It is the clear responsibility of each individual trial judge to manage the individual calendar in an efficient and effective manner. Each judge is charged with the responsibility for maintaining a current docket.
(2) Dismissal calendar. Each department shall review its civil caseload for complaints not served or not answered within 180 days of filing and for civil cases pending longer than 12 months in which no action has been taken for more than 6 months. The cases shall either be disposed of or moved forward by means of a dismissal calendar held at least monthly in each department.

(3) Scheduling orders. The discovery commissioner shall issue a scheduling order in a civil case no later than 30 days from the filing of the joint case conference report. The scheduling order shall indicate whether the case is likely to take more than 4 weeks to try and at least 5 dates consistent with the settlement program on which the parties are requesting that a settlement conference be scheduled when all counsel plus those persons with settlement authority are available to attend at 10:30 a.m. Tuesday through Friday.

(4) Trial setting. Upon receipt of a scheduling order from the discovery commissioner, the trial judge shall issue a trial setting order within 60 days, setting the matter for trial no later than 12 months from the date of the discovery cut-off date set forth in the scheduling order.

(5) Trial date. The trial shall go forward on the date originally set, unless the court grants a continuance upon a showing of good cause. No trial date shall be continued pursuant to stipulation of the parties without approval of the trial judge. At the time a continuance is granted, the trial judge must set the case for trial at a time and date certain. The new trial date shall be set at the earliest available date within 9 months of original trial date.

(6) Number of trials. Each department must set a minimum of 10 cases for each full week of a trial stack. In determining the maximum number of cases to set, the judge should consider the following factors: the length of time between the filing of the trial order and the trial date, length of trial and fallout, or dispositions expected before trial date.

(c) Caseflow review committee.

(1) Purpose. The purpose of the committee shall be to review the status of all dockets to identify backlogs that require attention and to review compliance with court delay reduction standards.

(2) Procedures. The caseflow review committee shall monitor the caseflow of each department. To assist the committee in its review, each department, on or before the 15th day of the month, shall report the following information to the caseflow review committee as to the previous month:

(A) The number of scheduling orders received during the month.

(B) A list of cases for which scheduling orders have been received but no trial dates have been set.

(C) A list of all cases set to begin trial during the month and a report of disposition. For any cases continued, a reason given for the continuance and the number of prior trial continuances reported.

(D) A list of all cases sent to overflow trial calendar and a report of disposition or reason for non-disposition and next case action date.

(E) A report of matters (motions and trials) taken under advisement and which have been pending more than 30 days.

(F) Any other reports the committee deems useful to accomplish the purpose of the caseflow review committee.

(3) Recommendation to chief judge. When the caseflow review committee determines that an individual judge's docket has become backlogged due to inactivity, neglect, or inadequate management, it will recommend in writing to the chief judge appropriate action to bring the docket to current status. Prior to making such recommendation, a representative of the caseflow review committee must meet with the judge in question to discuss the problem. The action recommended by the caseflow review committee may include, but shall not be limited to the following remedial measures:

(A) Require the judge to attend proceedings with a judge (or judges) whose docket(s) is current, to observe the procedures employed to move the docket.

(B) Refuse the approval of the judge's requests for the expenditure of funds not relating to items which impact the judge's productivity in disposing of cases.

(C) Require the judge to attend an educational program on docket management and develop a written plan for improvement.

(D) Curtail the judge's time away from the court.

(E) Recommend that the chief judge issue a letter of complaint to the Nevada Judicial Discipline Commission.

(4) Willful non-compliance. Should the chief judge determine that any judge's non-compliance with the delay reduction and caseflow management standards is willful and not a result of caseload or extraordinary circumstances, the chief judge shall report the same to the chief justice of the supreme court for further action.

(d) Caseflow management reporting.

(1) Complaints not served or answered within 180 days. Not less than once each month, the court administrator shall provide each department with a list of all civil cases which have not been served or answered within 180 days of the filing of the complaint. Upon receipt of the list, each judge shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than monthly.

(2) Cases 12 months or older. Not less than 2 times per calendar year, the court administrator shall provide each department with a list of all civil cases 12 months or older, upon which there has been no activity since the initial pleadings. Upon receipt of the list, each judge may order a status report be filed, shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than 2 times per year.

(3) Cases 36 months or older. In January and July of each year, the court administrator shall provide each department with a list of all civil cases 36 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases, and shall submit a written status report to the chief judge in February and August, setting forth the status of each such case.

(4) Cases 48 months or older. In January of each year, the court administrator shall provide each department and the chief judge with a list of all cases which are 48 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases and shall submit a written status report to the chief judge no later than 30 days from receipt of the report.

[Added; effective January 1, 2001; amended; effective January 17, 2012.]

Rule 1.91. Arbitration/Alternative Dispute Resolution Commissioner.

(a) The district judges serving in the civil/criminal division may appoint an arbitration/alternative dispute resolution commissioner to serve at the pleasure of the court. The arbitration/alternative dispute resolution commissioner shall have the responsibilities and powers conferred by the Nevada Arbitration Rules (NAR) and the Nevada Short Trial Rules (NSTR) and such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated, including without limitation, the power to issue decisions, determinations and other rulings on matters as provided in the NAR and NSTR, and to make findings and recommendations to the court regarding any dispositive matter such as violations of NAR 12 or for any other reason as provided in the NAR, NSTR, Nevada Rules of Civil Procedure, District Court Rules and/or the Eighth Judicial District Court Rules, or as otherwise provided by statute.

(b) Upon reasonable notice, the arbitration/alternative dispute resolution commissioner may direct parties to appear for a conference with the commissioner concerning any matter related thereto. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the

commissioner's consent. Following the hearing on any matter, the commissioner may prepare and file a decision, determination or other ruling, or make findings and recommendations as provided herein.

(c) Any matter concerning the NAR and NSTR may be referred by any district judge to the arbitration/alternative dispute resolution commissioner for a hearing in order to make findings and recommendations to the court.

(d) Following the hearing of any dispositive matter as provided in subdivision (a) of this rule or following the hearing of any matter as provided in subdivision (c) of this rule, the commissioner must prepare and file a report with a recommendation for the court's order. The commissioner may direct counsel to prepare the commissioner's report including the findings and recommendations in accordance with Rules 7.21 and 7.23. The commissioner or the commissioner's designee shall forthwith serve a copy of the report on all parties. The report is deemed received 3 days after the commissioner or the commissioner's designee places a copy in the attorney's file in the clerk's office or 3 days after mailing to a party or a party's attorney. Within 5 days after being served with a copy, any party may serve and file specific written objections to the recommendations with a courtesy copy delivered to the office of the arbitration/alternative dispute resolution commissioner. No points and authorities from any party or oral argument are permitted without leave of court.

[Added; effective January 1, 2003.]

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.

[Added; effective December 17, 2008.]

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.

[Added; effective December 17, 2008.]

PART II. CIVIL PRACTICE

Rule 2.01. Scope of rules. The rules in Part II govern the practice and procedure of all civil actions, all contested proceedings under Titles 12 and 13 of NRS. Rules governing the practice and procedures in all family division actions are found in Part V.

Rule 2.02. Use of the E-Filing System. All filings made in matters assigned as civil actions must be electronically filed in accordance with Part VIII of these rules.

[Added; effective July 29, 2011.]

Rule 2.05. Filing of case required before judicial consideration. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein.

Rule 2.10. Temporary restraining orders and preliminary injunctions.

(a) A motion for a preliminary injunction must be made upon the notice required by Rule 2.20, unless an order fixes a shorter notice.

(b) No temporary restraining order may be granted unless coupled with an order fixing the time for hearing a motion for preliminary injunction.

(c) Orders under subsections (a) and (b) must fix the time within which the restraining order, if any, and all pleadings, affidavits and briefs in support of the restraining order and the motion for preliminary injunction must be served upon the adverse party, and the time for filing of opposition, counter-affidavits and briefs.

Rule 2.13. Compromise by parent or guardian of claim by minor against third person; requirements of court petition; establishment of blocked financial investments for proceeds of compromise. In all minors' compromise claims filed in accordance with the requirements of NRS 41.200, there shall be no document filed containing any "Restricted Personal Information" as defined in the Nevada Rules for Sealing and Redacting Court Records (SRCR) Rule 2(6).

(a) Any such document in its original form that contains any "Restricted Personal Information" must be redacted prior to its filing.

(b) If any such document is filed in error without having been properly redacted prior to filing, then the petitioner must process a request to redact, pursuant to SRCR 3.

[Added; effective July 29, 2011.]

Rule 2.14. Petitions for Judicial Review pursuant to the Foreclosure Mediation Program.

(a) A Petitioner seeking Judicial Review under authority of NRS Chapter 107 must first file and then serve a memorandum of points and authorities, if desired, in support of the Petition for Judicial Review within 30 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 Foreclosure Mediation Program.

(c) The Petitioner shall promptly serve the Petition by certified mail in accordance with Foreclosure Mediation Rule 5(7)(f) and NRCP 5(b)(2)(B).

(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 NRS 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.

[Added; effective June 18, 2010; amended; effective January 17, 2012.]

Rule 2.15. Petitions for judicial review other than pursuant to the Nevada Administrative Procedure Act.

(a) A petitioner seeking judicial review under authority other than NRS 233B must serve and file a memorandum of points and authorities in support thereof within 21 days after the record of the proceeding under review has been filed with the court.

(b) The respondent must serve and file a memorandum of points and authorities in opposition thereto within 21 days after service of petitioner's points and authorities.

(c) Petitioner may serve and file reply points and authorities not later than 7 days after service of respondent's opposition.

(d) After petitioner's time to reply has expired, either party may serve and file a notice of hearing 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 7 days from the date the notice is served and filed.

(e) 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.

(f) Rules 2.22 through 2.28 apply to the hearing of petitions for judicial review.

Rule 2.16. Petitions for judicial review pursuant to the Nevada Administrative Procedure Act. A request for hearing pursuant to NRS 233B.133(4) must be in the form of a notice 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 7 days from the date the notice is served and filed.

Rule 2.17. First Amendment extraordinary writs.

(a) A petitioner seeking review of a claim of prior restraint under the First Amendment to the United States Constitution must label the extraordinary writ and points and authorities "First Amendment Writ." Points and authorities in support of the writ must be served and filed concurrently with the writ, and petitioner must immediately deliver a courtesy copy of the writ and points and authorities to the assigned department.

(b) The respondent must serve and file a memorandum of points and authorities in opposition thereto within 15 days after service of petitioner's points and authorities.

(c) Petitioner may serve and file reply points and authorities not later than 3 days after service of respondent's opposition.

(d) Within 25 days after the writ and accompanying points and authorities are filed and a courtesy copy delivered to the assigned department, the court shall conduct a hearing. The court shall rule on the writ within 30 days after the writ and accompanying points and authorities are filed and a courtesy copy delivered to the assigned department.

(e) All memoranda of points and authorities filed in proceedings involving First Amendment Writs must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

(f) Rule 2.22 through 2.28 apply to the hearing of First Amendment Writs.

[Added; effective May 25, 1999.]

Rule 2.20. Motions; contents; responses and replies; calendaring a fully briefed matter.

(a) Unless otherwise ordered by the court, papers submitted in support of pretrial and post-trial briefs shall be limited to 30 pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include a table of contents and table of authorities.

(b) All motions must contain a notice of motion setting the same for hearing on a day when the district judge to whom the case is assigned is hearing civil motions in the ordinary course. The notice of motion must include the time, department, and location where the hearing will occur.

(c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(d) Within 5 days after service of the motion, a nonmoving party may file written joinder thereto, together with a memorandum of points and authorities and any supporting affidavits. If the motion becomes moot or is withdrawn by the movant, the joinder becomes its own stand-alone motion and the court shall consider its points and authorities in conjunction with those in the motion.

(e) Within 10 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

(f) An opposition to a motion which contains a motion related to the same subject matter will be considered as a counter-motion. A counter-motion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(g) Whenever a motion is contested, a courtesy copy shall be delivered by the movant to the appropriate department at least 5 judicial days prior to the date of the hearing, along with all related briefing, affidavits, and exhibits.

(h) A moving party may file a reply memorandum of points and authorities not later than 5 days before the matter is set for hearing. A reply memorandum must not be filed within 5 days of the hearing or in open court unless court approval is first obtained.

(i) A memorandum of points and authorities which consists of bare citations to statutes, rules, or case authority does not comply with this rule and the court may decline to consider it. Supplemental briefs will only be permitted if filed within the original time limitations of paragraphs (a), (b), or (d), or by order of the court.

(j) If all the civil trial judges in this district are disqualified from hearing a case, a notice of motion must state: “Please take notice that the undersigned will bring the above motion on for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator.”

(k) If a petition, writ, application or motion has been fully briefed but is not calendared for argument and/or decision, the party seeking relief shall deliver to the chambers of the assigned department a Notice of Readiness and Request for Setting together with an Order Setting.

[Amended; effective July 29, 2011.]

Rule 2.21. Affidavits on motions.

(a) Factual contentions involved in any pretrial or post-trial motion must be initially presented and heard upon affidavits, unsworn declarations under penalty of perjury, depositions, answers to interrogatories, and admissions on file. Oral testimony will not be received at the hearing, except upon the stipulation of parties and with the approval of the court, but the court may set the matter for a hearing at a time in the future and require or allow oral examination of the affiants/declarants to resolve factual issues shown by the affidavits/declarations to be in dispute. This provision does not apply to an application for a preliminary injunction pursuant to N.R.C.P. 65(a).

(b) Each affidavit/declaration shall identify the affiant/declarant, the party on whose behalf it is submitted, and the motion or application to which it pertains and must be served and filed with the motion, opposition, or reply to which it relates.

(c) Affidavits/declarations must contain only factual, evidentiary matter, conform with the requirements of N.R.C.P. 56(e), and avoid mere general conclusions or argument. Affidavits/declarations substantially defective in these respects may be stricken, wholly or in part.

[Amended; effective July 2, 2007.]

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 or the judge’s chambers. If the date for the hearing of the motion has been noticed by counsel, all interested parties to the motion may 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.

(c) All interested parties to a motion may stipulate to continue the day fixed for the filing of 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 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, reasonably necessary and is not sought merely for delay.

[Amended; effective June 18, 2010.]

Rule 2.23. Motions decided without oral argument.

(a) At the request of a judge, the clerk must promptly bring to the judge’s attention every motion to which no response has been timely filed. The clerk must also submit all motions, whether responded to or not, to the judge not less than 3 days before the scheduled hearing.

(b) If the time to oppose a motion has passed and no opposition has been filed, counsel for the moving party may submit an order granting the motion pursuant to Rule 2.20 to the chambers of the assigned department.

(c) The judge may consider the motion on its merits at anytime with or without oral argument, and grant or deny it.

(d) When a judge decides a motion before the hearing date, it must be removed from the calendar and the clerk must enter an order upon the minutes of the court reflecting the action taken.

[Amended; effective July 2, 2007.]

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case.

Rule 2.25. Extending time.

(a) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. A request for extension made after the expiration of the specified period shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first second, third, etc., requested extension.

(b) Ex parte motions for extension of time will not ordinarily be granted. When, however, a certificate of counsel shows good cause for the extension and a satisfactory explanation why the extension could not be obtained by stipulation or on notice, the court may grant, ex parte, an emergency extension for only such a limited period as may be necessary to enable the moving party to apply for a further extension by stipulation or upon notice, with the time for hearing shortened by the court.

[Amended; effective October 13, 2005.]

Rule 2.26. Shortening time. Ex parte motions to shorten time may not be granted except upon an unsworn declaration under penalty of perjury or affidavit of counsel describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. An order which shortens the notice of a hearing to less than 10 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day. A courtesy copy shall be delivered by the movant to the appropriate department, if a motion is filed on an order shortening time and noticed on less than 10 days' notice.

[Amended; effective July 29, 2011.]

Rule 2.27. Exhibits.

(a) Exhibits that are submitted to the court that are in excess of 10 pages in length must be numbered consecutively in the lower right-hand corner of the document. Exhibits shall be separated by sheets with the identification "Exhibit ____" centered in the separator page in 24-point font or larger.

(b) Where the exhibits to be submitted are collectively in excess of 100 pages, the exhibits must be filed as a separate appendix and must include a table of contents identifying each exhibit and the numbering sequence of the exhibits.

(c) Unless otherwise ordered by the court, exhibits that are in a format other than documents that can be scanned may not be filed in support of pretrial and post-trial briefs. Where the court enters an order permitting the filing of non-documentary exhibits in support of pretrial and post-trial briefs which contain audio or video information, the filing must be filed with a captioned cover sheet identifying the exhibit(s) and the document(s) to which it relates and be accompanied by a transcript of the contents of the exhibit.

(d) Oversized exhibits shall be reduced to eight and one-half inches by eleven inches (8.5" × 11") unless otherwise permitted by the court or unless such reduction would destroy legibility. An oversized exhibit that cannot be reduced shall be filed manually and separately with a captioned cover sheet identifying the exhibit and the document(s) to which it relates.

(e) Copies of pleadings or other documents filed in the pending matter, cases, statutes, or other legal authority shall not be attached as exhibits or made part of an appendix.

[Added; effective October 13, 2005; amended; effective July 29, 2011.]

Rule 2.28. Notice of and compliance with decision. An order of the court shall fix the time within which the order is to be complied. The party who obtains the order shall serve notice on the party whose compliance is required. Unless otherwise required, the time for complying with an order begins when service is made in the manner required by N.R.C.P. 4.

Rule 2.30. Amended pleadings.

(a) A copy of a proposed amended pleading must be attached to any motion to amend the pleading. Unless otherwise permitted by the court, every pleading to which an amendment is submitted as a matter of right, or has been allowed by order of the court, must be re-typed or re-printed and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) All amended pleadings must contain copies of all exhibits referred to in such amended pleadings. A pleader may, upon ex parte application, obtain an order from the court directing the clerk to remove any exhibit attached to prior pleadings and attach the same to the amended pleading.

Rule 2.31. Exemptions from mandatory pre-trial discovery requirements. All cases which were not commenced by the filing of a complaint are exempt from the mandatory pre-trial discovery requirements of N.R.C.P. 16.1.

Rule 2.34. Discovery disputes; conferences; motions; stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery commissioner.

(b) Upon reasonable notice, the discovery commissioner may direct the parties to appear for a conference with the commissioner concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the commissioner's consent.

(c) The commissioner may shorten or extend any of the times provided for in Rule 2.20 on any discovery motion.

(d) Discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A conference requires either a personal or telephone conference between or among counsel. Moving counsel must set forth in the affidavit what attempts to resolve the discovery dispute were made, what was resolved and what was not resolved, and the reasons therefor. If a personal or telephone conference was not possible, the affidavit shall set forth the reasons.

If the responding counsel fails to answer the discovery, the affidavit shall set forth what good faith attempts were made to obtain compliance. If, after request, responding counsel fails to participate in good faith in the conference or to answer the discovery, the court

may require such counsel to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure. When a party is not represented by counsel, the party shall comply with this rule.

(e) The commissioner may stay any disputed discovery proceeding pending resolution by the judge.

(f) Following the hearing of any discovery motion, the commissioner must prepare and file a report with a recommendation for the court's order. The commissioner may direct counsel to prepare the commissioner's report, including findings and recommendations in accordance with Rules 7.21 and 7.23. The clerk of the court or the discovery commissioner designee shall forthwith serve a copy of the report on all parties. The report is deemed received 3 days after the clerk of the court or discovery commissioner designee places a copy in the attorney's folder in the clerk's office or 3 days after mailing to a party or the party's attorney. Within 5 days after being served with a copy, any party may serve and file specific written objections to the recommendations with a courtesy copy delivered to the office of the discovery commissioner. Failure to file a timely objection shall result in an automatic affirmance of the recommendation.

(g) Papers or other materials submitted for the discovery commissioner's *in camera* inspection must be accompanied by a captioned cover sheet complying with Rule 7.20 which indicates that it is being submitted *in camera.* All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. If the *in camera* materials consist of documents, counsel must provide to the commissioner an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.

(h) If when counsel meet and confer pursuant to NRCP 16.1, they discover that the parties would benefit from participating in a settlement conference, that information along with 5 dates consistent with the settlement program on which it can be held should be included in the case conference report prepared pursuant to NRCP 16.1(c). The discovery commissioner will then pass said information on to the department managing the settlement conference program which department will contact counsel to get the case so scheduled.

[Amended; effective January 17, 2012.]

Rule 2.35. Extension of discovery deadlines.

(a) Stipulations or motions to extend any date set by the discovery scheduling order must be in writing and supported by a showing of good cause for the extension and be received by the discovery commissioner within 20 days before the discovery cut-off date or any extension thereof. A request made beyond the period specified above shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect.

(1) All stipulations to extend any discovery scheduling order deadline shall be lodged with the discovery commissioner and shall include on the last page thereof the words "IT IS SO ORDERED" with a date and signature block for the commissioner or judge's signature.

(2) A motion to extend any discovery scheduling order deadline shall be set in accordance with Rule 2.34(c).

(b) Every motion or stipulation to extend or reopen discovery shall include:

(1) A statement specifying the discovery completed;

(2) A specific description of the discovery that remains to be completed;

(3) The reasons why the discovery remaining was not completed within the time limits set by the discovery order;

(4) A proposed schedule for completing all remaining discovery;

(5) The current trial date; and

(6) Immediately below the title of such motion or stipulation a statement indicating whether it is the first, second, third, etc., requested extension, e.g.:

STIPULATION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY (FIRST REQUEST)

(c) The court may set aside any extension obtained in contravention of this rule.

[Added; effective October 13, 2005.]

Rule 2.40. Responding to discovery requests. Answers to interrogatories must set forth each question in full before each answer. Each objection to an interrogatory, a request for admission, or a demand for production of documents and each application for a protective order must include a verbatim statement of the interrogatory, question, request or demand, together with the basis for the objection. A demand to compel further answer to any written discovery must set forth in full the interrogatory or request and the answer or answers thereto.

[Amended; effective October 13, 2005.]

Rule 2.47. Motions in limine. Unless otherwise provided for in an order of the court, all motions in limine to exclude or admit evidence must be in writing and filed not less than 45 days prior to the date set for trial and must be heard not less than 14 days prior to trial.

(a) The court may refuse to sign orders shortening time and to consider any oral motion in limine and any motion in limine which is not timely filed or noticed.

(b) Motions in limine may not be filed unless an unsworn declaration under penalty of perjury or affidavit of moving counsel is attached to the motion setting forth that after a conference or a good-faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A "conference" requires a personal or telephone conference between or among counsel. Moving counsel must set forth in the declaration/affidavit what attempts to resolve the matter were made, what was resolved, what was not resolved and the reasons therefore. If a personal or telephone conference was not possible, the declaration/affidavit shall set forth the reasons.

[Amended; effective April 23, 2008.]

Rule 2.49. Assignment of matters to specialty dockets.

(a) "Specialty dockets" shall include:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS 40.600 et seq.;

(2) "Business matters" as defined under EDCR 1.61; and

(3) Any other specialty dockets that may be established by the chief judge to handle complex matters.

(b) Assignment of specialty dockets.

(1) Unless otherwise provided in these rules, specialty dockets shall be divided among those civil judges designated by the chief judge to hear the particular specialty docket.

(2) Any party in a case may file a request in the pleadings or noticed motion that a case be assigned to a specialty docket. 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 to a specialty docket. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned to a specialty docket by the clerk's office. If the request is made by a party in the caption of its initial appearance or response, other than by the plaintiff/petitioner, then the case shall be randomly assigned to those civil judges

designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(3) A civil judge to whom a matter is assigned may refer the matter to a specialty docket for determination as to whether the matter should be handled on the specialty docket. Upon referral, the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(4) The assigned judge shall decide whether a case should be handled on the specialty docket, and that decision shall not be appealable nor reviewable by way of writ. Any matter not deemed appropriate to be handled on the specialty docket shall be randomly reassigned if it was originally assigned to the specialty docket. If a case was submitted to the assigned judge to determine whether it should be handled on the specialty docket and the assigned judge rules that it is not, that case will be remanded to the department of origin.

(c) Notice of related cases.

(1) In any business or complex matter, any party, or counsel for any party, who is on notice that such action is related to another action on file (including any active or inactive civil, criminal, domestic, probate, guardianship, or bankruptcy action filed in any state or federal court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case number, and court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(2) An action may be considered to be related to another action when:

(i) Both actions involve the same party or parties and are based on the same or similar claim; and/or

(ii) Both actions involve the same property, transaction, or event.

[Added; effective January 4, 2010; amended; effective March 12, 2015.]

Rule 2.50. Consolidated and coordinated cases.

(a) Consolidated cases.

(1) Motions for consolidation of two or more cases must be heard by the judge assigned to the case first commenced. Such a motion would be prematurely brought if done in advance of the filing of an answer. If consolidation is granted, the consolidated case will be heard before the judge ordering consolidation.

(2) Documents filed subsequent to the consolidation shall list only the caption and case number of the lowest-numbered case.

(3) Each document will include on the certificate of service the following additional information: "This document applies to Case No. _____" and will list all applicable case numbers and parties.

(4) The clerk shall file documents only in the lowest case number so listed.

(b) Coordinated cases.

(1) Motions for the handling of two or more cases in a coordinated fashion or for consolidation for less than all purposes must be heard by the judge assigned to the case first commenced. If coordination is granted, the coordinated case will be heard before the judge ordering coordination.

(2) Documents filed subsequent to the coordination shall list all case numbers and captions, with the lowest number appearing first, and the clerk shall be provided sufficient copies for each case number so listed.

(c) Regardless of any other provision in these rules, the chief judge shall have the authority to order the consolidation or coordination of any cases pending in the district.

[Amended; effective March 12, 2015.]

Rule 2.51. Settlement conferences.

(a) At the request of any party or on its own motion, the court may order the parties to participate in a settlement conference.

(b) Unless otherwise ordered by the settlement judge, at least 24 hours before any scheduled settlement conference, each party must submit to the settlement judge a confidential settlement conference brief that is no more than 5 pages in length and addresses each of the following issues:

(1) A brief factual statement regarding the matter;

(2) The procedural posture of the case including any scheduled trial dates;

(3) The strengths and weaknesses of each parties' claims;

(4) The settlement negotiations that have transpired and whether the parties have engaged in any prior mediations or settlement conferences and the identity of the mediator or prior settlement judge;

(5) The dates and amounts of any demands and offers and their expiration date(s);

(6) Any requirements of a settlement agreement other than a release of all claims for the matter and a dismissal of all claims;

(7) Any unusual legal issues in the matter;

(8) The identity of the individual with full settlement authority who will be attending the settlement conference on behalf of the party; and

(9) Any insurance coverage issues that might affect the resolution of the matter.

[Added; effective July 2, 2007.]

Rule 2.55. Discovery scheduling order.

(a) All cases which were not commenced by the filing of a complaint are exempt from the entry of a scheduling order pursuant to N.R.C.P. 16(b).

(b) Except in actions exempted by the trial court as inappropriate, the discovery commissioner or judge shall, after receiving input from the attorneys for the parties and any unrepresented parties by way of a case conference report and/or a scheduling conference, enter a scheduling order that limits the time:

(1) to complete discovery obligations;

(2) to join other parties and to amend the pleadings; and

(3) to file and hear dispositive motions.

(c) When a trial date is vacated without resetting, the judge should direct the discovery commissioner to enter an amended scheduling order.

[Amended; effective October 13, 2005.]

Rule 2.60. Trial setting orders.

(a) A case commenced by the filing of a complaint must first have a scheduling order entered before a trial date is set. If the scheduling order is entered by a discovery commissioner, the commissioner must also notify the trial judge of the earliest reasonable

date that the case will be ready for trial. The court will prepare, serve and file a notice or order setting the case for trial.

(b) In the trial setting order the court may in its discretion set dates for the attorneys for the parties and any unrepresented parties to appear before it for pretrial conferences to facilitate settlement, to participate in a calendar call, to complete pretrial motion practice (in addition to that set forth in the scheduling order) and to discuss any other matters, as set forth in N.R.C.P. 16(c).

(c) When a case which was not commenced by the filing of a complaint is at issue, any party may request the setting of a trial date by filing and serving on all other parties a "Request for Trial Setting" in which the party shall represent that no pleading is unanswered and that no other parties will be summoned to appear prior to the trial.

(d) The court may request that the clerk set a next appearance date for each case and trial dates may be set at the direction of the judge.

[Amended; effective October 13, 2005.]

Rule 2.65. Notice of scheduling and trial setting orders.

(a) The clerk must maintain a folder for each practicing attorney with cases pending in the Eighth Judicial District Court. Periodically, scheduling orders shall be placed by a designee of the discovery commissioner's office in each attorney's folder; similarly, a designee of the trial judge shall place trial setting orders in each attorney's folder or have them delivered by facsimile or mail.

(b) Placing the scheduling and trial setting orders in the folders constitutes notice to the attorney of the matter contained in each order. It is the responsibility of each attorney to obtain the material placed in the attorney's folder.

(c) A designee of the judge must promptly notify each litigant appearing in proper person of a trial setting by mail and the discovery commissioner must provide notice of the scheduling order in the same manner. Additionally, the commissioner or judge's office may notify counsel of scheduling or trial setting orders by mail or facsimile transmission when appropriate.

[Amended; effective October 13, 2005.]

Rule 2.67. Meetings of counsel before calendar call or final pretrial conference; pretrial memorandum.

(a) Prior to any calendar call or final pretrial conference, the designated trial attorneys for all the parties must meet together to exchange their exhibits and lists of witnesses, and arrive at stipulations and agreements, all for the purpose of simplifying the issues to be tried. The plaintiff must designate the time and place of the meeting which must be within Clark County, unless the parties agree otherwise. At this conference between counsel, all exhibits must be exchanged and examined and counsel must also exchange a list of the names and addresses of all witnesses, including experts, to be called at the trial. The attorneys must then prepare a joint pretrial memorandum which must be served and filed not less than 15 days before the date set for trial. If agreement cannot be reached, a memorandum must be prepared separately by each attorney and so submitted. A courtesy copy of each memorandum must be delivered to the court at the time of filing.

(b) The pretrial memorandum must be as concise as possible and must state the date the conference between the parties was held, the persons present, and include in numerical order the following items:

(1) A brief statement of the facts of the case.

(2) A list of all claims for relief designated by reference to each claim or paragraph of a pleading and a description of the claimant's theory of recovery with each category of damage requested.

(3) A list of affirmative defenses.

(4) A list of all claims or defenses to be abandoned.

(5) A list of all exhibits, including exhibits which may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party. If no objection is stated, it will be presumed that counsel has no objection to the introduction into evidence of these exhibits.

(6) Any agreements as to the limitation or exclusion of evidence.

(7) A list of the witnesses (including experts), and the address of each witness which each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court's precluding the party from calling that witness.

(8) A brief statement of each principal issue of law which may be contested at the time of trial. This statement shall include with respect to each principal issue of law the position of each party.

(9) An estimate of the time required for trial.

(10) Any other matter which counsel desires to bring to the attention of the court prior to trial.

(c) When a party is not represented by an attorney the party must comply with this rule. Should the designated trial attorney or any party in proper person fail to comply, a judgment of dismissal or default or other appropriate judgment may be entered or other sanctions imposed.

(d) The above requirements are in addition to the requirements mandated of counsel by N.R.C.P. 16.1(a)(3).

[Amended; effective July 2, 2007.]

Rule 2.68. Final pre-trial conference.

(a) At the request of court or counsel, the court may conduct a pre-trial conference. Such conference may be held three weeks prior to trial or at any other time convenient to the court and counsel.

(b) At the pre-trial conference, the court may consider the following subjects:

(1) Prospects of settlement.

(2) Use of depositions at trial in lieu of live testimony.

(3) Time required for trial.

(4) Alternate methods of dispute resolution.

(5) Readiness of case for trial.

(6) Any other matters.

(c) The pre-trial conference must be attended by designated trial counsel who are knowledgeable and prepared for such conference. Should the designated trial counsel fail to appear at the pre-trial conference or to comply with this rule, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment entered or other sanctions imposed.

Rule 2.69. Calendar call.

(a) Unless otherwise directed by the court, trial counsel must bring to calendar call:

(1) All exhibits already marked by counsel for identification purposes.

(2) Typed exhibit lists with all stipulated exhibits marked as admitted.

(3) Jury instructions in 2 groups: the agreed upon set and the contested set. The contested instructions must contain the name of the party proposing the same and the citations relied upon for authority.

(4) Proposed voir dire questions.

(5) Original depositions.

(6) A list of equipment needed for trial which is not usually found in the courtroom, i.e., overhead, VCR and monitor, view box, etc. At calendar call the court or its designee will inform counsel if such equipment is available in house or if counsel must procure the same and bring to the courtroom.

(7) Courtesy copies of legal briefs on trial issues. Originals must be filed and a copy served on opposing counsel at or before the close of trial.

(b) All subpoenas for production of medical records as authorized by NRS 52.325 (if not already produced) or for the production of records of a hotel or casino must direct the custodian of records to appear at calendar call and lodge such documents rather than at trial.

(c) Failure of trial counsel to attend calendar call and/or failure to submit required materials shall result in any of the following which are to be ordered within the discretion of the court:

(1) Dismissal of the action.

(2) Default judgment.

(3) Monetary sanctions.

(4) Vacation of trial date.

(5) Any other appropriate remedy or sanction.

(d) At the calendar call the court may schedule a conference to be held prior to the commencement of trial at which the following issues are resolved:

(1) Any legal or evidentiary issues anticipated to be raised by the parties during trial.

(2) Jury instructions and verdict forms;

(3) Proposed voir dire questions;

(4) Any stipulations to the admission of proposed exhibits;

(5) The prescreening of any demonstrative or illustrative exhibits to be used with the jury;

(6) Any objections by the parties to allowing jurors to ask questions under the procedures set forth in Flores v. State, 114 Nev. 910 (1998);

(7) The scheduling of witnesses to ensure limited delays in the proceedings and any proposals by the parties regarding clustering of expert witness testimony;

(8) The portions of any depositions to be read or shown by videotape to the jury and any objections to the portions; and

(9) The content of notebooks to be provided to the jury.

[Amended; effective October 13, 2005.]

Rule 2.70. Default judgment.

(a) An application for a judgment by default, irrespective of the amount of the proposed judgment, must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge, not by the attorney representing the plaintiff; set forth such facts as would be admissible in evidence; show affirmatively that the affiant is competent to testify to the matters stated therein; and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

(b) Unless written notice of the application is required or the prior consent of the court is obtained, a request for the entry of judgment by default under N.R.C.P. 55(b)(2) must be made without placing the matter on the motion calendar. The application, together with any supporting affidavits, must be left with the clerk who shall promptly deliver the same to the judge for consideration in chambers.

Rule 2.75. Stipulations for dismissal. A stipulation which terminates a case by dismissal must also indicate whether or not a Request for Trial Setting or Scheduling Order has been filed and, if a trial date has been set, the date of that trial.

Rule 2.80. Subpoenas for foreign deposition.

(a) A party seeking the issuance from the clerk of a subpoena for the purpose of taking a foreign deposition in the district must present and tender to the clerk the following:

(1) Copies of the papers required by the Uniform Foreign Depositions Act, NRS 53.060.

(2) A cover sheet in the form required by Rule 7.20, with the title of the court as “Eighth Judicial District Court” and not the foreign court in which the action is pending. For purposes of Rule 7.20, the cover sheet must be described “Request for Foreign Deposition Subpoena.”

(3) Such filing fees as may be required by law.

(b) Upon compliance with subsection (a), the clerk must collect the required fee, assign a case number to the request, and retain for the clerk’s records the copies of the papers referred to in subsection (a)(1), as well as the cover sheet required by subsection (a)(2).

(c) Subpoena(s) may then be issued and enforced in conformance with N.R.C.P. 45.

(d) All subsequent proceedings involving the request or the issuance of a subpoena, including show cause proceedings, must be commenced by pleadings or papers bearing the case number as assigned above.

[Amended; effective October 13, 2005.]

Rule 2.90. Dismissal for lack of prosecution.

(a) Any civil case which has been pending for more than 12 months and in which no action has been taken for more than 6 months may be dismissed, on the court’s own initiative, without prejudice.

(b) Written notice of the entry of a dismissal pursuant to this rule must be given to each party who has appeared in the action, or to the attorney for that party. Placing a copy of the notice in the attorney’s folder maintained in the Office of the Clerk of the Court constitutes notice to that attorney.

(c) A case which has been dismissed pursuant to this rule will be reinstated at the written request of a party or the party’s attorney if the request is filed within 30 days of the date of service of written notice of the entry of the dismissal.

[Amended; effective January 17, 2012.]

Rule 2.91. Voluntary dismissal processing. In order to assist the court with its caseload management requirements, any voluntary dismissal that is prepared pursuant to NRCP 41(a)(1) which resolves all pending claims and renders the case ripe for closure shall be delivered to the chambers of the assigned department prior to filing. An individual in the assigned department will then affix

the blue ink statistical case closure stamp to it, check the appropriate voluntary dismissal box on it, and place their initials next to the stamp's lower right-hand corner. Thereafter, the document can be filed.

[Added; effective January 17, 2012.]

PART III. CRIMINAL PRACTICE

Rule 3.01. Scope of rules. The rules in Part III govern the practice and procedure in all criminal proceedings except in juvenile cases expressly provided for in Title 5 of NRS.

Rule 3.10. Consolidation and reassignment.

(a) When an indictment or information is filed against a defendant who has other criminal cases pending in the court, the new case may be assigned directly to the department wherein a case against that defendant is already pending.

(b) Unless objected to by one of the judges concerned, criminal cases, writs or motions may be consolidated or reassigned to any criminal department for trial, settlement or other resolution.

(c) In the event of negotiations being reached as to multiple cases having the same defendant, defense counsel and the prosecution may stipulate to having all of the involved cases assigned to the department having the oldest case with the lowest case number, and the court clerk shall then so reassign the involved cases. If the negotiations later break down, then the court clerk will again reassign the involved cases back to their respective department(s) of origin. The objection provision of subparagraph (b) hereinabove does not pertain to this present subparagraph (c).

[Amended; effective July 29, 2011.]

Rule 3.20. Motions.

(a) Unless otherwise provided by law or by these rules, all motions must be served and filed not less than 15 days before the date set for trial. The court will only consider late motions based upon an affidavit demonstrating good cause and it may decline to consider any motion filed in violation of this rule.

(b) Except as provided in Rules 3.24 and 3.28, each motion must contain a notice of hearing setting the matter for hearing not less than 10 days from the date the motion is served and filed. A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(c) Within 7 days after the service of the motion, the opposing party must serve and file written opposition thereto. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and a consent to granting of the same.

(d) Unless otherwise allowed by the court, all motions to increase or decrease bail must be in writing, supported by an affidavit of the movant or the movant's attorney, and contain a notice of hearing setting the matter for hearing not less than 2 full judicial days from the date the motion is served and filed. The opponent to the motion may respond orally in open court.

(e) Either the prosecutor or the defendant may place a matter on calendar by oral request to the clerk of the court made not later than 11:00 a.m. on the day preceding the date of the hearing. Such requests are to be used only to bring to the attention of the court a matter of an emergency nature or to place a case on calendar when the matter is to be resolved, such as by entry of a guilty plea or for dismissal. An oral request to the clerk to place a case on the calendar for the hearing of any other matter is improper.

Rule 3.24. Discovery motions.

(a) Any defendant seeking a court order for discovery pursuant to the provisions of NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the time of initial arraignment. The relief granted for all oral motions for discovery will be as follows:

(1) That the State of Nevada furnish copies of all written or recorded statements or confessions made by the defendant which are within the possession, custody or control of the State, the existence of which is known or by the exercise of due diligence may become known to the district attorney.

(2) That the State of Nevada furnish copies of all results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case which are within the possession, custody or control of the State, the existence of which is known or by the exercise of due diligence may become known to the district attorney.

(3) That the State of Nevada permit the defense to inspect and copy or photograph books, papers, documents, tangible objects, buildings, places, or copies or portions thereof, which are within the possession, custody or control of the State, provided that the said items are material to the preparation of the defendant's case at trial and constitute a reasonable request.

(b) Pursuant to NRS 174.255, the court may condition a discovery order upon a requirement that the defendant permit the State to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within the defendant's possession, custody or control provided the said items are material to the preparation of the State's case at trial and constitute a reasonable request.

Rule 3.28. Motions in limine. All motions in limine to exclude or admit evidence must be in writing and noticed for hearing not later than calendar call, or if no calendar call was set by the court, no later than 7 days before trial. The court may refuse to consider any oral motion in limine and any motion in limine which was not timely filed.

Rule 3.40. Writs of habeas corpus.

(a) Each petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's jurisdiction to proceed to the trial of a criminal charge must contain a notice of hearing setting the matter for hearing 14 days from the date the petition is filed and served. In the event the judge to whom the case is assigned is not scheduled to hear motions on the 14th day following the service and filing of the petition, the notice must designate the next day when the judge has scheduled the hearing of motions.

(b) Any other petition for writ of habeas corpus, including those alleging a delay in any of the proceedings before the magistrate or a denial of the petitioner's right to a speedy trial, must contain a notice of hearing setting the matter for hearing not less than 1 full judicial day from the date the writ is filed and served.

(c) All points and authorities in support of the petition for writ of habeas corpus must be served and filed at the time of the filing of the petition. The prosecutor must serve and file a return and a response to the petitioner's points and authorities within 10 days from the receipt of a petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's jurisdiction to proceed to the trial of a criminal charge. The prosecutor may serve and file a return and a response to the petitioner's points and authorities in open court at the time noticed for the hearing on any other writ of habeas corpus.

(d) The court reporter who takes down all the testimony and proceedings of the preliminary hearing must, within 15 days after the defendant has been held to answer in the district court, complete the certification and filing of the preliminary hearing transcript.

(e) Ex parte applications for extensions of the 21-day period of limitation for filing writs of habeas corpus will only be entertained in the event that the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the defendant's initial appearance. Such ex parte applications must be accompanied by an affidavit of the defendant's attorney that counsel has examined the file in the Office of the Clerk of the Court and that the transcript of the preliminary hearing or of the proceedings before the grand jury has not been filed within the 14-day period of limitation. Applications for extensions of time to file writs of habeas corpus must be for not more than 14 days. Further extensions of time will be granted only in extraordinary cases.

Rule 3.44. Stay orders. An ex parte application for a stay of proceedings before a magistrate may only be made with the written consent of the State of Nevada. Any other application for a stay of proceedings before a magistrate may only be made after reasonable oral notice to the State.

Rule 3.50. Extending time.

(a) When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; but it may not extend the time for taking any action under Rule 3.40, except to the extent and under the conditions stated therein.

(b) Ex parte motions to extend time may not be granted except upon an affidavit or certificate of counsel demonstrating circumstances claimed to constitute good cause and justify enlargement of time.

Rule 3.60. Shortening time. Ex parte motions to shorten time may not be granted except upon an affidavit or certificate of counsel describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Rule 3.70. Papers which may not be filed. Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to that attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Rule 3.80. Release from custody; bail reduction.

(a) When an individual is arrested on probable cause or on an arrest warrant, any district judge may, on an emergency basis only, unilaterally, without contact with a prosecutor, grant a release upon the individual's own recognizance pursuant to NRS 178.4851 and 178.4853 or reduce the amount of bail below the standard bail, provided that the arrest is for a misdemeanor, gross misdemeanor, non-violent felony, or some combination thereof. Before the court may grant an own recognizance release or bail reduction, the court must be satisfied that the individual arrested will likely appear in court at the next scheduled appearance date and does not present a threat in the interim if released. Once the individual arrested makes an initial court appearance, all issues regarding custodial status shall be addressed by the judge assigned the case or any other judge specifically designated or authorized by the assigned judge. A judge designated or authorized by the assigned judge, or by court rule, may release an individual from a bench warrant for a misdemeanor, gross misdemeanor or non-violent felony, or some combination thereof.

(b) When an individual is arrested on probable cause for a violent felony offense or on a bench warrant for a violent felony offense issued by the district court, Justice Court, or municipal court, a district judge shall not grant an own recognizance release or reduce the amount of bail established unless the judge provides an opportunity pursuant to NRS 178.486 for the prosecution to take a position thereon by telephone or in person, either in chambers or in open court. A district court judge may unilaterally increase bail for an individual arrested for a violent felony if the court is satisfied that the individual arrested will not likely appear in court at the next scheduled appearance date or presents a threat to the community in the interim if released.

(c) Between the time of an individual's arrest on probable cause, a bench warrant, or an arrest warrant and his or her subsequent court appearance, ex parte contact between the court and any person interested in the litigation regarding the individual's custodial status shall be allowed.

[Added; effective June 22, 2003.]

PART IV. PROBATE; TRUSTS AND THE ADMINISTRATION OF ESTATES

Rule 4.01. Scope of rules. Part IV governs the practice and procedure of all proceedings under Title 12 and Chapters 162 through 167 of Title 13 of the NRS.

[Amended; effective September 2, 2014.]

Rule 4.02. Probate judge. The chief judge for the Eighth Judicial District Court of Nevada shall be designated as the probate judge. The chief judge may, however, in the chief judge's discretion, appoint one district court judge to serve as the probate judge in the chief judge's stead. The chief judge shall also have the discretion to designate one or more additional district court judges as alternate probate judge(s) to hear probate matters in the event that the probate judge is disqualified from hearing a matter or if the probate judge is unable to accommodate a matter for any good cause in the discretion of the probate judge.

[Added; effective September 2, 2014.]

Rule 4.03. Probate commissioner, generally.

(a) All probate and trust proceedings under Title 12 and Chapters 162 through 167 of Title 13 of the NRS are automatically referred to the probate commissioner, subject to Rule 4.08. The probate commissioner shall be deemed a special master as governed and defined under NRCP 53 and these rules.

(b) A district court judge may refer any other matter to the probate commissioner for recommendation unless prohibited by law. Such referral may be by application of a party to the action or on the judge's own initiative.

(c) In any civil action in which the capacity or standing of a party to represent a decedent or an estate is in question, any district court judge may refer the matter to the probate commissioner for determination of standing or capacity. The probate commissioner shall conduct a review of all necessary documents, conduct hearings as needed, prepare and file a written report containing findings, conclusions, and a recommendation for resolution as provided under these rules.

(d) The probate commissioner shall hear and make recommendations on all matters assigned to the probate commissioner, except those matters that require disqualification or those matters that are referred or removed to the probate judge or the chief judge's designee as provided under these rules. The probate commissioner shall disclose on the record the basis of the probate commissioner's disqualification and shall ask the parties and their lawyers to consider, out of the presence of the probate commissioner, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties and lawyers all agree that the probate commissioner should not be disqualified, and the probate commissioner is willing to participate, the probate commissioner may participate in the proceeding. The agreement shall be incorporated in the record of the proceeding.

[Added; effective September 2, 2014.]

Rule 4.04. Authority of the probate commissioner.

(a) The probate commissioner shall have the following authority on those matters heard before the probate commissioner:

(1) To receive oral, documentary, and tangible evidence and to establish a record;

(2) To make findings of fact, recommended conclusions of law, and recommendations for the provisions and enforcement of any order; and

(3) To exercise any other power or duty contained in an order issued by the probate judge.

(b) The probate commissioner may recommend a district court judge to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant, or release persons arrested thereon.

(c) The probate commissioner may perform the duties of any other duly appointed master or commissioner as the administration of justice may require and as authorized under Rule 53(c) of the Nevada Rules of Civil Procedure.

(d) The probate commissioner may make appropriate sanctions for a party's failure to comply with the applicable statutes or rules of the court.

[Added; effective September 2, 2014.]

Rule 4.05. Probate commissioner's reports and recommendations.

(a) Within a reasonable time after the evidence presented is closed in a contested matter that is heard by the probate commissioner, the probate commissioner shall file his or her report setting forth written findings of fact, recommended conclusions of law, and recommended form of order, which shall also be served on the parties entitled to notice.

(b) The probate commissioner may direct counsel for a party to prepare the report, which shall be delivered to the probate commissioner no later than 10 judicial days after the probate commissioner so directs, unless the probate commissioner shall designate some other time period. In contested proceedings, such attorney shall serve a copy of the proposed report upon counsel for all parties who have appeared at the hearing and are affected by the report, unless otherwise directed by the probate commissioner, and submit proof of such service to the probate commissioner with the proposed report. Except when the probate commissioner believes it is appropriate to immediately enter the report, the probate commissioner will wait 5 judicial days before entering the report to enable the submission of a competing report by counsel for another party.

(c) Promptly upon the probate commissioner's execution of the proposed report, the attorney charged with drafting the report shall serve a copy of the report on all parties. If the probate commissioner drafts the report, the probate commissioner may effect service or direct one of the parties to perfect service of the same. The report is deemed received 3 judicial days after mailing to a party or a party's attorney or on the day a copy of the report is hand-delivered to a party or a party's attorney as demonstrated by an executed receipt.

(d) The parties may stipulate to immediate entry of an order on the probate commissioner's recommendation.

[Added; effective September 2, 2014.]

Rule 4.06. Objections to probate commissioner's reports and recommendations.

(a) Within 10 judicial days after being served with a copy of the report, any party may file with the clerk of the court and serve on the probate judge and the other parties a written request for judicial review of the matter by the probate judge, together with specific written objections to the recommendations set forth in the probate commissioner's report and any additional points and authorities. Such judicial review will be subject to review by the probate judge. A courtesy copy of the written request or objection shall be delivered to the probate judge at the time of service on all other parties.

(b) Upon filing of a timely request for judicial review, the matter will be transferred to the probate judge and be placed by the clerk of the court for hearing before the probate judge. Unless otherwise ordered by the probate judge, the hearing shall be set on the next available probate calendar but no less than 20 days from the date of filing the request.

(c) Within 10 judicial days after the service of the written objections, the opposing party may file an opposition thereto, together with a memorandum of points and authorities, if any, stating reasons showing why the relief requested should be denied. A moving party may file a reply memorandum of points and authorities not later than 5 judicial days before the matter is set for hearing.

(d) Failure to file and serve such request and written objections within the 10-day period will result in the automatic affirmance of the probate commissioner's recommendation by the probate judge.

[Added; effective September 2, 2014.]

Rule 4.07. Judicial review by probate judge of probate commissioner's reports and recommendations.

(a) Judicial review of a final recommendation of the probate commissioner will be confined to the record, together with the specific written objections.

(b) On judicial review of cases concerning alleged irregularities in procedure of a contested probate matter heard by the probate commissioner that are not shown in the record, the probate judge may receive evidence concerning the alleged irregularities, including allegations of ex parte communications between the probate commissioner and a party or any other irregularities that would tend to diminish the public's confidence in the court's independence, impartiality, and/or integrity.

(c) Pending the probate judge's review of any objection to the probate commissioner's report, parties shall refrain from taking any action inconsistent with the probate commissioner's recommendations, unless otherwise ordered by the probate judge. The probate judge may affirmatively enforce the probate commissioner's recommendation pending the probate judge's review.

[Added; effective September 2, 2014.]

Rule 4.08. Transfer to the probate judge. In any matter referred to the probate commissioner, each party is entitled, as a matter of right, to have any contested matter heard before the probate judge provided that the probate commissioner has not made any ruling on such contested matter or commenced hearing such contested matter. A party wishing to exercise such right shall make the request to the probate commissioner in writing or orally prior to commencing the hearing on any contested matter. The probate commissioner shall place the matter on the probate judge's calendar for hearing before the probate judge at the probate judge's next

available hearing date. The probate judge may, upon resolution of the contested matter, return the case to the probate commissioner's calendar or retain the case at the discretion of the probate judge.

[Added; effective September 2, 2014.]

Rule 4.10. Calendars. Subject to change by order of the chief judge, the probate calendar will be heard every Friday at 9:30 a.m. If a legal holiday falls on a Friday, the probate calendar for that week will be heard at such time as set by the probate judge or probate commissioner, as approved by the probate judge. All papers filed before the probate commissioner shall indicate "PC1" in the department designation (*e.g.*, Department No. PC1) and the hearing date noticed (*e.g.*, Hearing date: mm/dd/yy).

[Amended; effective September 2, 2014.]

Rule 4.11. Filings of matters before probate court and assignment of case numbers.

(a) All matters filed in probate court shall begin with the letter "P," followed by the assigned case number, followed by an "E" for estate matters or a "T" for trust matters by the clerk of the court (*e.g.*, P-123456-E or P-123456-T).

(b) Each trust over which the court is requested to assume jurisdiction must be filed as a separate case number absent an order from the probate judge permitting otherwise. This rule does not apply to subtrusts created under a trust (*e.g.*, a survivor's trust and a marital trust under a family trust).

(c) Petitions related to a decedent's probate estate administration may not be filed in the same case as matters involving an inter vivos trust established by or for the benefit of the decedent absent an order of the probate judge permitting otherwise.

[Added; effective September 2, 2014.]

Rule 4.13. List of approved, deficient and heard matters.

(a) Under the supervision of the probate judge, the probate commissioner must prepare a list of probate matters that are scheduled for hearing. Such list shall be finalized and posted on the probate court's official website prior to 4:00 p.m. on the day prior to hearing.

(b) The list shall designate each matter as being "approved" or requiring a hearing that is designated as "court's discretion." The list shall also indicate whether the hearing has been continued and the new hearing date.

(c) In addition to the above, the list may, in the discretion of the probate commissioner, identify those cases scheduled for hearing that are deficient for hearing or determination and the basis for such deficiency to allow parties to correct such deficiencies prior to 12:00 p.m. on the day prior to hearing. The probate commissioner may then designate such matters as "approved" or as requiring a hearing.

[Added; effective September 2, 2014.]

Rule 4.14. Approved matters.

(a) Any matter designated as "approved" on the list described in Rule 4.13 may be heard without an appearance by the parties and/or their counsel. In order to be approved, the following shall be strictly observed:

(1) All petitions must be verified.

(2) The petitions filed must be without objection.

(3) Death certificates, where applicable, must be attached to the initial petition as an exhibit.

(4) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(b) The original proposed order, together with any copies to be conformed, shall be delivered to the probate commissioner not later than 4:00 p.m. on Tuesday of the week the matter is to be heard. For failure to comply with this rule, the probate commissioner may, in the probate commissioner's discretion, continue the hearing for 1 week from the noticed hearing date or vacate the hearing to enable compliance with this rule.

(c) Proof of service through an affidavit of mailing or certificate of mailing must be filed contemporaneously or immediately after the actual mailing has taken place. All proof of service and proof of publication must be filed no later than 12:00 p.m. on the Thursday of the week the matter is to be heard.

(d) At the time of the hearing, the probate commissioner shall read the docket of all cases and matters scheduled for hearing that have been designated as "approved" and inquire as to whether there are any persons present wishing to object to such approved matters. If no objections are so made, the probate commissioner will recommend approval to the probate judge without further hearing on such matters. If, however, any person appears and indicates a desire to contest or object to the relief requested, the probate commissioner may take the following actions:

(1) If the petitioning party and such party's counsel are not present, the probate commissioner will ordinarily continue the matter to the next appropriate probate calendar date, if necessary, to allow all interested parties to be noticed of the objection. The probate commissioner may also direct the objecting or contesting party to file a written objection to the petition prior to the continued hearing date and may thereupon grant or otherwise act upon the petition if such written objection is not so timely filed.

(2) If the petitioning party or his or her counsel is present, the probate commissioner may elect to hear the matter at such time to determine whether the matter is the proper subject of objection, whether the matter may in fact be ruled on at such time, or whether a continuance of the matter is appropriate. Subject to the provisions of Rule 4.08, the probate commissioner may, as appropriate, thereupon hear the matter, continue the matter, impose a briefing schedule, set a discovery schedule as set forth under Rule 4.17, direct the parties to a settlement conference as set forth under Rule 4.19, and/or otherwise process the matter.

[Amended; effective September 2, 2014.]

Rule 4.16. Contested matters. At the time of the hearing, the probate commissioner shall consider the matters set to be heard. The probate commissioner may, as appropriate, hear the matter, continue the matter, impose a briefing schedule, set a discovery schedule as set forth under Rule 4.17, direct the parties to a settlement conference as set forth under Rule 4.19, and/or otherwise process the matter.

[Amended; effective September 2, 2014.]

Rule 4.17. Discovery in contested/litigated matters.

(a) In contested matters before the probate commissioner involving disputed issues of material fact, the probate commissioner shall set an evidentiary hearing date and a discovery schedule after receiving input from the attorneys for the parties and any unrepresented parties. Such settings shall be made at the time of the hearing on the initial petition commencing the litigation or at the request of any party thereto. In matters that have been transferred to the probate judge pursuant to Rule 4.08, the probate judge may set the hearing date and a discovery schedule under this rule on its own initiative or at the request of any party.

(b) The probate commissioner or the probate judge may, as appropriate, limit the time to:

(1) Complete discovery obligations;
(2) Join other parties and to amend the pleadings; and
(3) File and hear dispositive motions.

(c) The probate commissioner or the probate judge, where appropriate, may set any additional deadlines provided for under NRCP 16 and 16.1 as deemed necessary or appropriate based on the nature and scope of the contested issues to be determined at the evidentiary hearing.

[Added; effective September 2, 2014.]

Rule 4.18. Discovery disputes.

(a) In contested matters before the probate commissioner, all discovery disputes must first be heard by the probate commissioner, his or her designee, or a special master approved by the parties, unless otherwise ordered by the probate judge.

(1) Upon reasonable notice, the probate commissioner may direct the parties to appear for a conference with the probate commissioner concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the probate commissioner. Counsel may not stipulate to vacate or continue a conference without the probate commissioner's consent.

(2) The probate commissioner may shorten or extend any of the times provided for in Rule 2.20 on any discovery motion.

(3) Discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A conference requires either a personal or telephone conference between or among counsel as provided in Rule 2.34. Moving counsel must set forth in the affidavit what attempts to resolve the discovery dispute were made, what was resolved and what was not resolved, and the reasons therefor. If a personal or telephone conference was not possible, the affidavit shall set forth the reasons. If the responding counsel fails to answer the discovery, the affidavit shall set forth what good faith attempts were made to obtain compliance. If, after request, responding counsel fails to participate in good faith in the conference or to answer the discovery, the court may require such counsel to pay to any other party the reasonable expenses, including attorney fees, caused by the failure. When a party is not represented by counsel, the party shall comply with this rule.

(4) The probate commissioner may stay any disputed discovery proceeding pending resolution by the probate judge.

(5) Following the hearing of any discovery motion, the probate commissioner must prepare and file a report with a recommendation for the court's order in accordance with Rule 4.05. Within 10 judicial days after being served with a copy of the report, any party may file with the clerk of court and serve on the other parties a written request for judicial review of the matter by the probate judge in accordance with Rule 4.06.

(6) Papers or other materials submitted for the probate commissioner's in camera inspection must be accompanied by a captioned cover sheet complying with Rule 7.20 which indicates that it is being submitted in camera. All in camera submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. If the in camera materials consist of documents, counsel must provide to the probate commissioner an envelope of sufficient size into which the in camera papers can be sealed without being folded.

(b) In contested matters before the probate judge, all discovery disputes must first be heard by the discovery commissioner, and the parties shall resolve such disputes in accordance with Rule 2.34 unless otherwise ordered.

[Added; effective September 2, 2014.]

Rule 4.19. Settlement conferences. At the request of any party or on the court's own motion, the probate judge or the probate commissioner may direct the parties to participate in a settlement conference in the manner set forth under Rule 2.51.

[Added; effective September 2, 2014.]

Rule 4.20. Continuances.

(a) For good cause, the probate commissioner has the discretion to vacate or continue matters.

(b) At the call of the calendar, if a matter is not ready for hearing or approved, it may be continued from week to week for not more than 4 weeks. After the fourth continuance, it will be ordered off calendar unless a motion for further continuance is granted by the court. If a continuance is requested, the probate commissioner must be notified not later than 4:00 p.m. on Wednesday of the week the matter is to be heard. A later request will be considered only by the court upon a showing of good cause.

(c) At the call of the calendar, if objection or exception is taken to any matter on the approved list, and petitioner or petitioner's counsel is not present, the court shall continue the matter and provide notice thereof to petitioner or petitioner's counsel in any case wherein the court may effect a substantial change in the relief prayed for unless the probate commissioner determines that the objection is not meritorious or otherwise not grounded in applicable law.

(d) If an objecting party fails to file a written objection to a matter set for hearing or files and serves a written objection to a petition later than 4:00 p.m. on the Wednesday of the week the matter is to be heard, the non-objecting party may, as a matter of right, request to continue the matter for 1 week to allow the non-objecting party to file a written response to the objection. If a continuance is requested in the manner so provided herein, the probate commissioner must grant such continuance unless it would be manifestly unjust to do so.

[Amended; effective September 2, 2014.]

Rule 4.30. Consolidation/coordination with the lowest number.

(a) Whenever it appears that two or more petitions with different numbers have been filed with reference to the same probate or trust matter, the court may on its own motion consolidate, or in its discretion coordinate, all of the matters with the matter bearing the lowest number.

(b) Where a complete consolidation of proceedings is ordered, the clerk, unless otherwise ordered by the court, must file such consolidated proceeding and all subsequent papers relating thereto under the number assigned to the case which was filed first.

[Amended; effective September 2, 2014.]

Rule 4.40. Petitions for probate of wills and/or codicils.

(a) When a petition for probate of a will and/or a codicil is filed and the original of the instrument being offered for probate is not already lodged with the clerk of the court, it must be lodged concurrently with the filing of the petition. If the instrument is holographic, a typewritten copy of the instrument must also accompany the petition. The caption must clearly indicate the nature of the petition filed; *e.g.*, Petition for Probate of Will and for Issuance of Letters Testamentary; Petition for Probate of Will and for Issuance of Letters of Administration with the Will Annexed; Petition for Letters of Administration.

(b) In addition to lodging the original instrument with the clerk of the court, copies of any documents offered for probate must be attached to the petition for examination by the probate commissioner.

[Amended; effective September 2, 2014.]

Rule 4.41. Notice of Related Cases.

(a) In any probate action any party, or counsel for any party, who is on notice that an action on file or about to be filed is related to another action on file (including any active or inactive civil, criminal, domestic, probate, or bankruptcy action filed in any state or federal court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case number, and court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(b) An action may be considered to be related to another action when:

(1) Both actions involve the same party or parties and are based on the same or similar claim; and/or

(2) Both actions involve the same property, transaction, or event.

[Added; effective March 12, 2015.]

Rule 4.50. Contents of probate orders. All orders or decrees in probate or trust matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the petition. Probate or trust orders should be so drawn that their general effect may be determined without reference to the petition on which they are based. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court, except that the name, address, and signature of the submitting attorney must appear on all orders below the judge's signature line.

[Amended; effective September 2, 2014.]

PART V. FAMILY DIVISION MATTERS; GUARDIANSHIPS

5.100 Organization of the family court and these rules

Rule 5.101. Scope of rules.

(a) The family division, with the approval of the Supreme Court, has the inherent power to prescribe rules and policies for the conduct of proceedings in the family division.

(b) Unless otherwise ordered, the rules in Part V govern the practice and procedure in all matters heard in the family division, including claims normally heard in another division of the district court.

(c) Juvenile cases, reciprocal support act cases, support cases prosecuted by a public agency, and other cases may be governed by procedures required by the Nevada Revised Statutes, federal law, or other rules or statutes. Any objection to a report and recommendation of a hearing master shall be heard under these rules and in accordance with the departmental assignment procedure.

[Added; effective January 27, 2017.]

Rule 5.102. General terms and definitions.

(a) Affidavit. Unless the context indicates otherwise, "affidavit" includes an affidavit, a sworn declaration, and an unsworn declaration under penalty of perjury.

(b) Calendar day. A "calendar day" is a 24-hour period from 12:00 a.m. to 11:59 p.m., regardless of the day of the week it falls or whether the courts are open on that day.

(c) Child custody proceeding. A "child custody proceeding" is any proceeding in which legal custody, physical custody, or visitation with respect to a minor child is an issue.

(d) Close of discovery. Unless otherwise ordered by the court, or otherwise required by another rule or statute, the expression "close of discovery" or references to a date by which discovery is due refers to the date by which discovery is to be completed, not the date on which it is to be requested.

(e) Domestic violence orders. A "domestic violence order" is a temporary protective order (TPO) or extended order of protection (EOP) issued by either a hearing master subject to the approval of a district court judge or directly by a district court judge.

(f) Family division matters. A "family division matter" is any matter heard in the family division.

(g) Judge or court. Unless the context indicates otherwise, the term "judge" or "court" means the presiding judicial officer, whether a district court judge, hearing master, commissioner, or similar presiding officer.

(h) Judicial day. A "judicial day" is defined in NRCP 6 and, as used in these rules, is the period from 12:00 a.m. to 11:59 p.m. on one day that is not a Saturday, a Sunday, or a nonjudicial day. A rule requiring some act to follow the passage of a judicial day requires the passage of one such judicial day after the filing or other action from which time is computed, not the passage of 24 hours from that filing or other action.

(i) Order. Unless the context indicates otherwise, "order" includes any disposition, decree, judgment, injunction, etc., issued by a court and filed by the clerk.

(j) Party. Unless the context indicates otherwise, "a party" means a party personally, if unrepresented, or that party's counsel of record, if represented.

(k) Pleadings, papers, and filings. "Pleadings" are the documents listed in NRCP 7(a). "Papers" are the documents listed in NRCP 7(b). Unless the context indicates otherwise, "filings" are papers filed in an action.

(l) Sanctions. Unless the context indicates otherwise, "sanctions" includes:

(1) Sums payable as the court directs;

(2) An award of attorney fees and costs to the opposing party; and

(3) Procedural or substantive orders, such as dismissal, default, or other order.

(m) Service. Unless the context indicates otherwise, "service" means the providing of documents to a party in accordance with the statutes, rules, and court orders relevant to them. "Personal service" has the meaning described in NRCP 5. Nothing in these rules permits service of a document by any means not provided for service of that document by other statute, rule, or court order. Unless the context indicates otherwise, "service" means the initiation of service by depositing papers into the mail, transmitting electronically, etc., not the receipt of the service.

[Added; effective January 27, 2017.]

Rule 5.103. Departmental assignment procedure.

(a) "Same Parties" shall be found when: (1) the same two persons are parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family division, regardless of their respective party designation (e.g., plaintiff or defendant; applicant or respondent; joint petitioner, etc.); or (2) a child involved in the case is also involved in any other pending case or was involved in any other previously decided case in the family division.

(b) Upon the filing of any action, the clerk's office shall utilize the information provided on the Mandatory Family Court Cover Sheet to search the parties' and child(ren)'s names to determine whether prior cases involving the same parties exist and assign cases pursuant to this rule.

(c) Pursuant to the mandates of NRS 3.025(3), any and all new cases involving the same parties shall be assigned to the same judicial department in the following manner:

(1) If no prior case involving the same parties exists, then the case will be randomly assigned.

(2) If one or more prior cases involving the same parties has previously been filed, the new case shall be assigned to the judicial department assigned to the earlier-filed case.

(3) The following exceptions shall apply:

(A) Cases filed pursuant to NRS Chapter 62 shall be directly assigned to the juvenile delinquency judicial department.

(B) Cases filed pursuant to NRS Chapter 432B shall continue to be directly assigned to the juvenile dependency judicial department since these cases do not involve the "same parties" (the state having filed a complaint against one or both of the parties on behalf of the children).

(C) Cases filed pursuant to NRS Chapter 159 relating to adult guardianship actions shall be initially assigned to the judicial department(s) handling guardianship cases and thereafter assigned in accordance with the portion of these rules governing guardianship case management.

(d) Cases filed pursuant to NRS Chapter 130 and/or Chapter 425 shall be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. The hearings shall continue to be scheduled before the family support masters. Any objections to report and recommendations or other hearings required to be held before a district court will be heard by the assigned judicial department.

(e) Applications for temporary protective orders will be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. Hearings shall be scheduled before the domestic violence hearing masters unless otherwise ordered. Any objections or hearings required to be held before a district court judge will be heard by the assigned judicial department.

(f) Notwithstanding the provisions of this rule, if any judicial department takes an action on a case, including, but not limited to, signing an order or holding a hearing (except uncontested family division matters), then that case (and any existing cases involving the same parties) shall be assigned to the judicial department that took such action.

(g) A timely peremptory challenge filed in any department not regularly presided over by a single judicial officer shall be construed as a disqualification of the department and cause for reassignment to another department of the family division.

(h) Conflicts regarding judicial department assignments pursuant to this rule shall be resolved by way of minute order by the presiding judge or the chief judge consistent with the mandates of NRS 3.025(3).

[Added; effective January 27, 2017.]

Rule 5.104. Simultaneous proceedings.

(a) If a new case is filed by a defendant or respondent in a case prior to that party filing a responsive pleading in the earlier-filed case, the complaint or petition in the new case will be treated as a responsive pleading in the earlier-filed case for certain purposes:

(1) The new case filing will be treated as the filing of a responsive pleading preventing the entry of default.

(2) Any requests for relief in the new case will be treated as a counterclaim in the earlier-filed case.

(3) An answer or other responsive pleading should nevertheless be filed in the earlier-filed case, along with any additional papers filed in the new case, but no additional filing fee will be required for such an answer or other filing.

(b) The court hearing the earlier-filed case shall dismiss the new case. Any papers filed in the new case may be refiled by either party in the earlier-filed case.

[Added; effective January 27, 2017.]

Rule 5.105. Domestic violence hearing masters.

(a) The family division may appoint one or more full-time or part-time masters and alternates to serve as domestic violence hearing masters.

(b) Interim orders signed by the domestic violence hearing master are deemed orders that are effective upon issuance subject to approval by the assigned district court judge.

(c) A domestic violence hearing master has the authority to:

(1) Review applications for temporary and extended protection orders against domestic violence.

(2) Recommend the issuance, extension, modification, or dissolving of protection orders against domestic violence under NRS 33.017 to NRS 33.100.

(3) Schedule and hold contempt hearings for alleged violations of temporary and extended protection orders; recommend a finding of contempt; and recommend the appropriate sanction or penalty.

(4) Recommend a sanction or penalty upon a finding of contempt in the presence of the court.

(5) Perform other duties as directed by the assigned district court judge.

[Added; effective January 27, 2017.]

Rule 5.106. Family mediation center (FMC) mediators.

(a) FMC mediators shall have the following minimum qualifications:

(1) Law degree or master's degree in psychology, social work, marriage and family therapy, counseling, or related behavioral science;

(2) Sixty hours child custody and divorce mediation training, including a minimum of four hours of domestic violence training, sponsored by the Association of Family and Conciliation Courts or approved by the Academy of Family Mediators; and

(3) Three years' experience in the domestic relations arena conducting child custody mediation.

(b) FMC mediators must complete 15 hours of continuing education each calendar year. The areas of training may include, but are not limited to, the following: mediation models, theory, and techniques; the nature of conflict and its resolution; family law; the legal process, and case law relevant to the performance of mediation; substance abuse; recent research applicable to the profession; family life cycles, such as divorce, family reorganization, and remarriage; child development; crisis intervention; interviewing skills; domestic violence, including child abuse, spousal abuse, and child neglect, and the possibility of danger in the mediation session; parent

education; sensitivity to individual, gender, racial, and cultural diversity and socioeconomic status; family systems theory; the development of parenting plans, parental alienation, and the role of parenting plans in the family's transition.

(c) FMC mediators shall adhere to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association, and Society of Professionals in Dispute Resolution.

(d) FMC mediators shall attend such other courses, obtain such other qualifications, or complete such other training as the presiding judge may require.

[Added; effective January 27, 2017.]

Rule 5.107. Court appointed special advocate (CASA) services and protocols.

(a) The court in a juvenile matter may appoint a court appointed special advocate (CASA) for any minor child, may specify the services to be provided, and may continue or reschedule proceedings as necessary to accommodate CASA services. When an advocate is appointed, the CASA office shall supervise the advocate's activities.

(b) A referral for CASA services of any case involving allegations of domestic violence must include an order that the CASA office implement its domestic violence protocol.

(c) Subject to available resources, the CASA office shall address juvenile services and family services.

(1) Juvenile services shall focus on the permanency planning needs of minor children who have been declared to be wards of the State of Nevada and adults involved with those children, ascertaining the children's concerns, desires, and needs with regard to issues before the court.

(2) Family services shall focus on the best interest of minor children who are the subject of a custody dispute and adults involved with those children and on ascertaining the children's concerns, desires, and needs with regard to the issues before the court.

(d) The CASA office may formulate guidelines, procedures, and policies relevant to the scope of services offered by CASA, subject to approval by the family division.

[Added; effective January 27, 2017.]

5.200 Court practice and procedure generally; attorneys and proper person litigants

Rule 5.201. Filing of case required before application for judicial order. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein. This rule does not apply to family division matters seeking issuance of a temporary protective order, an order to seal record, an order allowing an indigent to file a complaint or another initial pleading without payment of fees, or as otherwise provided herein or by other rule, statute, or court order.

[Added; effective January 27, 2017.]

Rule 5.202. Access to sealed files. An attorney, or an agent of an attorney, shall be entitled to access, review, and order copies of portions of sealed files by court order or upon presentation of a notarized statement of permission for such access by a party. The permission of access shall be maintained as part of the confidential case file.

[Added; effective January 27, 2017.]

Rule 5.203. Pick up of reports, tests, etc.

(a) An agent of an attorney shall be entitled to pick up lab tests, evaluations, and other documents that the attorney is entitled to pick up, upon presentation of a signed authorization to pick up papers on the attorney's behalf. Such an authorization shall provide in substantially the following form:

> Please allow my agent,_____, to pick up documents, records, or other papers being held for me by the court. I understand that I have the same responsibility for the items picked up as if I did so personally.
>
> /ss/, _____
> [Name of authorizing counsel and bar number]

(b) Unless otherwise ordered, no party may personally pick up lab tests, evaluations, or other documents that are not to be copied or disseminated. Parties in proper person are entitled to read such documents in the courtroom or chambers or at such other place designated by the court.

[Added; effective January 27, 2017.]

Rule 5.204. Resolution of parent-child issues before trial of other issues. Unless otherwise directed by the court, all contested child custody proceedings must be submitted to the court for resolution prior to trial of, or entry of an order resolving, the remaining issues in an action.

[Added; effective January 27, 2017.]

Rule 5.205. Exhibits to motions and other filings.

(a) Unless otherwise required by another rule, statute, or court order, this rule applies to exhibits filed in support of a motion or other paper.

(b) All papers filed as exhibits shall be produced in discovery and Bate-stamped or otherwise identified by page number at the bottom right corner.

(c) Exhibits must be preceded by a sheet with the identification "Exhibit ___."

(d) Collective exhibits to a filing must be filed as a separate appendix, including a table of contents identifying each exhibit.

(e) Oversized exhibits that cannot be reduced to 8.5 inches by 11 inches without destroying legibility, and any other exhibits that cannot be e-filed and are filed and served conventionally, must be identified in the exhibit list or table of contents, noting that they have been separately filed and served.

(f) Unless otherwise required by another rule or statute, the following should not be made exhibits:

(1) Documents of record in a Clark County family division matter;

(2) Cases;

(3) Statutes;

(4) Other legal authority; or

(5) Confidential court documents or other documents as to which there is any prohibition or restriction on copying or dissemination.

(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

[Added; effective January 27, 2017.]

Rule 5.206. Filing and service of papers.

(a) E-filed papers shall be accepted upon transmission subject to subsequent rejection by the clerk. The presiding judge must approve in advance any basis or grounds used by the clerk for rejection of filings. Upon receipt during the court's regular business hours of an e-filed paper calling for the assignment of hearing dates or other administrative actions, those actions shall be performed forthwith or provided by the clerk, subject to cancellation if the document is subsequently rejected for filing. If the paper is received at times outside the court's regular business hours, those actions shall be performed or provided as soon as the court is next open during regular business hours.

(b) A copy of any papers filed must be served on all other parties to an action, in accordance with the Nevada Rules of Civil Procedure, the Nevada Electronic Filing and Conversion Rules, the Eighth Judicial District Electronic Filing and Service Rules, and these rules, within 3 calendar days of submission for filing.

(c) If, after serving copies as provided in section (b), the filing party receives a hearing time not contained in the original service, the filing party must serve a notice of hearing on all other parties to the action, in accordance with the Nevada Rules of Civil Procedure and these rules, within 3 calendar days of receiving the hearing time.

(d) If another rule, statute, or court order directs a pleading, paper, or filing to be served by some other method or on some other schedule, or permits a filing *ex parte*, then section (b) of this rule does not apply.

[Added; effective January 27, 2017.]

Rule 5.207. Summary disposition and uncontested matters.

(a) Unless a hearing is required by statute or by the court, any uncontested, stipulated, or resolved matter may be submitted to the court for consideration without a hearing.

(b) Any child custody proceeding not referencing a written custody and visitation agreement shall require an affidavit by the moving party reciting:

(1) The date the parties separated.

(2) With whom the child has lived during the preceding 6 months.

(3) The contact the child has had with both parents in the past 6 months.

(4) The proposed custody and visitation schedule for the other party and the child, including specific reasons, if any, why visitation should be denied, restricted, or supervised, with all necessary specifics of whatever contact is requested.

(c) An affidavit to corroborate residency shall state the address of the affiant and how long the affiant has been a resident of this state, how the affiant is acquainted with the party whose residency is being corroborated, the total length of time the affiant knows that the party has resided in this state, that the affiant can verify of the affiant's personal knowledge that the party is a resident of this state, and the basis of the affiant's personal knowledge.

(d) An uncontested family division matter may be heard on any day and time that the assigned judge is hearing uncontested matters. Unless otherwise ordered, a request that the court hear an uncontested case must be made to the clerk not later than 3 judicial days before the day on which the case is to be heard, and all relevant papers must be filed with the clerk at or before the time the request for the uncontested setting is made. If the judge who was to hear an uncontested case is absent at the time set for that hearing, the case may be heard by any other judge.

[Added; effective January 27, 2017.]

Rule 5.208. Amended pleadings.

(a) An amended pleading must be refiled, complete in itself, including exhibits, without cross-reference to a superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) A motion to amend a pleading must specify the changes between the original and proposed amended pleading and include a copy of the proposed amended pleading.

(c) If the referenced exhibits to a pleading have been separately filed as provided by these rules, the amended pleading may refer to the same separately filed collective exhibits.

(d) The title of any amended pleading shall denote whether it is the first, second, third, etc., amended pleading.

[Added; effective January 27, 2017.]

Rule 5.209. Withdrawal of attorney in limited services ("unbundled services") contract.

(a) An attorney who contracts with a client to limit the scope of representation shall:

(1) State that limitation in the first paragraph of the first paper or pleading filed on behalf of that client; and

(2) Notify the court of that limitation at the beginning of each hearing in which the attorney appears for that client.

(b) Unless otherwise ordered by the court, to withdraw from representation of a client in limited services, an attorney shall:

(1) File a Notice of Withdrawal of Attorney specifying the limited services that were to be completed, reciting that those services were completed, and identifying either the name of successor counsel or the address and telephone number of the client in proper person. The attorney must serve a copy of the notice upon the client and all other parties to the action.

(2) Complete all services required by the court before filing a Notice of Withdrawal.

(3) Specify, in the withdrawal, at what point in time or proceeding the opposing party may directly contact the party represented by the withdrawing attorney.

(c) Except by specific order of court, no counsel shall be permitted to withdraw within 21 days prior to a scheduled trial or evidentiary hearing.

(d) Any notice of withdrawal that is filed without compliance with this rule shall be ineffective for any purpose.

[Added; effective January 27, 2017.]

5.300 Children, parents, and experts

Rule 5.301. Minor children; exposure to court proceedings. All lawyers and litigants possessing knowledge of matters being heard by the family division are prohibited from:

(a) Discussing issues, proceedings, pleadings, or papers on file with the court with any minor child;

(b) Allowing any minor child to review any such proceedings, pleadings, or papers or the record of the proceedings before the court, whether in the form of transcripts, audio or video recordings, or otherwise;

(c) Leaving such materials in a place where it is likely or foreseeable that any minor child will access those materials; or

(d) Knowingly permitting any other person to do any of the things enumerated in this rule, without the written consent of the parties or the permission of the court.

[Added; effective January 27, 2017.]

Rule 5.302. Seminar for separating parents.

(a) All parties to a child custody proceeding shall complete the seminar for separating parents approved by the family division of the court.

(b) The seminar shall be completed and a certificate of completion shall be filed within 45 days of service of the initial complaint or petition.

(c) No action shall proceed to final hearing or order until there has been compliance with this rule; provided, however, that noncompliance by a parent who enters no appearance shall not delay the final hearing or order. The court may take appropriate action to compel compliance with this rule.

(d) If the parties have resolved child custody issues or for other good cause shown, the court may waive the requirement of compliance with this rule in individual cases.

(e) The court reserves jurisdiction to order the parties to complete the seminar during any post-judgment child custody proceedings, even if it was waived during the initial case.

[Added; effective January 27, 2017.]

Rule 5.303. Mandatory mediation program.

(a) Generally, pursuant to NRS 3.475, except as otherwise ordered, all parties to a contested child custody proceeding must attend mediation through the Family Mediation Center (FMC) or through a private mediator before the disposition of the custody matter.

(b) Provisions applicable to all mediations.

(1) The court may refer the parties to mediation at any time, at the request of one or both parties or on its own motion.

(2) If a child custody proceeding is pending, the party moving for or requesting custody shall initiate mediation or seek exemption from mediation.

(3) The court may waive mediation in individual cases if there are issues of child abuse or domestic violence involved, if a party lives out of state, or for other good cause shown.

(4) A party may seek exemption from mediation at the case management conference or by motion as early in the case as practicable, asserting a basis for why the case is inappropriate for referral to mediation.

(5) Mediation shall be held in private, and except as otherwise required by other rule, statute, or court order, shall be confidential. Every mediator shall report in writing that the parties successfully mediated a full or partial parenting agreement (providing that agreement to the court), that they reached an impasse, or identify any party who failed to appear or refused to participate.

(6) Counsel of record may attend mediation sessions with their clients unless otherwise ordered.

(7) At the request of a mediating party or that party's counsel of record, any agreement produced by the mediator shall be provided to that counsel.

(8) No mediator shall conduct an evaluation of the parties after mediation or as part of the mediation process. No mediator shall provide recommendations as part of the mediation process.

(c) Provisions applicable to mediations at FMC.

(1) Any outstanding fees to FMC must be paid in full before further FMC services are initiated. Parties meeting minimum income requirements shall receive a fee waiver for mediation services upon verification of benefits. Fees for FMC mediation may be assessed to parties based upon a sliding fee scale.

(2) FMC shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(3) Except as otherwise ordered in an order for mediation, mediation at FMC shall not address or include in any agreement terms for child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

[Added; effective January 27, 2017.]

Rule 5.304. Child interview, outsource evaluation, and court appointed special advocate (CASA) reports.

(a) A written child interview report or outsource evaluation report (including exhibits), prepared by the Family Mediation Center, an outsource evaluator, or a CASA shall be delivered to the judge in chambers. Only the parties, their attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written reports, which are confidential except as provided by rule, statute, or court order. Statements of a child to a CASA may not be viewed without an order of the court.

(b) No copy of a written report, or any part thereof, may be made an exhibit to, or a part of, the open court file except by court order. A written report may be received as evidence of the facts contained therein that are within the personal knowledge of the person who prepared the report.

(c) Every such report shall include on its first page, a prominent notice in substantially the following form:

> DO NOT COPY OR RELEASE THIS REPORT TO ANYONE, INCLUDING ALL PARTIES TO THE ACTION. NEVER DISCLOSE TO OR DISCUSS THE CONTENTS OF THIS REPORT WITH ANY MINOR CHILD.

[Added; effective January 27, 2017.]

Rule 5.305. Expert testimony and reports.

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a therapist, counselor, psychologist, or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties, or pursuant to the procedure prescribed by NRCP 35.

(b) When it appears that an expert medical, psychiatric, or psychological evaluation is necessary for any party or minor child, the parties shall attempt to agree to retention of one expert. Upon request of either party, or on its own initiative, the court may appoint a neutral expert if the parties cannot agree on one expert and make provisions for payment of that expert.

[Added; effective January 27, 2017.]

5.400 Case management conferences (CMC) and early case evaluations (ECE)

Rule 5.401. Pre-CMC/ECE filings and procedure. Each party may file and serve a brief at least 5 calendar days prior to the scheduled proceeding. The brief shall include, if relevant:

(a) A statement of jurisdiction.

(b) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule.

(c) For each issue in the case, a statement of what information, documents, witnesses, and experts are needed.

(d) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action.

(e) Identification of each specific issue preventing immediate global resolution of the case, along with a description of what action is necessary to resolve each issue identified.

(f) A litigation budget.

(g) Proposed trial dates.

[Added; effective January 27, 2017.]

Rule 5.402. CMC/ECE proceedings.

(a) The parties and the court shall address, and if possible resolve, the following, if relevant:

(1) Whether there are any issues as to grounds or jurisdiction.

(2) Custody and visitation relating to any minor child, including any anticipated testimony of a minor child.

(3) Support of any minor child.

(4) Temporary possession and control of property, including residences and vehicles.

(5) Allocation of responsibility for payment of debts.

(6) Payment of temporary spousal support or maintenance.

(7) Any procedural issues present in the action.

(8) A plan for discovery in the action, including any requests to expand or restrict production as called for by the NRCP or these rules.

(9) Whether any or all issues in the case can be immediately settled, resolved, and removed from the field of litigation.

(10) If issues remain in contest, a proposed litigation budget for discovery and litigation of the case.

(b) If that discussion yields partial or full stipulation on issues or terms, they should be recited in the minutes in the form of an order.

(c) For unresolved issues, the court may issue such interim orders as are necessary to keep the peace and allow the case to progress, and may issue directions as to which party will have burdens of going forward, filing motions, and of proof.

(d) The court may set dates for future proceedings, including a proposed trial date.

[Added; effective January 27, 2017.]

5.500 Motions, timing, procedure, hearings, and orders

Rule 5.501. Requirement to attempt resolution.

(a) Except as otherwise provided herein or by other rule, statute, or court order, before any family division matter motion is filed, the movant must attempt to resolve the issues in dispute with the other party.

(b) A party filing a motion in which no attempt was made to resolve the issues in dispute with the other party shall include a statement within the motion of what provision, futility, or impracticability prevented an attempt at resolution in advance of filing.

(c) Failure to comply with this rule may result in imposition of sanctions if the court concludes that the issues would have been resolved if an attempt at resolution had been made before filing.

[Added; effective January 27, 2017.]

Rule 5.502. Motion, opposition, countermotion, and reply submission and setting.

(a) All motions must contain the following notice on the first page directly below the case caption:

> NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

(b) All motions must contain a notice of motion setting the same for hearing on a day when the judge to whom the case is assigned is hearing civil domestic motions and not less than 28 days from the date the motion is filed.

(c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(d) Within 10 days after service of the motion, the opposing party must serve and file a written opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion should be denied. Failure of the opposing party to serve and file a written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same.

(e) An opposition to a motion that contains a motion related to the same subject matter will be considered as a countermotion. A countermotion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(f) A moving party may file a reply memorandum of points and authorities not later than 5 days before the matter is set for hearing. A reply memorandum must not be filed within 5 days of the hearing or in open court unless court approval is first obtained.

(g) A memorandum of points and authorities that consists of bare citations to statutes, rules, or case authority does not comply with this rule, and the court may decline to consider it. Supplemental submissions will only be permitted by order of the court.

(h) If all the civil domestic judges in this district are disqualified from hearing a case, a notice of motion must state: “Please take notice that the undersigned will bring the above motion for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator.”

(i) The first page of each motion, opposition (whether the opposition includes a countermotion), or reply shall include an option for the submitting party to request an oral argument hearing. If the motion, opposition, and/or reply did not request an oral argument hearing, the clerk shall set the matter on the court's chamber calendar; if one or more of those submissions has requested an oral argument hearing, the clerk shall set the matter on the court's hearing calendar.

[Added; effective January 27, 2017.]

Rule 5.503. Motion, opposition, countermotion, and reply content.

(a) Every motion, opposition, countermotion, and reply shall include points and authorities supporting each position asserted. Points and authorities lacking citation to relevant authority, or consisting of bare citations to statutes, rules, or case authority, do not comply with this rule. The absence or deficiency of points and authorities may be construed as an admission that the filing is not meritorious, as cause for its denial, or as a disclaimer of all positions not supported.

(b) Paper size, line spacing, margins, and page numbers. Filings shall comply with EDCR 7.20.

(c) Typeface. Either a proportionally spaced or a monospaced typeface may be used.

(1) A proportionally spaced typeface (e.g., Century Schoolbook, CG Times, Times New Roman, and New Century) must be 14 points or larger. Footnotes must be 12 points or larger.

(2) A monospaced typeface (e.g., Courier and Pica) may not contain more than 10 1/2 characters per inch (e.g., 12-point Courier). Footnotes must be 12 points or larger.

(3) Unrepresented litigants may use elite type, 12 characters per inch, if they lack access to a typewriter with larger characters. Footnotes must be 12 points or larger.

(d) Type styles. A brief must be set in a plain, roman style, although underlining, italics, or boldface may be used for emphasis. Case names must be italicized or underlined.

(e) Length.

(1) Page limitation. Unless permission of the court is obtained, a motion, opposition, or reply shall not exceed 30 pages.

(2) Type-volume limitation. A motion, opposition, or reply is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface and contains no more than 1,300 lines of text.

(3) Computing page and type-volume limitation. Any table of contents, table of authorities, notice of motion, certificate of service, affidavit, and any exhibits do not count toward a filing's page or type-volume limitation. The page or type-volume limitation applies to all other portions of a filing beginning with the statement of facts, including headings, footnotes, and quotations. Pages in a filing preceding the statement of facts should be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of facts should be numbered in Arabic numerals.

(4) A request to exceed page limit or type-volume limitation is disfavored but may be requested within a filing or in a separate filing for that purpose on or before the filing's due date and shall state the reasons for the request and the number of additional pages, words, or lines of text requested. It is the responsibility of the submitting party to conform to the formatting rules.

[Added; effective January 27, 2017.]

Rule 5.504. Proposed orders. Parties may supply proposed orders to the court and opposing party at least 3 days prior to the hearing. Proposed orders may include such findings, conclusions, and orders as the submitting party believes relevant to each point in dispute in the proceedings. Unless otherwise directed by the court, a party may supply an editable electronic copy of a proposed order to the court's law clerk concurrently with the submission of the proposed order. The presiding judge shall direct what format is acceptable for such editable submissions, or make other administrative directions relating to proposed orders.

[Added; effective January 27, 2017.]

Rule 5.505. Affidavits relating to motions. Unless otherwise required by another rule, statute, or court order, affidavits relating to motions, oppositions, countermotions, replies, or other papers may incorporate all factual averments by reference in substantially the following form:

> I have read the foregoing _____, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

[Added; effective January 27, 2017.]

Rule 5.506. Financial disclosure required for motions involving money. Unless otherwise ordered by the court, or otherwise required by another rule or statute:

(a) A General Financial Disclosure Form (GFDF) must be filed in support of any motion or countermotion that includes a request to establish or modify child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

(b) A GFDF must be filed in support of any opposition to a motion or countermotion described in section (a).

(c) All financial disclosures must be filed on the form(s) specified by the Nevada Rules of Civil Procedure.

(d) A financial disclosure must be filed within 2 judicial days of the filing of the motion, countermotion, or opposition it supports, and may only be filed in open court with leave of the judge upon a showing of excusable delay.

(e) Every GFDF filing shall include copies of the filing party's 3 most recent paycheck stubs (or equivalent).

(f) An assertion within a motion, opposition, or countermotion that there has been no change in a financial disclosure filed within the preceding 6 months satisfies this rule.

(g) The court may construe any motion, opposition, or countermotion not supported by a timely, complete, and accurate financial disclosure as admitting that the positions asserted are not meritorious and cause for entry of orders adverse to those positions, and as a basis for imposing sanctions.

(h) In paternity matters, or postjudgment family division matters, only the case information, household, and income and expense sections of the GFDF need be completed. For good cause shown, the court may require a party to complete the remaining portions of the GFDF.

(i) For good cause shown, the court may require a party to file a Detailed Financial Disclosure Form (DFDF).

[Added; effective January 27, 2017.]

Rule 5.507. Schedule of arrearages required for motions seeking arrearages in periodic payments. A motion alleging the existence of arrears in payment of periodic child support, spousal support, or other periodic payment shall be accompanied by a

separately filed schedule showing the date and amount of each payment due, and the date and amount of any payments received. The schedule may include a calculation of interest, any applicable penalties, and an explanation of how those sums were calculated, following a declaration in substantially the following form:

> Under penalty of perjury, pursuant to the best information known and available to me, the following schedule accurately sets out the dates and amounts of periodic payments due pursuant to a lawful court order, the dates and amounts of all payments received, and the principal, interest, and penalties due.
>
> I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.
>
> EXECUTED this ____ day of _____, 20___.
>
> _____
> [Name of party or attorney filing the schedule]

[Added; effective January 27, 2017.]

Rule 5.508. Supplements relating to motions.

(a) Supplements to motions, oppositions, countermotions, or replies must be filed at least 1 judicial day prior to the hearing.

(b) A supplement must pertain to the subject matter of an existing filing, and reference the subject matter and filing to which it relates.

(c) Upon the request of any party or for good cause shown, the filing of a supplement may be found by the court as grounds for any or all of:

(1) Continuance of a hearing, with or without issuance of temporary orders;

(2) An award of fees in favor of a party not filing the supplement; or

(3) An order striking the supplement; and direction that the subject matter of the filing be addressed in a separate motion.

[Added; effective January 27, 2017.]

Rule 5.509. Motions and procedure for orders to show cause.

(a) A motion seeking an Order to Show Cause (OSC) for contempt must be accompanied by a detailed affidavit complying with NRS 22.030(2) that identifies the specific provisions, pages and lines of the existing order(s) alleged to have been violated, the acts or omissions constituting the alleged violation, any harm suffered or anticipated, and the need for a contempt ruling, which should be filed and served as any other motion.

(b) The party seeking the OSC shall submit an *ex parte* application for issuance of the OSC to the court, accompanied by a copy of the filed motion for OSC and a copy of the proposed OSC.

(c) Upon review of the motion and application, the court may:

(1) Deny the motion and vacate the hearing;

(2) Issue the requested OSC, to be heard at the motion hearing;

(3) Reset the motion hearing to an earlier or later time; or

(4) Leave the hearing on calendar without issuing the OSC so as to address issues raised in the motion at that time, either resolving them or issuing the OSC at the hearing.

(d) If an OSC is issued in advance of the first hearing, the moving party shall serve it and the application for OSC on the accused contemnor.

(e) At the first hearing after issuance of an OSC, the accused contemnor may be held in contempt, or not, or the court may continue the hearing with directions on the issue. At the first or any subsequent hearing after issuance of an OSC, if the accused contemnor does not appear, a bench warrant may be issued to secure attendance at a future hearing, or other relief may be ordered.

[Added; effective January 27, 2017.]

Rule 5.510. Motions in limine.

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must ordinarily be in writing and must be heard not less than 5 calendar days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known after it is practicable to file a motion in the ordinary course as set forth above, the filing party may seek an order shortening time to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing. The court may refuse to sign any such order shortening time or to consider any such oral motion.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties. If a personal or telephone conference was not possible, the motion shall set forth the reasons.

[Added; effective January 27, 2017.]

Rule 5.511. Extensions of time relating to motions.

(a) Immediately below the title of any motion or stipulation for extension of time to file any opposition or reply, there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension.

(b) The parties may by agreement extend the time within which an opposition or reply must be filed, so long as any scheduled hearing is unaffected, or is continued if it would be affected, and so long as all filings relating to the hearing are filed at least 5 judicial days before the scheduled hearing.

(c) A party may file a motion for an extension of time to file an opposition or reply. Such a motion must explain why it could not be obtained by stipulation and be supported by affidavit.

(d) Except as otherwise provided by other rule, statute, or court order, an *ex parte* motion to extend the time for filing an opposition or reply will not ordinarily be granted. An order granting such a motion may extend the time for filing the subject opposition or reply, or may suspend the due date of that opposition or reply for such period as is required to enable the moving party to apply for a further extension by stipulation or by noticed motion, and may shorten the time until the hearing of such a noticed motion.

[Added; effective January 27, 2017.]

Rule 5.512. Reconsideration and/or rehearing of motions.

(a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief within 14 calendar days after service of notice of entry of the order unless the time is shortened or enlarged by order. A motion for reconsideration does not toll the period for filing a notice of appeal.

(b) If a motion for reconsideration and/or rehearing is granted, the court may make a final disposition without hearing, may set it for hearing or resubmission, or may make such other orders as are deemed appropriate under the circumstances.

[Added; effective January 27, 2017.]

Rule 5.513. Orders shortening time for a hearing.

(a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening time for a hearing.

(b) An *ex parte* motion to shorten time must explain the need to shorten the time. Such a motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.

(d) An order shortening time must be served on all parties promptly. An order that shortens the notice of a hearing to less than 10 calendar days may not be served by mail. In no event may a motion be heard less than 1 judicial day after the order shortening time is filed and served.

(e) Should the court shorten the time for the hearing of a motion, the court may direct that the subject matter of any countermotion be addressed at the accelerated time, at the original hearing time, or at some other time.

[Added; effective January 27, 2017.]

Rule 5.514. Stipulations and motions to continue or vacate a hearing [5.27].

(a) Generally.

(1) Hearings may not be removed from the calendar by calling the clerk's office or the judge's chambers.

(2) An unfiled written stipulation and order to continue a hearing signed by both parties may be submitted to chambers prior to the time of hearing by hand delivery, facsimile, or e-mail. The court may remove the hearing from the calendar or require the parties to appear and put the stipulation on the record. If the hearing is removed from the calendar, the court will set a new hearing upon receipt of the original stipulation and order.

(3) Immediately below the title of any motion or stipulation to continue a hearing there shall also be included a statement indicating whether it is the first, second, third, etc., requested continuance of a hearing.

(b) The parties may file a stipulation to vacate the hearing of a motion, which the clerk will remove from the calendar. The parties may not stipulate to remove a trial or evidentiary hearing without also obtaining court approval by order.

(c) A party may file an *ex parte* motion to continue a hearing, explaining why it could not be obtained by stipulation. Such a motion must be supported by affidavit. The court may:

(1) Grant or deny the motion; or

(2) Require that notice be given to all other parties if it had not already been given, and entertain a summary written response to the request or conduct a telephonic conference within a time to be specified by the court of not less than 1 judicial day.

[Added; effective January 27, 2017.]

Rule 5.515. Courtesy copies. Unless otherwise directed by the court:

(a) Any papers filed within 3 calendar days of a hearing shall be courtesy copied to the court.

(b) Courtesy copies may be delivered either by physical delivery of paper copies to the departmental dropbox or by e-mail to the law clerk for the department. If the papers total more than 40 pages, the courtesy copy shall be by physical delivery of paper copies, unless the court otherwise directs.

(c) Any photographs contained in exhibits that are e-filed should be courtesy copied to the court in advance of the hearing.

[Added; effective January 27, 2017.]

Rule 5.516. Attendance at hearings.

(a) As provided by rule, statute, or court order, an unrepresented party and counsel for a represented party must appear at the time set for the hearing of any family division matter, personally, or by telephonic or audiovisual equipment.

(b) Even if represented by counsel, a party must attend a hearing if required by rule, statute, or court order, and at: case management conferences; contempt hearings directed against that party; returns from mediation; and hearings on preliminary motions relating to custody, child, or spousal support; temporary possession of a residence and protective orders, unless otherwise directed by the court.

[Added; effective January 27, 2017.]

Rule 5.517. Joint preliminary injunction (JPI).

(a) Upon the request of any party at any time prior to the entry of a decree of divorce or final judgment, a preliminary injunction will be issued by the clerk against the parties to the action enjoining them and their officers, agents, servants, employees, or a person in active concert or participation with them from:

(1) Transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common, or community property of the parties or any property that is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel for the case in which the JPI is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of:

(A) Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or

(B) Any insurance coverage, including life, health, automobile, and disability coverage;

without the written consent of the parties or the permission of the court.

(2) Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party, or any child, stepchild, other relative, or family pet of the parties.

(3) Relocating any child of the parties under the jurisdiction of the State of Nevada from the state without the prior written consent of all parties with custodial rights or the permission of the court.

(b) Unless otherwise ordered, the clerk will affix the electronic signature of the presiding judge upon issuance of a JPI on the court's form JPI and enter it as an order of the court; any alternative language must be approved by the assigned judge.

(c) The JPI is automatically effective against the party requesting it at the time it is issued and effective upon all other parties upon service. Service of the JPI will be construed as satisfying all requirements for notice of entry of the JPI. The JPI shall be treated as a

court order and is enforceable by all remedies provided by law, including contempt.

(d) Once issued, the JPI will remain in effect until a decree of divorce or final judgment is entered or until modified or dissolved by the court.

[Added; effective January 27, 2017.]

Rule 5.518. Domestic violence protection orders (TPO and EOP).

(a) Generally.

(1) The statutory evidentiary standard of "to the satisfaction of the court" shall be construed as equivalent to a reasonable cause or probable cause standard by a court considering an application for issuance of a temporary protection order (TPO) or extended order of protection (EOP).

(2) An application requesting a protection order must be based upon an affidavit setting forth specific facts within the affiant's personal knowledge establishing good cause for the order.

(3) The court may take steps to verify the written information provided by the applicant, including whether a Child Protective Services case involving any party is or has been opened, and whether any party has been or is a party to any other proceeding involving domestic violence.

(4) The court may direct representatives of Child Protective Services or other agencies to attend a protection order hearing by subpoena or court order.

(5) The court may permit any person deemed appropriate to be present during a protective order proceeding in the interests of justice notwithstanding the demand by a party that the proceeding be private.

(6) The applicant may be ordered to pay all costs and fees incurred by the adverse party if by clear and convincing evidence it is proven that the applicant knowingly filed a false or intentionally misleading affidavit.

(b) Temporary orders. Any TPO issued pursuant to NRS 33.020(5) must be set for hearing within one week of issuance.

(c) Extended orders.

(1) An adverse party must be served with the TPO and application for the extension of a TPO at least 1 judicial day prior to the scheduled hearing.

(2) If the application for an EOP contains a request for financial relief, the applicant must submit financial information on such a form as the court deems necessary.

(3) No EOP may be renewed beyond the statutory maximum period nor may a new EOP be granted based upon the filing of a new application that does not contain a new and distinct factual basis for the issuance of a protective order.

(4) Orders on related matters made in conjunction with extension of a TPO remain in effect for the life of the EOP unless modified by the hearing master or a district court judge hearing the TPO case or another family division case relating to the same parties.

(d) Proceedings in relation with other family division matters.

(1) If both a TPO case and another family division case relating to the same parties have been filed, the hearing master must bring all TPO cases to the attention of the district court judge before taking any action. Unless the district court judge orders otherwise:

(A) If a motion is filed in the other family division case before the TPO was granted and an extension hearing is set in the TPO court, the extension hearing will be set before the district court judge.

(B) If a motion is filed in the other family division case after the TPO was granted and an extension or dissolution hearing is set in the TPO court, the extension hearing will proceed and the hearing master may make such interim orders on extension of the TPO and any related issues at the extension hearing.

(2) Unless otherwise ordered by the district court judge, once a motion in another family division case relating to the same parties has been filed, all subsequent protection order filings and related issues will be heard by the district court judge both before and after final determination of the other family division case, so long as that other case remains open, and will be heard in the TPO court once the other case is closed.

(e) Objections to recommendations of hearing master.

(1) Interim orders, modifications or dissolutions, and recommendations pursuant to decision by a hearing master remain in full force and effect unless altered by order of the assigned district court judge irrespective of the filing of any post-decision motion or objection.

(2) A party may object to a hearing master's recommendation, in whole or in part, by filing a written objection within 14 calendar days after the decision in the matter; if the objecting party was not present at the hearing, the objection period begins upon service of the order on that party.

(3) A copy of the objection must be served on the other party. If the other party's address is confidential, service may be made on the protection order office for service on the other party.

(f) A district court judge may accept, reject, or modify any recommendation of a hearing master.

[Added; effective January 27, 2017.]

Rule 5.519. Other temporary restraining orders and preliminary injunctions.

(a) Generally.

(1) This rule governs all requests for temporary restraining orders and preliminary injunctions, except for those relating to temporary exclusive possession of a residence, domestic violence, or joint preliminary injunctions.

(2) A party may file an *ex parte* motion for a temporary restraining order, a noticed motion for a preliminary injunction, or both.

(3) A motion for a temporary restraining order or preliminary injunction must be supported by affidavit.

(4) Every temporary restraining order and preliminary injunction shall state with specificity the reasons for its issuance and the act or acts sought to be restrained, without reference to other documents.

(5) Every temporary restraining order and preliminary injunction is binding on the parties to the action, their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of the order or injunction.

(6) Every temporary restraining order and preliminary injunction shall specify when it and all filings in support of its issuance must be served on the adverse party and specify the time for filing of the adverse party's opposition and supporting filings.

(b) Proceedings relating to *ex parte* temporary restraining orders.

(1) An *ex parte* motion for a restraining order granting temporary relief in a family division matter not more specifically governed by another rule will be considered only in cases of emergency and must detail the efforts, if any, made to give notice to the adverse party or the reasons, if any, that such notice should not be required.

(2) Every *ex parte* temporary restraining order shall note when it was approved by the court and shall be filed by the clerk's office forthwith.

(3) Every *ex parte* temporary restraining order shall state the date and time it will expire, not to exceed 30 days after its issuance, unless extended by either further court order or by a filed, written consent by the party against whom the order is directed. The reasons for any extension shall be recited in such order or consent.

(4) Every *ex parte* temporary restraining order shall contain an order setting the hearing on a preliminary injunction on the same subject matter as soon as is practicable.

(c) Proceedings relating to preliminary injunctions.

(1) If, at the preliminary injunction hearing set by a temporary restraining order, the party who obtained the temporary restraining order does not proceed with the application for the injunction, the court shall dissolve the temporary restraining order.

(2) A party affected by a temporary restraining order may file a motion to dissolve or modify it on 14 calendar days' notice to the party who obtained the restraining order.

(d) Any evidence received upon an application for a preliminary injunction that would be admissible at any family division hearing becomes part of the record and need not be repeated at a later hearing.

[Added; effective January 27, 2017.]

Rule 5.520. Issuance of decisions.

(a) Once a trial, motion, or other proceeding is completed, the court may request additional information or documentation, draft a dispositional order, or render a decision and designate a party to prepare the necessary documents for the court's review and signature. In the absence of any specific direction, the moving party (or plaintiff, for final dispositions) should draft the documents.

(b) Counsel for the parties must provide such orders, provisions, and documents as are necessary to achieve distribution or finalization of all interests at issue in the proceedings or specify on the record when, how, and by whom that distribution or finalization is to be achieved.

(c) The court may issue an order to show cause for failure of a party to prepare and submit the necessary documents as directed within the time allotted by the court. Upon submission, the court may sign the proposed documents, return them to the preparer with instructions for revision, or take such other actions as are necessary to obtain a complete written disposition of the matter.

(d) Parties may waive notice of entry. The court may elect to provide written notice of entry.

[Added; effective January 27, 2017.]

Rule 5.521. Countersignatures and direct submission of orders.

(a) Unless otherwise ordered, when the court directs that the order from a hearing be prepared by counsel, drafting counsel shall have 10 calendar days to draft the proposed order and request the countersignature of opposing counsel as to its form and content.

(b) Unless otherwise ordered, if unable to obtain the countersignature of opposing counsel within 10 calendar days, drafting counsel may directly submit the proposed order to the court, accompanied by an explanation of the attempts made to obtain countersignature in substantially the following form:

(1) Enclosed please find our proposed Order from the _____, hearing. Despite attempts to prepare a countersigned *Order*, we were unable to obtain a countersignature.

On [date], we sent our proposed order to opposing counsel for review; we received no response. Despite a reminder letter on [date], opposing counsel has not responded. We have attached the relevant correspondence.

Having reviewed the court minutes and the hearing recording, we believe the attached proposed *Order* complies with this court's orders and so submit it without the signature of opposing counsel.

Or:

(2) Enclosed please find our proposed Order from the _____, hearing. Despite attempts to prepare a countersigned *Order*, we were unable to reach agreement with opposing counsel. We have attached the relevant correspondence. Having reviewed the court minutes and the hearing recording, we believe the attached proposed *Order* complies with this court's orders and so submit it without the signature of opposing counsel.

(c) If counsel are unable to agree on the form and content of a proposed order, and drafting counsel directly submits a proposed order, opposing counsel may submit a proposed alternative form of order, accompanied by a brief explanation of the reason for the disagreement and the distinction between the proposed orders in substantially the following form:

> Opposing counsel has submitted a proposed *Order* from the _____, hearing. Having reviewed the court minutes and the hearing recording, we believe our attached proposed *Order* is more accurate than that of opposing counsel and have included the time indexes for the court's convenience.

(d) Unless otherwise ordered, the 10-day period specified in EDCR 7.21 shall be considered to begin the day after the end of the 10-day period drafting counsel has to prepare the proposed order and request the countersignature of opposing counsel under this rule.

[Added; effective January 27, 2017.]

Rule 5.522. Construction of orders requiring payment of money. Unless otherwise specified, any order calling for the payment of a sum from a party to any other person or entity shall be construed as having been reduced to judgment and made collectible by all lawful means.

[Added; effective January 27, 2017.]

Rule 5.523. Settlement conferences.

(a) At the request of any party or on its own motion, the court may order the parties to participate in a settlement conference.

(b) Unless otherwise ordered by the settlement judge, at least 24 hours before any scheduled settlement conference, each party must submit to the settlement judge a confidential settlement conference brief that is no more than 5 pages in length and addresses each of the following issues:

(1) A brief factual statement regarding the matter;

(2) The procedural posture of the case, including any scheduled trial dates;

(3) The strengths and weaknesses of each parties' claims;

(4) The settlement negotiations that have transpired and whether the parties have engaged in any prior mediations or settlement conferences and the identity of the mediator or prior settlement judge;

(5) The dates and amounts of any demands and offers and their expiration date(s);

(6) Any requirements of a settlement agreement other than a release of all claims for the matter and a dismissal of all claims;

(7) Any unusual legal issues in the matter;

(8) The identity of the individual with full settlement authority who will be attending the settlement conference on behalf of the party; and

(9) Any insurance coverage issues that might affect the resolution of the matter.

(c) The confidential settlement briefs are not to be made part of the regular or confidential court file or otherwise provided to the court hearing the matter, directly or indirectly.

(d) If settlement is reached, the memorialization of settled terms shall be promptly reduced to writing and signed, or placed on the record pursuant to EDCR 7.50.

(e) To the degree practicable, these provisions are to be utilized by senior settlement judges, settlement masters, or other persons performing the function of facilitating mediation and settlement.

[Added; effective January 27, 2017.]

Rule 5.524. Meetings of counsel before calendar call or final pretrial conference; pretrial memorandum.

(a) Prior to or at any calendar call, or at least 5 calendar days before trial or any evidentiary hearing if there is no calendar call, the designated trial attorneys for all parties shall meet to arrive at stipulations and agreements, for the purpose of simplifying the issues to be tried, and exchange final lists of exhibits and the names and addresses of all witnesses (including experts) to be actually called or used at trial. No new exhibits or witnesses are to be added, although previously disclosed witnesses or exhibits may be eliminated, unless otherwise ordered.

(b) Except as otherwise ordered, each party must prepare a pretrial memorandum that must be filed and served on all other parties not less than 10 calendar days before the calendar call, or 10 days before the hearing if there is no calendar call. Unless otherwise ordered, the pretrial memorandum must concisely state:

(1) A brief statement of the facts of the case, including:

(A) The names and ages of the parties.

(B) The date of the marriage.

(C) Whether any issues have been resolved and the details of the resolution.

(D) The names, birth dates, and ages of any children.

(2) If child custody is unresolved, proposed provisions for custody and visitation.

(3) If child support is unresolved, the amount of support requested and the factors that the court should consider in awarding support.

(4) If spousal support is unresolved, the form, amount, and duration requested and the factors that the court should consider in awarding support.

(5) A brief statement of contested legal and factual issues regarding the distribution of property and debts.

(6) If a request is being made for attorney fees and costs, the amount of the fees and costs incurred to date.

(7) Any proposed amendments to the pleadings.

(8) A list of all exhibits, including exhibits that may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party.

(9) A list of the names and addresses of all witnesses (including experts), other than a resident witness, that each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court precluding the party from calling that witness.

(10) If any requests involving money are at issue, a financial disclosure in accordance with these rules.

(11) A list of substantial property, all secured and unsecured indebtedness, and the proposed disposition of assets and liabilities in a format substantially complying with court rules or any asset and debt schedule forms provided by the court.

(12) Any other matter that counsel desires to bring to the attention of the court at calendar call.

[Added; effective January 27, 2017.]

Rule 5.525. Dismissal and closing of cases; reactivation procedure.

(a) A family case that has been pending for more than 6 months and in which no action has been taken for more than 3 months may be dismissed on the court's own initiative without prejudice.

(b) A case shall be designated closed by the clerk of the court if:

(1) There has been no substantial activity in the case within 31 days of the notice of entry of decree or judgment;

(2) There has been no substantial activity in a postdispositional case within 31 days of notice of entry of a final order;

(3) There has been an involuntary dismissal without prejudice as set forth in these rules or the Nevada Rules of Civil Procedure; or

(4) Upon order of the court.

(c) Written notice of entry of a dismissal or order of the court pursuant to this rule must be given to each party who has appeared in the action. Placing a copy of a notice in the attorney's folder maintained in the office of the clerk of the court constitutes notice to that attorney.

(d) A family division case that has been dismissed pursuant to this rule will be reactivated at the written request of a party if the request is filed within 30 days of service of written notice of entry of the dismissal.

[Added; effective January 27, 2017.]

Rule 5.526. Filing fee to reopen cases. A completed fee information sheet shall be filed and the current statutory fee payable to the county clerk shall be paid upon the filing of any motion or other paper that seeks to: reopen a case; modify or adjust a final order that was issued pursuant to NRS Chapters 125, 125B, or 125C; or file an answer or response to such a motion or other paper. No such fee or information sheet is required for motions for reconsideration or for a new trial or motions filed solely to adjust the amount of child support in a final order.

[Added; effective January 27, 2017.]

5.600 Discovery

Rule 5.601. Discovery documents; Bate stamps.

(a) Every document produced in discovery should be identified with a unique identifier, signifying the party that produced it and its sequential order of production (e.g., "Plaintiff 0123," or for party John Smith, "JS0123"). Every party using that document in that case should continue to use the identifier given to it upon production.

(b) Unique identifying numbers should normally be printed at the lower right corner of the document, unless that is not practicable, in which case it can be printed elsewhere on the document.

[Added; effective January 27, 2017.]

Rule 5.602. Discovery disputes, conferences, motions, stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery hearing master.

(b) Upon reasonable notice, the discovery hearing master may direct the parties to appear for a conference with the hearing master concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the hearing master. Counsel may not stipulate to vacate or continue a conference without the hearing master's consent.

(c) The hearing master may shorten or extend any of the times for any discovery motion.

(d) A discovery motion must set forth that after a discovery dispute conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties; if a personal or telephone conference was not possible, the motion shall set forth the reasons. Such a motion must be supported by affidavit.

(e) If the responding party failed to answer discovery, the motion shall set forth what good-faith attempts were made to obtain compliance. If, after request, the responding party fails to participate in good faith in the conference or to answer the discovery, the court may require such party to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.

(f) The hearing master may stay any disputed discovery proceeding pending resolution by the judge.

(g) Following the hearing of any discovery motion, the hearing master must prepare and file a report with a recommendation for the court's order. The hearing master may direct counsel to prepare the hearing master's report, including findings and recommendations. The clerk of the court or the discovery hearing master designee shall forthwith serve a copy of the report on all parties. The report is deemed received 5 calendar days after the clerk of the court or discovery hearing master designee places a copy in the attorney's folder in the clerk's office or 5 calendar days after mailing to a party or the party's attorney. Within 7 calendar days after being served with a copy, any party may serve and file specific written objections to the recommendations with a courtesy copy delivered to the office of the discovery hearing master. Failure to file a timely objection may result in an automatic affirmance of the recommendation. All time periods set forth in this rule are inclusive of the 3 days provided by EDCR 8.06(a) and NRCP 6(e) (i.e., 2 or 4 days, plus 3 days after service).

(h) Papers or other materials submitted for the discovery hearing master's *in camera* inspection must be accompanied by a captioned cover sheet complying with Rule 7.20 that indicates it is being submitted *in camera*. All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. If the *in camera* materials consist of documents, counsel must provide to the hearing master an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.

[Added; effective January 27, 2017.]

Rule 5.701. Guardianship calendars. Subject to change by order of the presiding judge, the guardianship calendar will be heard every Wednesday at 9:00 a.m. If a legal holiday falls on a Wednesday the guardianship calendar for that week will be heard at such time as set by the guardianship judge or judges.

[Amended; effective January 27, 2017.]

Rule 5.702. Approved guardianship matters.

(a) The supervising guardianship judge(s) shall prepare an approved list each week of guardianship matters which can be heard without further testimony or appearance.

(b) In order to be on the approved list, the following must be strictly observed:

(1) All petitions must be verified.

(2) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(3) Where a blocked account is requested in lieu of a bond or in conjunction with a bond, the petition must set forth with particularity the personal property of the estate that shall be blocked from access together with the personal property, if any, that will be covered by the bond.

(4) The original order to be signed by the judge, together with any copies to be conformed, must be delivered to the guardianship commissioner not later than 5:00 p.m. on Friday the week before the matter is to be heard. Without a showing to the court of good cause, proposed orders not submitted within the time provided for in this rule will, upon the noticed Wednesday, be continued for 1 week, or longer at the request of counsel, to enable compliance.

[Amended; effective January 27, 2017.]

Rule 5.703. Contested guardianship matters. The guardianship judge may hear whichever contested matters the judge shall select, and schedule them at the convenience of the judge's calendar. All other contested matters will be assigned to a trial judge serving in the family division on a random basis. The assigned judge may, upon resolution of the contested matter, return the case to the guardianship calendar, or continue with the case if further contested matters are expected.

[Amended; effective January 27, 2017.]

Rule 5.704. Continuances.

(a) At the call of the calendar, if a matter is not ready for hearing or approved, it may be continued from week to week for not more than 3 weeks. After the third continuance, it will be ordered off calendar unless a motion for further continuance is granted by the court. If a continuance is requested, the guardianship judge must be notified not later than 5:00 p.m. on Friday the week before the matter is to be heard. A later request will be considered by the court only upon a showing of good cause.

(b) When a petition for guardianship is called for hearing, and any person appears and orally declares a desire to file a written objection, the court will continue the hearing with the understanding that if an objection is not actually on file at the new hearing date, the hearing will proceed.

(c) At the call of the calendar, if objection is taken to any matter on the approved list, and petitioner or petitioner's counsel is not present, the court may continue the matter to allow the filing of written objections and the giving of notice thereof to petitioner. Such

continuance must be made, and petitioner or petitioner's counsel notified, in any case in which the court proposes to effect a substantial change in the relief prayed for.

[Amended; effective January 27, 2017.]

Rule 5.705. Consolidations with the lowest number.

(a) Whenever it appears that two or more guardianship petitions with different numbers have been filed with reference to the same proposed ward or wards, the court may on its own motion consolidate all of the matters with the matter bearing the lowest number, unless the court specifically determines a higher case number shall be the surviving case.

(b) Where a complete consolidation of proceedings is ordered, the clerk, unless otherwise ordered by the court, must file such consolidated proceeding and all subsequent papers relating thereto under the number assigned to the case which the judge designates as the surviving case.

[Amended; effective August 21, 2000.]

Rule 5.706. Additional guardianship bond. It is the duty of a guardianship representative and/or counsel, if counsel becomes aware of facts causing the need therefor, to petition the court for an ex parte order increasing the bond to the total appraised value of personal property on hand plus 1 year's estimated annual income from real and personal property. In any accounting where a bond has been posted, there must be included therein a separate paragraph setting forth the total bond(s) posted, the appraised value of personal property on hand plus the estimated annual income from real and personal property and a statement of any additional bond thereby required.

Rule 5.707. Contents of guardianship orders. All orders or decrees in guardianship matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the petition. Guardianship orders should be so drawn that their general effect may be determined without reference to the petition on which they are based. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court. The name, address and signature of the submitting attorney must appear on all orders.

Rule 5.708. Content of guardianship accounting.

(a) All accounts filed in guardianship proceedings, including trust accounts, must contain a summary or recapitulation showing:

(1) Amount of appraisement, if first account. If subsequent account, amount chargeable from prior account.

(2) Amount of receipts excluding capital items.

(3) Gains on sales or other disposition of assets, if any.

(4) Amount of disbursements.

(5) Losses on sales or other disposition of assets, if any.

(6) Amount of property on hand.

(b) An accounting may be rejected by the court if a recapitulation is not submitted with the accounting. If an accounting is rejected, it must be amended and the appropriate notice of hearing submitted to the court.

[Amended; effective August 21, 2000.]

Rule 5.709. Guardianship case management.

(a) The presiding judge shall reassign guardianship cases and related domestic cases in an effort to provide consistency as follows.

(1) If a guardianship case involves a minor:

(A) and is over the person, the case shall be reassigned, upon coming on calendar, to the department to which any prior dissolution of marriage or child custody case has been assigned;

(B) and is over the estate, the case shall remain assigned to the guardianship judge;

(C) and is over the person and the estate, the case shall be reassigned, upon coming on calendar, to the department to which any prior dissolution of marriage or child custody case has been assigned if the estate is in summary administration or the size of the estate is or will likely remain below $5,000.00. Otherwise, the case shall remain assigned to the guardianship judge.

(2) If a guardianship case involves an adult:

(A) and is over the person, estate, or person and estate, the case shall remain assigned to the guardianship judge unless there is a pre-existing actively litigated domestic case involving the proposed ward or ward. If there is a pre-existing actively litigated domestic case, the guardianship shall be reassigned to the department to which the actively litigated domestic case has been assigned;

(i) At the conclusion of a domestic case, the guardianship case shall be reassigned from the department to the guardianship judge.

(B) and is over the person, estate, or person and estate, the case shall remain assigned to the guardianship judge if the guardianship pre-existed the filing of the domestic case. The domestic case that is filed subsequent to the guardianship, unless good cause is shown, will be assigned or reassigned to the guardianship judge.

(3) This rule does not affect the filing of peremptory challenges.

[Added; effective August 21, 2000.]

Rule 5.710. Ex parte petition of minor. If both parents are known to the petitioner, and paternity has been determined or a custodial arrangement has been made by a court order, both parents must consent in writing to the guardianship. If either parent fails to consent in writing to the guardianship, then a citation must be issued and the matter set for hearing.

[Added; effective August 21, 2000.]

PART VI. JURY COMMISSIONER

Rule 6.01. Designation of jury commissioner. Pursuant to the provisions of NRS 6.045, the court must designate a jury commissioner. The jury commissioner is directly responsible to the district court through the district court administrator.

Rule 6.10. Jury sources. In locating qualified jurors within Clark County as required by NRS 6.045, the jury commissioner must utilize the list of licensed drivers as provided by the State of Nevada Department of Motor Vehicles and Public Safety and such other lists as may be authorized by the chief judge.

Rule 6.30. Notice to court administrator of prospective juror's failure to appear. If any prospective juror summoned fails to appear, the jury commissioner must immediately notify the court administrator of that person's failure to appear and the department

to which that person was assigned.

Rule 6.32. Trial juror's period of service. Each person lawfully summoned as a trial juror must serve for a period established by the court.

Rule 6.40. Duty of jury commissioner on appearance of prospective jurors. When prospective jurors appear before the jury commissioner pursuant to summons, the jury commissioner must assign prospective jurors to each department of the court as the jury commissioner and the court administrator deem necessary.

Rule 6.42. Reassignment of prospective jurors. Prospective jurors assigned for service in a department of the court whose services subsequently are not required must return to the jury commissioner for possible further assignment on that day.

Rule 6.44. Completion of trial juror's duties. When a trial juror has completed the juror's duties in the department to which the juror was assigned, the district judge must direct the juror to return to the jury commissioner.

Rule 6.50. Court administrator may excuse jurors. A person summoned for jury service may be excused by the court administrator because of major continuing health problems, full-time student status, child care problems or severe economic hardship.

Rule 6.70. Limitation and construction of Part VI. Part VI must be limited to trial juries and jurors, and must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

PART VII. GENERAL PROVISIONS

Rule 7.01. Scope of rules. Unless otherwise stated, the rules in Part VII are applicable to all actions and proceedings commenced in the Eighth Judicial District Court.

Rule 7.02. Drop box filing.

(a) Papers eligible for filing. Except as otherwise provided in Rule 2.02, all papers and pleadings which conform to these rules may be filed in the drop box located in the courthouse, with the exception of filings which require the payment of filing fees. Filings which require the payment of filing fees must be made directly with the County Clerk's Office.

(b) Procedure. Papers may be filed in the drop box during all hours the courthouse is open. Papers must be date and time stamped prior to being placed in the drop box. Drop box filings shall be deemed filed as of the date and time noted on the paper or pleading. If a drop box filing has not been date and time stamped, the paper or pleading shall be deemed filed at the time it is date and time stamped by the County Clerk.

[Added; effective December 21, 1999; amended; effective July 29, 2011.]

Rule 7.03. Service in attorney folders in Clerk's Office.

(a) Minute orders. The placement into an attorney of record's folder in the Clerk's Office of a copy of a Minute Order prepared by a courtroom clerk shall constitute valid service of said Minute Order.

(b) Judicial documents. The placement into an attorney of record's folder in the Clerk's Office of any judicial document, including but not limited to, Findings of Fact, Conclusions of Law, Judgments, Decisions, and Orders, shall not constitute formal notice of entry of order or judgment, which shall be prepared and processed by the prevailing party's counsel.

[Added; effective March 18, 2011.]

Rule 7.10. Applications to other than assigned judge.

(a) Except as provided in these rules or in an emergency, no judge except the judge having charge of the cause or proceeding may enter any order therein. If the matter is of an emergency nature and both the judge to whom the case is assigned and the judge's designee are absent or otherwise unavailable, applications must be made to the chief judge, or in a case assigned to the family division, the presiding judge.

(b) When any district judge has begun a trial or hearing of any cause, proceeding or motion, or made any ruling, order or decision therein, no other judge may do any act or thing in or about such cause, proceeding or motion, unless upon the request of the judge who has begun the trial or hearing of such cause, proceeding or motion.

(c) Any order of an absent judge which is signed by another judge must conform to the minutes of the court. In such case, the order will be deemed to be the order of the original judge making the ruling, order or decision, rather than the judge signing the same.

(d) When an order of an emergency nature is entered by the chief or presiding judge or an order of an absent judge assigned on the judge's behalf, it may be enforced or reconsidered by the judge to whom the case is assigned.

(e) Any order of a senior judge or visiting judge may be enforced or modified by any other senior or visiting judge.

Rule 7.12. Multiple application prohibited. When an application or a petition for any writ or order shall have been made to a judge and is pending or has been denied by such judge, the same application, petition or motion may not again be made to the same or another district judge, except in accordance with any applicable statute and upon the consent in writing of the judge to whom the application, petition or motion was first made.

Rule 7.14. Applications for orders in chambers. Notwithstanding any other provision of these rules, an application for an order to a judge in chambers may be made by an attorney. Litigants in proper person, "runners," and friends or employees of litigants must leave proposed orders with the clerk of the court or in the court's lock box. All proposed orders must be promptly delivered by the clerk to the appropriate judge in chambers.

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 × 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 original papers shall be stamped ORIGINAL, centered 1/2 to 5/8 inches from the top edge of the paper.

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 office of the Clerk of the Court), the name, Nevada State Bar identification number, address, 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, 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 a proper person party does not have a fax number, and/or e-mail address he or she 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
ATTORNEY FOR:

(2) The title of the court shall appear at the center of the page at line 5 or lower below the information required by paragraph (1), as follows:

DISTRICT COURT
CLARK COUNTY, NEVADA

(3) Below the title of the court shall appear in the space to the left of center, line 8 or lower, the name of the action or proceeding, *e.g.*:

JOHN DOE,
Plaintiff,
vs.
RICHARD ROE,
Defendant.

}

(4) In the space to the right of center at line 10, shall appear the case number, the department number and/or letter, and the Docket as follows:

Case No. A 999999
Dept. No. I or A
Docket J

(5) The title of the pleading, motion or other document must be typed or printed center on the page directly below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, *e.g.* Plaintiff’s Motion to Compel Answers to Interrogatories; Defendant’s Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe’s Motion for Summary Judgment against Defendant Roe.

For the convenience of the court and the parties, the same title used on the papers must appear on all calendars at the time of the hearing.

(Example)

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,
Plaintiff,
vs.
RICHARD ROE,
Defendant.

}

Case No. A 000000
Dept. No. II or A
Docket J

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. 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 pleadings or documents furnished by the clerk, the district attorney, the public defender or a self-help center established by the court. If the pleading or document is more than two pages, the pleading or document should use numbered pages and paragraphs.

[Amended; effective November 10, 2014.]

Rule 7.21. Preparation of order, judgment or decree. The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court.

Rule 7.22. Nunc pro tunc orders.

(a) If, through any inadvertence, an order or decree fails to state the order actually made by the court, and such inadvertence is brought to the attention of the court by petition, or on its own motion, the court may make a nunc pro tunc order correcting the mistake.

(b) The nunc pro tunc order must be in the form of an amended order, and must bear the caption "Amended Order of . . . ." The body of the amended order must be identical to the order being changed, except for the change itself, and conclude with the language substantially as follows: "This is a nunc pro tunc order correcting the prior order of . . . dated . . . ."

The form of the amended order must be accompanied by a verified petition, or affidavit of counsel, specifying the change and the reasons therefor. If the order sought to be amended is of many pages in length, the court may consider a document captioned "Amendment to Order of . . . ." which addresses the change alone, together with a sufficient recitation to identify that change, and conclude with language substantially as follows: "This is a nunc pro tunc order correcting the prior order of . . . dated . . . ." The form of amendment to the order must be accompanied by a verified petition, or an affidavit of counsel, specifying the reasons therefor.

(c) The original order is not to be physically changed, but is to be used in connection with the nunc pro tunc order correcting it. To prevent further errors, a complete clause or sentence should be stricken, even if the amendment is intended to correct only one word or a single figure.

Rule 7.23. Designation of papers by parties. Every document presented to a judge for signature, including orders, findings, conclusions and judgments, and every paper presented for filing, must bear the signature, name, office address, electronic mail address, and telephone number of counsel or, if unrepresented, the party presenting or filing the same. This requirement may be met by including the information at the end of the document.

[Amended; effective July 29, 2011.]

Rule 7.24. Filing orders. Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment or decree for any reason, including the nonpayment of attorney's fees.

Rule 7.25. Orders extending time; notice to opposing party. No order, made on ex parte application, granting or extending the time to file any paper or do any act is valid for any purpose in case of objection, unless a copy thereof is served upon the opposing

party not later than the end of the next judicial day.

Rule 7.26. Serving orders and other papers; courtesy copies for the court.

(a) If service of an order or other paper is to be made on a party represented by an attorney, the service must be made on the attorney unless service on the party is ordered by the court. Service on the attorney or on a party must be made by:

(1) delivering a copy or by mailing it to the last known address; or

(2) if no address is known, by leaving it with the clerk of the court; or

(3) facsimile transmission; or

(4) electronic transmission through the Court's electronic filing system if the system provides for electronic service.

(b) Delivery of a copy within this rule means:

(1) by handing it to the attorney or to the party; or

(2) by leaving it at the attorney's or party's office with a clerk or other person in charge thereof; or

(3) if the office is closed or the person to be served has no office, by leaving it at the attorney's or party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein; or

(4) by telephonic facsimile communication device if the attorney maintains such a device at the attorney's office and the device is operating at the time service is made; or

(5) by means of electronic mail when the attorney or party has provided the e-mail address to the court's electronic filing system for that case; or

(6) by United States mail.

(c) Proof of service may be made by:

(1) certificate of an attorney or of the attorney's employee; or

(2) by written admission, affidavit, or other proof satisfactory to the court.

(3) When service is made by facsimile communication and the original order or other paper is filed with the clerk of the court, a copy of a Transmit Confirmation Report or comparable evidence of service must be attached to or included within the filed document. Service by fax after 5:00 p.m. will be deemed delivered on the next judicial day.

(4) When service is made by the court's electronic filing system by e-mail, the e-mail will contain a link to the file stamped document. This e-mail will be sent to the e-mail address of each party being served. All names and e-mail addresses will be listed in the body of the e-mail.

(d) The court administrator shall maintain suitable boxes in an appropriate location for each department of the court in which courtesy copies of motions, affidavits, points and authorities, or other papers may be deposited. Attorneys are requested to leave courtesy copies of any paper filed within 5 days of a hearing at which the paper may be considered. The boxes must also be used to deliver courtesy copies of any other filed material which a party wishes the court to receive in advance of a trial or hearing. Courtesy copies must indicate the date of any hearing to which they pertain.

[Amended; effective April 11, 2006.]

Rule 7.27. Filing of civil trial memoranda. Unless otherwise ordered by the court, an attorney may elect to submit to the court in any civil case, a trial memoranda of points and authorities at any time prior to the close of trial. The original trial memoranda of points and authorities must be filed and a copy of the memoranda must be served upon opposing counsel at the time of or before submission of the memoranda to the court.

[Amended; effective July 29, 2011.]

Rule 7.28. Custody and withdrawal of papers, records and exhibits.

(a) The Clerk of the Court has custody of the records and papers of the court. The clerk may not permit any original record, paper or exhibit to be taken from the court, judge's chambers or from the clerk's office, except at the direction of the court or as provided by statute or these rules.

(b) Papers, records or exhibits belonging to the files of the court may be temporarily withdrawn from the office and custody of the clerk for a limited time upon the special order of the judge, specifying the record, paper or exhibit, and limiting the time the same may be retained. A receipt must be given for any paper, record or exhibit so withdrawn from the files.

(c) Models, diagrams and exhibits of material forming part of the evidence taken in a case may be withdrawn by order of the court in the following manner:

(1) By stipulation of the parties.

(2) By motion made after notice to the adverse party.

(3) After a judgment is final, by the party introducing the same in evidence, unless the model, diagram or exhibit is obtained from the adverse party. If any model, diagram or exhibit is withdrawn under this paragraph, the party or attorney who withdraws it shall file an affidavit with the clerk to the effect that the person who withdraws it is the owner of or lawfully entitled to the possession of the model, diagram or exhibit. Withdrawal of any model, diagram or exhibit must be on court order on such terms and conditions as the court may impose, and a receipt therefor shall be filed with the clerk.

Rule 7.30. Motions to continue trial settings.

(a) Any party may, for good cause, move the court for an order continuing the day set for trial of any cause. A motion for continuance of a trial must be supported by affidavit except where it appears to the court that the moving party did not have the time to prepare an affidavit, in which case counsel for the moving party need only be sworn and orally testify to the same factual matters as required for an affidavit. Counter-affidavits may be used in opposition to the motion.

(b) If a motion for continuance is made on the ground that a witness is or will be absent at the time of trial, the affidavit must state:

(1) The name of the witness, the witness' usual home address, present location, if known, and the length of time that the witness has been absent.

(2) What diligence has been used to procure attendance of the witness or secure the witness' deposition, and the causes of the failure to procure the same.

(3) What the affiant has been informed and believes will be the testimony of the absent witness, and whether the same facts can be proven by witnesses, other than parties to the suit, whose attendance or depositions might have been obtained.

(4) The date the affiant first learned that the attendance or deposition of the absent witness could not be obtained.

(5) That the application is made in good faith and not merely for delay.

(c) Except in criminal matters, if a motion for continuance is filed within 30 days before the date of the trial, the motion must contain a certificate of counsel for the movant that counsel has provided counsel's client with a copy of the motion and supporting

documents. The court will not consider any motion filed in violation of this paragraph and any false certification will result in appropriate sanctions imposed pursuant to Rule 7.60.

(d) No continuance may be granted unless the contents of the affidavit conform to this rule, except where the continuance is applied for in a mining case upon the special ground provided by NRS 16.020.

(e) No amendments or additions to affidavits for continuance will be allowed at the hearing on the motion and the court may grant or deny the motion without further argument.

(f) Trial settings may not be vacated by stipulation, but only by order of the court. The party moving for the continuance of a trial may obtain an order shortening the time for the hearing of the motion for continuance. Except in an emergency, the party requesting a continuance shall give all opposing parties at least 3 days' notice of the time set for hearing the motion. The hearing of the motion shall be set not less than 1 day before the trial.

(g) When application is made to a judge, master or commissioner to postpone a motion, trial or other proceeding, the payment of costs (including but not limited to the expenses incurred by the party) and attorney fees may be imposed as a condition of granting the postponement.

(h) Motions or stipulations to continue a civil trial that also seek extension of discovery dates must comply with Rule 2.35.

[Amended; effective July 2, 2007.]

Rule 7.40. Appearances; substitutions; withdrawal or change of attorney.

(a) When a party has appeared by counsel, the party cannot thereafter appear on the party's own behalf in the case without the consent of the court. Counsel who has appeared for any party must represent that party in the case and shall be recognized by the court and by all parties as having control of the case. The court in its discretion may hear a party in open court although the party is represented by counsel.

(b) Counsel in any case may be changed only:

(1) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, which must be filed with the court and served upon all parties or their attorneys who have appeared in the action, or

(2) When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion, and

(i) If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys, or

(ii) If the application is made by the client, the client must state in the application the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and the telephone number, or last known telephone number, at which the client may be reached and must serve a copy of the application upon the client's attorney and all other parties to the action or their attorneys.

(c) No application for withdrawal or substitution may be granted if a delay of the trial or of the hearing of any other matter in the case would result.

[Amended; effective August 21, 2000.]

Rule 7.42. Appearances in proper person; entry of appearance.

(a) Unless appearing by an attorney regularly admitted to practice law in Nevada and in good standing, no entry of appearance or pleading purporting to be signed by any party to an action may be recognized or given any force or effect by any district court unless the same is signed by the party, with the signer's address and telephone number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit.

(b) A corporation may not appear in proper person.

[As amended; effective October 13, 2005.]

Rule 7.44. Presence of local counsel required.

(a) Unless otherwise allowed by the court, no attorney who is not a resident of Nevada and has not been admitted to the State Bar of Nevada may appear as counsel in any cause pending in this district without the presence of associated Nevada counsel.

(b) If foreign counsel is associated, all pleadings, motions and other papers must be signed by Nevada counsel, who shall be responsible to the court for their content. Nevada counsel must be present during oral arguments and must be responsible to the court for all matters presented.

Rule 7.50. Stipulations to be in writing or to be entered in court minutes. No agreement or stipulation between the parties or their attorneys will be effective unless the same shall, by consent, be entered in the minutes in the form of an order, or unless the same is in writing subscribed by the party against whom the same shall be alleged, or by the party's attorney.

Rule 7.60. Sanctions.

(a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, at the time set for the hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or party of costs, in such amount as the court may fix, to the clerk or to the adverse party.

(2) Payment by the delinquent attorney or party of the reasonable expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.

(4) Any other action it deems appropriate, including, without limitation, imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) Fails to prepare for a presentation.

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

Rule 7.70. Voir dire examination. The judge must conduct the voir dire examination of the jurors. Except as required by Rule 2.68, proposed voir dire questions by the parties or their attorneys must be submitted to the court in chambers not later than 4:00 p.m. on the judicial day before the day the trial begins. Upon request of counsel, the trial judge may permit counsel to supplement the judge's examination by oral and direct questioning of any of the prospective jurors. The scope of such additional questions or supplemental examination must be within reasonable limits prescribed by the trial judge in the judge's sound discretion.

The following areas of inquiry are not properly within the scope of voir dire examination by counsel:

(a) Questions already asked and answered.

(b) Questions touching on anticipated instructions on the law.

(c) Questions touching on the verdict a juror would return when based upon hypothetical facts.

(d) Questions that are in substance arguments of the case.

Rule 7.72. Courtroom conduct and attire. Proceedings in court should be conducted with dignity and decorum. All persons appearing in open court must be properly attired as befits the dignity of the court. All male attorneys must wear full length trousers, coat and tie; female attorneys must wear suitable dresses or pantsuits.

Rule 7.74. Communication with law clerks. No attorney may argue to or attempt to influence a law clerk on the merits of a contested matter pending before the judge or judicial officer to whom that law clerk is assigned.

Rule 7.76. Attorney as surety. No attorney may be accepted as security for costs, or as surety on any appearance, appeal or other bond or surety given in any case in which the attorney is counsel.

Rule 7.80. Court interpreters.

(a) Counsel must notify the court interpreter's office of a request for interpreter not less than 48 hours before the hearing or trial is scheduled. In criminal cases when the defendant has been declared an indigent, and in civil cases when a determination of indigency has been made pursuant to NRS 12.015, there may be no charge for available court interpreters. In all other cases, the party requesting the interpreter must pay any reasonable fees as may be set by the chief judge to the clerk in advance for the services of a court interpreter.

In exceptional cases, the fee schedule may be waived, increased or decreased, at the discretion of the court. When it is necessary to employ interpreters from outside Clark County, actual and necessary expenses shall also be paid by the party requesting the interpreter.

(b) An interpreter qualified for and appointed to a case must appear at all subsequent court proceedings unless relieved as interpreter of record by the court.

[Amended; effective January 17, 2012.]

Rule 7.82. Court reporters not provided. Court reporters are neither provided nor compensated by the court for hearings before commissioners, masters or referees. Any party desiring to have a matter reported must arrange in advance for a certified court reporter at the party's own expense.

Rule 7.85. Transfer of certain cases to district court from justice court under NRS 66.070; grounds for dismissal of action.

(a) The plaintiff must cause the papers in a case certified to this court under the provisions of NRS 66.070 to be filed in the office of the clerk of this court within 15 days from the day upon which the order of the justice of the peace is made directing the transfer of the case.

(b) If the papers are not so filed the case must be dismissed:

(1) Upon filing a certificate from the justice of the peace to the effect that the justice of the peace has certified the papers as required by NRS 66.070, but that the same have not been ordered up, or the proper costs paid; or

(2) If it shall appear that such papers are not filed in this court by reason of the neglect of the plaintiff to pay the fees of the clerk for filing the same.

Rule 7.90. Effective date. These rules take effect January 1, 2001. They govern all proceedings in actions brought after that date and all further proceedings in actions pending on that date, unless in the opinion of the court their application in a particular pending action would not be feasible or would work an injustice, in which event the former procedure applies. The rules of practice for the Eighth Judicial District Court of the State of Nevada approved by the Supreme Court of Nevada on July 1, 1997, are hereby superseded and repealed, effective January 1, 2001.

[As amended; effective January 1, 2001.]

PART VIII. ELECTRONIC FILING AND SERVICE

Rule 8.01. Definitions of words and terms.

(a) "E-Filing System" means the system approved by the Eighth Judicial District Court (hereinafter referred to as "Court") for filing and service of pleadings, motions, and other documents via the Internet through the Court-authorized service provider.

(b) "E-Document" means an electronic document which is usually text created by a computer but an E-Document also includes an image scanned or converted to a graphical or image format.

(c) "E-Filing" means an electronic transmission of documents to and from the Clerk of the Court.

(d) "E-Mail" means a system for sending and receiving messages over a computer network.

(e) "E-Service" means the electronic transmission of an E-Document (or Notification of a Filing) to all designated parties at their electronic mail address via the E-Filing system.

(f) "E-Filer" means a party filing a document with the Court in electronic form.

(g) "Service Provider" means the vendor that is under contract with the Court to provide the E-Filing System that can be accessed through the Internet at an Internet address as determined by the Service Provider.

(h) "Registered User" means a person or firm who has executed a Subscriber Agreement with the service provider and received the system-generated user ID and password.

(i) "Public Access terminals" means a computer provided by the Clerk's Office for a registered user to access the E-Filing System.

[Added; effective April 11, 2006.]

Rule 8.02. Use of the E-Filing System.

(a) Unless otherwise provided in Rule 2.02, the judge to whom a case is assigned may order all parties to file and serve all documents using the E-Filing System in any class action, a consolidated action, or a group of actions, a coordinated action, or an action that is deemed complex under NRCP 16.1(f). Cases may be placed in the E-Filing System at any time after obtaining a case number and the initial filing of the action. The judge to whom the case is assigned also has the discretion of mandating that any particular case be taken out of the E-Filing System at any time.

(b) The Court may electronically file any notice, order, minute order, judgment, or other document prepared by the Court.

(c) A document that the Court or a party files electronically under these rules has the same legal effect as a document filed in paper form.

(d) Filing a document electronically does not alter any filing deadline.

(e) When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or other means, a Court may allow a party to file the document in paper form.

(f) It shall be the responsibility of the participating parties to serve, pursuant to NRCP 5, proper person litigants who cannot register in the E-Filing System.

[Added; effective April 11, 2006; amended; effective July 29, 2011.]

Rule 8.03. Time of filing.

(a) A document that is E-Filed shall be deemed to have been received by the Clerk of the Court on the date and time of its transmittal. If the filing is subsequently accepted by the Clerk, then the document shall have the same file stamped date and time as when it was transmitted.

[Added; effective April 11, 2006.]

Rule 8.04. Services provided by the E-Filing System.

(a) When a document is E-Filed, the Service Provider must promptly confirm the receipt of the filing by E-Mail to the E-Filer or provide a link for the E-Filer to access the confirmation. The confirmation will include the following:

(1) Case Number and Case Caption;
(2) Date and time the Service Provider received the filing (time at the Clark County Clerk's Office);
(3) Document Title;
(4) Document Code;
(5) Service Provider Document Identifier;
(6) Who filed the document; and
(7) The page count as provided by the filer.

(b) The E-Filing System will add the image of the Clerk's file stamp in the appropriate place on the E-Document.

(c) If the document complies with the Court's filing requirements and is accepted by the Clerk, the Service Provider will send an E-Mail to all addresses listed in the Service List for that particular case. This E-Mail will contain the following information:

(1) Case Number and Case Caption;
(2) Date and time the Service Provider received the filing (time at the Clark County Clerk's Office);
(3) Document Title;
(4) Document Code;
(5) Service Provider Document Identifier;
(6) Who filed the document;
(7) Page count as provided by the filer;
(8) A resource locator that provides access to the filed document; and
(9) A list of all E-Mail addresses served as of the date and time of the filing.

[Added; effective April 11, 2006.]

Rule 8.05. Electronic service of pleadings and other documents.

(a) All documents in the E-Filing System will be served through E-Service. Each party who submits an E-Filed document through the E-Filing System consents to electronic service pursuant to NRCP 5(b)(2)(D). An E-Filed document accepted by the Clerk will be electronically served on all parties registered in that case through the E-Filing System.

(b) If the E-Mail message contains notification of the filing, it will contain a resource locator (valid for 60 days from the date of the transmission of the E-Mail message) that will provide access to the E-Document through the Internet for printing or viewing.

(c) The E-Mail message will contain the name and address of all intended recipients of the E-Service notification.

(d) Other than the service of a summons or subpoena, users who register with the electronic filing system are deemed to consent to receive service electronically. A party may also agree to accept electronic service by filing and serving a notice. The notice must include the electronic notification address(es) at which the party agrees to accept service.

(e) Service on nonregistered recipients. The party filing a document must serve nonregistered recipients by traditional means such as mail, express mail, overnight delivery, or facsimile transmission and provide proof of such service to the court.

(f) The parties must file with the clerk a certificate of service, including a service list indicating the parties to be served. Each party shall maintain a service list, indicating which parties are to be served electronically and which parties are to be served in the traditional manner. Each party is responsible for updating their firm's information in the vendor's service list and the accuracy of their own service list through the vendor's system for each case.

(g) The electronic service of a pleading or other document shall be considered as valid and effective service on all participants and shall have the same legal effect as an original paper document.

(h) For purposes of NRCP 5, E-Service does not constitute service by mail.

(i) Proof of Electronic Service must state that the date and time of the electronic service is in place of the date and place of deposit in the mail.

[Added; effective April 11, 2006; amended; effective December 15, 2011.]

Rule 8.06. Service on parties; time to respond or act.

(a) Except as otherwise provided in paragraph (b) of this rule, notwithstanding any prior Order of this Court, whenever a party has the right or is required to do some act or file same within the prescribed response period after the service of a notice or other paper, other than process, and the notice or paper is electronically served upon the party, three (3) calendar days must be added to the prescribed period.

(b) The three (3) calendar days provided for in paragraph (a) of this rule shall not apply to criminal proceedings due to the necessity of getting matters on the calendar as quickly as possible as provided for in EDCR 3.20.

(c) This extension shall not extend the time for filing:
(1) a motion for a new trial;
(2) a motion to vacate judgment pursuant to NRCP 59; or
(3) a notice of appeal.

(d) Electronic service is complete at the time of transmission of the service required by Rule 8.05(a). For the purpose of computing time to respond to documents received via electronic service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of the next opening of the court for business.

[Added; effective April 11, 2006; amended; effective December 15, 2011.]

Rule 8.07. Requirements for signatures on documents.

(a) Every pleading, document, and instrument filed in the E-Filing System shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and State Bar of Nevada number of a signing attorney.

(b) Typographical signatures shall be treated as personal signatures for all purposes under the Nevada Revised Statutes. A typographical signature shall be as follows:

/s/ John L. Smith
JOHN L. SMITH

(c) When a document to be filed electronically requires a signature under penalty of perjury, or the signature of a notary public, the declarant or notary public shall sign a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.

(d) When a document, such as a stipulation, requires the signatures of opposing parties and is to be filed electronically, the party filing the document must first obtain signatures of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically submitted for filing in a format that accurately reproduces the original signatures and contents of the document.

(e) By electronically filing the document, the electronic filer verifies that the signatures are authentic to the best of the filer's knowledge and belief.

(f) A party is not required to use a digital signature on an electronically filed document.

(g) All documents which bear a signature of a judge, hearing master, or commissioner shall be scanned and E-Filed so their original signature will be shown thereon, unless the court provides for electronic signature of electronically issued court documents, in which case that procedure may be followed instead.

[Added; effective April 11, 2006; amended; effective December 15, 2011.]

Rule 8.08. Official Court record.

(a) For documents that have been electronically filed, the electronic version of the document constitutes the official court record, and electronically filed documents have the same force and effect as documents filed by traditional means. For documents that have been scanned and electronically filed, the electronic form of the documents are the official Court record.

[Added; effective April 11, 2006; amended; effective December 15, 2011.]

Rule 8.09. Conventional filing of documents.

(a) Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court.

(1) Documents filed under seal. A motion to file a document under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form.

(2) Exhibits and real objects. Exhibits to declarations that are real objects (i.e., construction materials, core samples, etc.) or other documents (i.e., plans, manuals, etc.), which otherwise may not be comprehensibly viewed in an electronic format, may be filed and served conventionally in paper form.

[Added; effective April 11, 2006.]

Rule 8.10. Technical problems that preclude electronic filing.

(a) Both the Court and the E-Filing Service Provider must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing.

(b) When technical problems with either the Court's system and/or the Service Provider's system preclude the Court from accepting electronic filings on a particular court day, the Court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day.

(c) This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.

[Added; effective April 11, 2006.]

Rule 8.11. Electronic filing providers.

(a) The Court may contract with one or more electronic service providers to furnish and maintain an electronic filing system for the Court.

(b) The Court shall require parties who wish to electronically file documents with the Court to do so by transmitting their documents to such a provider.

(c) The Court's contract with an electronic filing provider may allow the provider to charge electronic filers a reasonable fee in addition to the Court's filing fee, subject to the restrictions set out in Rule 5(i) of the Nevada Electronic Filing Rules. The contract may also allow the electronic filing provider to make other reasonable requirements for use of the electronic filing system.

(d) Any contract between the Court and an electronic filing provider must acknowledge that the Court is the owner of the contents of the filing system and has the exclusive right to control its use.

[Added; effective April 11, 2006; amended; effective December 15, 2011.]

Rule 8.12. Electronic mail addresses. Electronic filers must furnish one or more electronic mail addresses that the Court and the Service Provider will use to send notice of receipt and confirmation of filing.

[Added; effective April 11, 2006.]

Rule 8.13. Payment of filing fees.

(a) The Court may permit the use of credit cards or debit cards for the payment of filing fees associated with electronic filing. A Court may also authorize other methods of payment.

(b) Eligible persons may seek a waiver of Court fees and costs, as provided in NRS 12.015.

[Added; effective April 11, 2006.]

Rule 8.14. Endorsement.

(a) The Court's endorsement of a document electronically filed must contain the following: "Electronically Filed/Date and Time/Name of Clerk."

(b) This endorsement has the same force and effect as a manually affixed endorsement stamp of the Clerk of the Court.

[Added; effective April 11, 2006.]

Rule 8.15. Voluntary E-Filing.

(a) The Clerk may provide a means for attorneys to voluntarily E-File when the Court has not placed a case into the Electronic Filing and Service Program.

(b) This voluntary program may support both E-Filing with the Court and E-Service.

(c) Rules 8.04 and 8.12 are not applicable when using the Voluntary E-Filing program.

(d) If this filing is accepted, the Clerk shall print the document and have it added to the physical file for that case.

[Added; effective April 11, 2006.]

Rule 8.16. Court fees.

(a) Any instrument requiring payment of a filing fee to the Clerk of the District Court can be filed electronically in the same manner as any other E-File document.

(b) If a filing fee is required, the filing party shall immediately send to the Clerk of the District Court, a photocopy of the face sheet of the filing indicating thereon the filing ID#, plus a check for filing fee(s) in the proper amount in accordance with the current Clark County District Court Schedule of Fees.

(c) Statutory filing fees must be tendered to the Clerk immediately following an electronic filing and must in any event be postmarked no later than the next business day following the electronic filing.

(d) If a filing fee is due on any ex parte application, it must be received by the Clerk no later than 24 hours following an electronic filing.

[Added; effective April 11, 2006.]