

CIVIL BENCH TRIAL PROCEDURE

DISTRICT COURT DEPARTMENT 5

Please arrive 15 minutes before trial time for resolution of any pre-trial issues. The trial will begin promptly at the start time given.

Be prepared for trial before the trial begins. We generally have full trial days. Court may start as early as 8:00 am and end as late as 5:00 p.m. The Court will not delay the progress of the trial because counsel is disorganized with witnesses or is unprepared to proceed with closing argument at the end of evidence presentation.

Any motion to continue trial must comply with EDCR 7.30. Trials may not be continued by stipulation. Trials will not be continued for settlement conferences or mediation.

Counsel requesting daily transcripts must notify the Court Recorder, Christine Erickson, at calendar call.

Due to health and safety concerns we are no longer using water pitchers in the Courtroom. Please bring your own bottled water for counsel and witnesses.

Motions in Limine

Under EDCR 2.47, motions in limine must be filed at least 45 days before trial. **The Court may decline to hear motions during trial that should have been brought as Motions in Limine.** Motions must be heard no later than 14 days before trial. The Court disfavors motions in limine requesting the Court and parties to follow Court rules. These motions waste time and resources. The Court will not hear untimely motions or motions without a complete EDCR 2.47(b) affidavit. EDCR 2.47(b) requires an affidavit detailing:

- (1) A personal or telephone conference occurred or an explanation why a conference impossible. Impossible means something more than being unable to reach opposing counsel the day the motions were due. Department 5 requires the 2.47 conference at least one week prior to the filing of motions in limine.
- (2) Attempts made to resolve the matter.
- (3) What was resolved, what was not resolved and the reason counsel could not reach a resolution. Indicating “counsel could not agree” fails to comply with the rule.

Audio-Visual Equipment

The courtroom is equipped with an ELMO and television monitor for attorney use. A request for any other equipment must be submitted to District Court IT at Courthelpdesk@clarkcountycourts.us immediately following calendar call. Any additional equipment brought in by counsel must work in the available Court space without blocking the view of the judge, jury or opposing counsel. If you plan to admit a DVD or audio recording

you must provide a way for the jury to view the exhibit during deliberation. If using laptops or other equipment for trial, please make arrangements with IT to come in early, set up and test equipment. **The Court Recorder and Clerk cannot assist you.** Make sure to have a paper back-up of any PowerPoint slides or other electronic presentations. Trial will not be delayed for equipment failure. You can reach the IT Dept. at CourtHelpDesk@ClarkCountyCourts.us

Exhibits

Exhibits must be submitted to our Court Clerk, Carolyn Jackson, 1 week prior to the trial start date.

- (1) **Preferably, all parties will submit joint exhibits.** Parties need not stipulate to admission of all exhibits. Joint exhibits must be consecutively numbered beginning at 1 regardless of which party is offering the exhibit. Alternatively, the parties may submit plaintiff's exhibits, consecutively numbered beginning at 1, and defendant's exhibits, consecutively lettered, beginning at A. Regardless of the number of parties, only one set of exhibits may be submitted from each side. The Court will not accept both joint and separate exhibits.
- (2) **Counsel must provide the Court three (3) identical copies of exhibits** (one for the Judge, one for the Clerk, and one for the witness) as follows:
 - a) Exhibits must be one-sided, three-hole punched and placed in three-ring binders with dividing tabs. Binders may not be larger than 4 inches. When possible, no single exhibit should be divided between binders. Binders must indicate clearly on the spine the case name, the volume number, and the numbers of the exhibits contained in that binder.
 - b) Exhibits must be tabbed with either consecutive numbers or letters with no subparts – each exhibit should have its own individual number or letter in order.
 - c) All exhibits over ten pages in length must be consecutively numbered in the lower right corner. The numbers must be in at least 14-pt font. The Court strongly encourages consecutive numbering of any exhibit with more than two pages.
- (3) **Exhibits must be accompanied by an exhibit list** (EDCR 2.69(a)(2)). The list must be in a table format with the exhibit number or letter; a description of the exhibit; and columns labeled "Stipulated," "Date Offered," "Objection" and "Date Admitted." The parties must indicate on the list exhibits stipulated as admitted. The Court encourages the parties to agree on admission of exhibits prior to trial when possible, as this streamlines the process for the Court clerk and the jury. A sample form is attached.
- (4) **The Court will not admit only part of an exhibit.** If counsel intends to admit a single page of a larger document, it should be submitted as a separately numbered exhibit.
- (5) **Exhibits that do not comply with these requirements will not be accepted by the Court.**
- (6) **If a party admits any exhibit requiring electronic equipment for viewing** (CDs, DVDs, etc.), that party must provide the necessary equipment for viewing during the bench trial.

Any questions regarding exhibits should be addressed to Carolyn Jackson, Dept. 5's Court Clerk, at JacksonC@ClarkCountyCourts.us. or 671-0696.

Civil Trial Memoranda

The Court encourages every party to a bench trial to submit civil trial memoranda to address factual and legal issues that may arise during the trial as well as any proposed findings of fact and conclusions of law counsel may want to bring to the attention of the Court. Trial memoranda must be filed and served upon opposing counsel at the time of or before submission of the memoranda to the Court pursuant to EDCR 7.27. Electronic courtesy copies are preferred, and may be submitted to the department law clerk at Dept05LC@ClarkCountyCourts.us. Please note this rule was amended in 2011 and no longer allows counsel to provide an unfiled copy to the Court without service to opposing counsel. The Court will not accept any proposed findings of fact except in the form of a civil trial memoranda to avoid ex-parte communications.

Depositions

If counsel intends to use depositions during trial, the original depositions must be submitted to the Court clerk, Carolyn Jackson, prior to the start of trial. If depositions will be read in lieu of live testimony, counsel must provide a reader who is not participating in the trial. Pursuant to NRCPC 32(c), the party offering the deposition must submit to the Court a copy of the deposition with the portions being offered highlighted. Deposition designations must be provided and all objections to designations resolved prior to the start of trial. The Court will set a hearing pursuant to EDCR 2.69(d), if requested by counsel, to resolve any issues regarding depositions before trial begins.

Opening Statements and Closing Arguments

Counsel has the option to submit trial briefs for opening statements and closing arguments, or, present them orally. Prior to trial, counsel should meet and agree to either (1) present both opening statements and closing arguments orally or (2) submit opening statements and closing arguments in written form. Should counsel choose to submit in written form, both sides will be given two weeks to submit their written closing arguments at the conclusion of evidence. If counsel cannot agree on which method they prefer, opening statement and closing arguments will be presented orally.

The parties shall submit their respective Findings of Fact and Conclusions of Law within three (3) Judicial days after conclusion of the bench trial in Word document for the Court's review to the law clerk at dept05LC@clarkcountycourts.us and the JEA at Mosert@clarkcountycourts.us

Witnesses/Conflicts

Please make sure to check availability of your witnesses and any scheduling conflicts for trial before calendar call. Once set at calendar call, trials will not be continued for non-emergency conflicts of witnesses, parties, or attorneys. Known conflicts that require a continuance should be addressed by way of a written motion.

SAMPLE

Case No.: **A123456**

Date: _____

Dept. No.: **V**

Judge: **Veronica Barisich**

Plaintiff(s): **John Doe**

Court Clerk: **Carolyn Jackson**

Recorder: **Christine Erickson**

Counsel for Plaintiff: _____

vs.

Defendant(s): **Jane Doe**

Counsel for Defendant: _____

TRIAL BEFORE THE COURT EXHIBIT(S) LIST

PLAINTIFF'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Email Correspondence from John Doe dated January 6, 2014 (bates JD 0001-0003)			
2	Sales Contract Company, Inc. dated January 10, 2014 (bates JD 0004-00015)			
3	Photograph – Front of commercial building			
4	Photograph – Patio			
5	Photograph – Driver side rear door			
6	Photograph – Driver side rear bumper			