

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO THE RULES OF
PRACTICE FOR THE EIGHTH
JUDICIAL DISTRICT COURT

ADKT 0612

FILED

APR 26 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER AMENDING THE RULES OF PRACTICE FOR
THE EIGHTH JUDICIAL DISTRICT COURT*

WHEREAS, on October 23, 2023, the Honorable Jerry Wiese, Chief Judge, and the Honorable Jacqueline M. Bluth, Judge, of the Eighth Judicial District Court, filed a petition in this court seeking to amend the Rules of Practice for the Eighth Judicial District Court. Accordingly,

IT IS HEREBY ORDERED that the proposed amendments to the Rules of Practice for the Eighth Judicial District Court shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to the Rules of Practice for the Eighth Judicial District Court shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be

conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 26TH day of April, 2024.

Cadish, C.J.
Cadish

Stiglich, J.
Stiglich

Pickering, J.
Pickering

Herndon, J.
Herndon

Lee, J.
Lee

Parraguirre, J.
Parraguirre

Bell, J.
Bell

cc: Hon. Jerry Wiese, Chief District Judge
Hon. Jacqueline M. Bluth, District Judge
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Julie Cavanaugh-Bill, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO THE RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT

PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION

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**Rule 1.11. [~~Family — division Jurisdiction.~~ Divisions—
Jurisdiction.** *There are two divisions of the District Court: General
Jurisdiction Division and Family Division. 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.]*
*in both divisions. Jurisdiction of the Family Division of the District Court is as
described pursuant to NRS 3.223. All other civil or criminal case types
constitute the General Jurisdiction Division of the District Court.*

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~~]
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~~] *Family or
General Jurisdiction Divisions* of the court.

(e) “Party,” “petitioner,” “applicant,” “claimant,” “plaintiff,” “defendant,” or any other designation of a party to any action or proceeding, **[case]** *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]** *associations*, and all other entities, as well as natural persons.

(g) “Must” is **[mandatory]** *mandatory*, and “may” is permissive.

(h) The past, **[present]** *present*, and future tenses each include the others; the masculine, **[feminine]** *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]** *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 1.30. 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, *by election*, the term **[may, by election,]** *may* 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]** *both civil and/or criminal cases [and the probate calendar with all trial judges.] on an overflow basis, as necessary.*

(4) Share and direct responsibility for hearing probate cases and oversee the functions of the probate commissioner and their staff.

~~[(4)]~~ (5) 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]** *findings*, and direct the enforcement thereof as may be appropriate.

(6) Shall appoint, as necessary for the orderly conduct of court business, presiding judges over any of the various case types within the General Jurisdiction and Family Divisions of the court as may be warranted to assist the chief judge in their administrative duties over the court. Assignment should be made by administrative order describing the case type(s) presided over and the general duties of each respective presiding judge. Presiding judges serve at the pleasure of the chief judge.

~~[(5)]~~ (7) Make regular and special assignments of all judges and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

~~[(6)]~~ (8) Instruct any grand jury **[impaneled,]** *impaneled*; receive any reports, **[indictments]** *indictments*, or presentments made by **[it]** *it*; and handle any other matters pertaining to it.

~~[(7)]~~ (9) Supervise the court **[administrator]** *executive officer* in the management of the court and the performance of the **[administrator's]** *court executive officer's* duties. Supervise the administrative business of the court and have general supervision of the **[attaches]** *attachés* of the court. The various commissioners, referees, hearing **[officers]** *officers*, and court hearing masters shall report to and be directed by their supervising *presiding* judge

pursuant to local court ~~[rule;]~~ rule or as designated by the chief judge; however, the chief judge will maintain general supervision over all such officers.

~~[(8)]~~ (10) 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)]~~ (11) Attend meetings of the ~~[family—division]~~ divisions' judges.

~~[(10)]~~ (12) 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)]~~ (13) Exercise general supervision over all administrative court personnel ~~[that]~~ who are not permanently assigned to a particular district ~~[court]~~ judge.

~~[(13)]~~ (14) Determine the need for and approve:

~~[(a)]~~ (A) the allocation of space and furnishings in the court building;

~~[(b)]~~ (B) the construction of new court buildings, ~~[courtrooms]~~ courtrooms, and related physical facilities;

~~[(c)]~~ (C) the modification of existing court buildings, ~~[courtrooms]~~ courtrooms, and related physical facilities; and

~~[(d)]~~ (D) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants and efficient and effective case management.

~~[(14)]~~ (15) Supervise the court's calendar and apportion the business of the court among the several departments of the court as equally as possible.

~~[(15)]~~ (16) Reassign cases from ~~[a]~~ *one* department to another department as convenience or necessity requires. The chief judge shall have authority to assign overflow cases.

~~[(16)]~~ (17) 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)]~~ (18) Provide for liaison between the court and other governmental and civic ~~[ageneies; and]~~ *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)]~~ (19) ~~[Assure]~~ *Ensure* that court duties are timely and orderly performed.

~~[(i)]~~ (A) 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)]~~ (B) The chief judge must designate another judge to perform the chief judge's duties (serve as acting chief judge) in ~~[his or her]~~ *their* 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]~~ *judge* shall serve at the pleasure of the chief judge.

~~[(iii)]~~ (C) 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)]~~ (D) The duties prescribed in these rules shall be done in accordance with applicable Nevada Revised Statutes, Supreme Court **[Rules] 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)]~~ (20) Supervise all ~~[criminal division]~~ masters.

~~[(i)]~~ (A) 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)]~~ (B) The chief judge shall be responsible for disciplinary decisions involving the ~~[criminal division]~~ masters.

~~[(iii)]~~ (C) 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.]~~ *be responsible for the assignment and reassignment of masters to the various case types as necessary.*

~~[(20)]~~ (21) An executive committee composed of the ~~[chief judge and]~~ *chief judge*, all presiding ~~[judges over the civil, criminal and family divisions]~~ *judges*, and any others appointed to the committee by the chief judge 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.

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:~~

~~(A) 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;~~

~~(B) Meet with and supervise the guardianship commissioner in the performance of his or her duties.~~

~~(3) Protective order calendars:~~

~~(A) 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;~~

~~(B) Meet with and supervise the domestic violence commissioner in the performance of his or her duties.~~

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

~~(4) Mental commitment calendars:~~

~~(A) 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;~~

~~(B) Meet with and supervise the mental commitment hearing master in the performance of his or her duties under Rule 1.44.~~

~~(5) Child support calendars:~~

~~(A) To refer all child support cases to family division 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.~~

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

~~(C) Review and approve or disapprove of the recommendations of the child support masters with respect to the disposition of all child support petitions unless the matter has been assigned to a specific family division judge.~~

~~(6) Public welfare paternity calendars:~~

~~(A) 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.~~

~~(B) Meet with and supervise the activities of the hearing masters in the performance of their duties.~~

~~(7) Hear or assign all cases regarding abuse and neglect under NRS Chapter 432B 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 NRS Chapters 62A through 62I 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.~~

~~(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.]~~

Reserved.

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Rule 1.33. Specialization of judges; procedure for selection. The chief judge **[must]** *may* assign the judges of the district **[(excluding family court judges)]** to specialized **[divisions-of]** *case types* in the court for 2-year terms as needed. The assignments **[must]** *may* provide for rotation of the judges among the various **[divisions.]** *case types*. In making the assignments, the chief judge shall request the district judges to recommend the **[assignments,]** *assignments* and shall take into account the desires of each individual judge. **[The]** *However, the* final **[selection, however,]** *selection* is left to the discretion of the chief judge. Assignments **[shall]** *may* be made as follows:

- (a) **[Civil/Criminal division:]** *Civil, criminal:* judges as needed;
- (b) Business **[court division:]** *court:* at least 3 judges who have experience as a judge or practitioner in “business matters” as defined in **[Rule]** *EDCR 1.61(a)*;
- (c) **[Civil only division:]** *Constructional defects:* judges as needed;
- (d) Drug **[Court/Overflow division:]** *court, mental health court, civil commitments, competency, TAP/OPEN, MAT veterans’ court, gambling court, DAAY court, etc.:* judges as needed;
- (e) **[Overflow division:]** *Overflow:* judges as **[needed,]** *needed;*
- (f) *Family civil domestic:* judges as needed;
- (g) *Family juvenile:* judges as needed;
- (h) *Guardianship:* judges as needed;
- (i) *Probate:* judges as needed;
- (j) *Medical Malpractice Court or professional negligence:* judges as needed;
- (k) *Any other specialty assignments:* judges as needed.

* * *

Rule 1.44. Civil commitments and hearing masters; duties of the Division of Public and Behavioral Health; duties of counsel.

(a) The provisions of this rule apply to all court-ordered admissions of any person alleged to be in a mental health crisis.

(b) Unless otherwise ordered by the chief judge, *or the district judge assigned by the chief judge*, civil commitment hearings must be conducted by the civil commitment hearing master. The compensation of the **[masters]** *master* 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 civil commitment hearing master may conduct formal court hearings at the hospital or wherever is most convenient to the master and the person alleged to be in a mental health crisis. 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 recorded or transcribed by a duly appointed court recorder or reporter as provided by law.

(d) Not less than 24 hours before the time set for a commitment hearing, the Administrator of the Public and Behavioral Health Division, or the administrator's designee, must examine each person alleged to be in a mental health crisis 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 person alleged to be in a mental health crisis must not be so under

the influence of or so suffer the effects of drugs, **[medication]** *medication*, or other treatment as to be hampered in preparing for or participating in the hearing, and a record of all drugs, **[medication]** *medication*, or other treatment that 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 persons alleged to be in a mental health crisis not otherwise represented by an attorney.

(1) Prior to the hearing, the public defender or the attorney for the person alleged to be in a mental health crisis must interview the person, explain to the person **[his or her]** *their* rights pending court-ordered treatment, the procedures leading to court-ordered treatment, the standards for court-ordered **[treatment]** *treatment*, and the alternative of becoming a voluntary patient. The public defender must also explain that the person can obtain counsel at the person's own expense.

(2) Prior to the hearing, the person's attorney must review the commitment petition, evaluation reports, the patient's medical **[records]** *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 person, the person's **[counsel]** *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 or the district judge assigned by the chief judge*.

(g) Objections to the master's recommendation must be made to the *chief judge or the district judge assigned by the chief judge* at the time the report is submitted or at such other time as the *chief judge or the district judge assigned*

by the chief judge may prescribe. The chief judge or the district judge assigned by 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 or the district judge assigned by the chief judge must:

(1) Approve the same and order the recommended **[disposition,]** disposition;

(2) Reject the recommendation and order such relief as may be **[appropriate,]** appropriate; or

(3) Direct a rehearing.

(i) All rehearings of matters heard before the master must be before the chief judge or the district judge assigned by 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 or the district judge assigned by the chief judge.

Rule 1.45. Juvenile [judge.] judges.

(a) The judges assigned a juvenile dependency **[division—judge]** caseload must hear all cases involving allegations of abuse and neglect of a minor child under NRS Chapter 432B.

(b) The judges assigned to a juvenile delinquency **[division—judge]** caseload must:

(1) Hear juvenile delinquency cases in accordance with NRS Chapters 62A through 62I.

(2) 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.

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

~~[(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 NRS Chapters 62A through 62I.]~~

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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]~~ *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]~~ *themselves* from hearing any case that ~~[he or she]~~ *they* 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]** *EDCR* 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]**~~ *General Jurisdiction 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]**~~ *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]** *master* and adjudicating and sentencing on a simple misdemeanor.

(16) Presiding over the drug court calendar and attending to all drug **[court-related]** *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]** *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.

Rule 1.50. Court ~~[administrator]~~ Executive Officer. The court **[administrator]** *executive officer* is responsible for the administration of the rules, **[policies]** *policies*, and directives of the district court. In addition to the duties prescribed below, the district court **[administrator]** *executive officer* shall be denominated the administrator of the clerk of the court and **[shall]** *may* 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]** *executive officer* must:

(a) Supervise the assistant court **[administrator, family division administrator,]** *administrators*, jury **[commissioner]** *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]** *organize*, and direct budgetary, fiscal, personnel management training, **[faeilities]** *facilities*, and equipment of the district court and represent the judicial branch of government in the district.

(f) Monitor a system of internal **[eontrols]** *controls*, which includes payroll, purchasing, accounts payable, accounts receivable, information **[systems]** *systems*, and inventory for the following divisions: adjudication, administration, family mediation services, jury services, family **[adjudication]** *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,]** *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]** *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]** *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]~~ *liaise* with other government executive, ~~[legislative]~~ *legislative*, and judicial agencies and the community.

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

Rule 1.51. Assistant court administrator. The assistant court administrator serves under the direction of the court ~~[administrator.]~~ *executive officer*. The assistant court ~~[administrator is]~~ *administrators are* responsible for all duties assigned by the court ~~[administrator]~~ *executive officer* and, in the absence of the court ~~[administrator,]~~ *executive officer*, shall perform all of the duties of the court ~~[administrator]~~ *executive officer* under ~~[Rule]~~ *EDCR* 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.] Reserved.~~

* * *

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]~~ *judges* 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.]~~ *in their respective divisions*. 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]~~ *basis*, provided, however, that the calendar of a judge serving in the ~~[family division]~~ *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]~~ *education*, or other ~~[court-approved]~~ *court-approved* project) must reset the time for the hearing of ~~[his or her]~~ *their* cases or arrange for another department to handle the judge's ~~[calendar,]~~ *calendar* and shall coordinate planned absences with the chief judge to ~~[assure]~~ *ensure* that adequate judicial coverage is maintained. If a judge is ill or unexpectedly absent, ~~[the judge's secretary or the chief judge must arrange]~~ *arrangements should be made* for the absent judge's calendar to be heard by any other district *judge or by a senior 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]~~ *Family Division*, its ~~[judges]~~ *judges*, and its 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]~~ *EDCR* 2.34(f). Disputes concerning case assignments that remain unresolved shall be resolved by the chief judge. ~~[The ruling of the chief judge is final and non-appealable.]~~

* * *

Rule 1.62. Assignment of civil cases. Unless otherwise provided in these rules, all civil cases not designated business matters *or medical malpractice court matters* shall be divided *and randomly assigned* 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.] General Jurisdiction Division hearing civil matters. The chief judge may reassign and transfer a case to a judge who hears civil matters full time if the trial of the matter is likely to exceed 4 weeks in length.~~

Rule 1.63. Assignment of family cases. Unless otherwise provided in these rules, all **[family]** *Family Division* 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.]~~ *Family Division.*

* * *

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 *themselves* 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 *been* recused or **[been]** disqualified, then the case shall be reassigned by the chief judge to a judge in the **[civil-division.]** *General Jurisdiction Division*. Should such **[civil]** judge **[recuse]** *be recused* or **[be]** disqualified, the chief judge will then reassign *the case* to another judge in the **[civil-division]** *General Jurisdiction Division*.

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

Rule 1.66. Medical malpractice matters.

(a) ***Professional negligence/medical malpractice matters defined.*** “*medical malpractice court matters*” shall be:

(1) *Matters in which any claim or issue is based on NRS Chapter 41A without regard to the amount in controversy; and*

(2) *Claims made pursuant to NRS Chapter 41A in the alternative to any other claims.*

(b) ***Assignment of Medical Malpractice Court matters.***

(1) *Unless otherwise provided in these rules, medical malpractice court matters shall be divided among those judges designated as medical malpractice 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 medical malpractice court matter. A request may be made by a plaintiff, applicant, or petitioner in the caption of the initial complaint, application, or petition. If the request is made in the caption of the initial complaint, application, or petition, the matter will be automatically assigned as a medical malpractice court matter by the clerk's office. If the request is made by a party other than the plaintiff/applicant/petitioner in the caption of its initial appearance or response, then the case shall be randomly assigned to a medical malpractice court judge for determination as to whether the case should be handled as a medical malpractice court matter.*

(3) *Any party aggrieved by the designation of a case as a medical malpractice matter may seek review by the medical malpractice court judge within 14 days of receipt of the assignment of the case to the judge or within 14 days of filing a responsive pleading, whichever is later.*

(4) *The medical malpractice court judge shall decide whether a case is or is not a medical malpractice matter. Any matter not deemed a medical malpractice matter shall be randomly reassigned if it was originally assigned to the Medical Malpractice Court judge. If a case was submitted to the medical malpractice court judge to determine whether it is a medical malpractice matter and the medical malpractice court judge rules that it is not, that case will be reassigned to the department from which it came.*

(c) **Peremptory challenge.** *In those instances where one of the medical malpractice court judges is peremptorily challenged pursuant to SCR 48.1, recused, or disqualified, the case shall be randomly reassigned to another*

medical malpractice court judge by the office of the clerk of the court. If all medical malpractice court judges have been recused or disqualified, then the case shall be reassigned by the chief judge to a judge in the General Jurisdiction Division. Should such judge be recused or disqualified, the chief judge will then reassign the case to another judge in the General Jurisdiction Division.

* * *

Rule 1.73. Calendaring of contested family motions. The district judges serving in the ~~[family division, except the presiding judge,]~~ *Family Division* 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]~~ *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.

* * *

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]~~ *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~~] *that* 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)(B).

(2) Time limits for judges. Except in complex litigation as defined in NRCP 16.1(f), judges 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 14 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~~] *them* not later than 21 days after said submission. In extraordinarily complex cases, a decision must be rendered not later than 28 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 14 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 21 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 28 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 28 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. In civil cases, the judge shall issue a scheduling order pursuant to NRCP 16(b). In addition to the required contents of NRCP 16(b)(3)(A), the scheduling order shall contain dates for any pretrial conferences, a final pretrial conference and/or calendar call, and the trial or trial stack. The scheduling order may include any other appropriate matters.

(4) Trial setting. Cases shall be set for trial no later than 6 months from the date of the discovery cut-off date.

(5) Trial date. The trial shall go forward on the trial date or within the trial stack [**originally**] set, unless the court grants a continuance upon a showing of good cause. No trial shall be continued pursuant to stipulation of the parties without approval of the judge. At the time a continuance is granted, the judge must set a new trial date. The new trial date shall be set at the

earliest available [~~date within 9 months of the original~~] *date and no later than 9 months from the last 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 joint case conference reports received during the month.

(B) A list of cases for which joint case conference reports 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~~] *nondisposition* and next case action date.

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

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

(3) Recommendation to chief judge. When the caseload 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 caseload review committee must meet with the judge in question to discuss the problem. The action recommended by the caseload review committee may include, but shall not be limited ~~[to]~~ to, the following remedial measures:

(A) Require the judge to attend proceedings with a judge (or judges) whose docket is ~~[current,]~~ *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 that 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,]~~ *noncompliance*. Should the chief judge determine that any judge's ~~[non-compliance]~~ *noncompliance* with the delay reduction and caseload 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) Caseload 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 that 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,]~~ *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 ~~[eases]~~ *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,]~~ *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 that 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 ~~[eases]~~ *cases*, and shall submit a written status report to the chief judge no later than 30 days from receipt of the report.

Rule 1.91. Alternative Dispute Resolution Commissioner.

(a) The district judges serving in the ~~[civil/criminal division]~~ *General Jurisdiction Division* may appoint an alternative dispute resolution (ADR) commissioner to serve at the pleasure of the court. The ADR commissioner shall have the responsibilities and powers conferred by the Nevada Arbitration Rules (NAR), the Nevada Mediation Rules (NMR), the Nevada Short Trial Rules (NSTR), the Foreclosure Mediation Rules (FMR), and such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated, ~~[including]~~ *including*, without limitation, the power to issue decisions, ~~[determinations]~~ *determinations*, and other rulings on matters as provided in the NAR, NMR, NSTR, and ~~[FMR,]~~ *FMR* and to make findings and recommendations to the court regarding any dispositive matter such as violations of or for any other reason as provided in the NAR, NMR, NSTR, FMR, NRCP, DCR, and/or EDCR, or as otherwise provided by statute.

(b) Upon reasonable notice, the ADR 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.

(c) Any matter concerning the NAR, NMR, NSTR, and FMR may be referred by any district judge to the ADR commissioner for a hearing in order to make findings and recommendations to the court.

(d) Following the hearing on any matter, the ADR commissioner must prepare a commissioner's report and recommendations, a decision, determination or other ruling, or make findings and recommendations as provided herein. The commissioner may direct counsel to prepare the commissioner's report, including the findings and recommendations in

accordance with EDCR 7.21 and 7.23. The commissioner must file the report with the court and serve a copy of it on each party.

(1) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Points and authorities may be filed with an **[objection]** *objection*, but are not mandatory. If points and authorities are filed, any other party may file and serve a responding points and authorities within 7 days after being served with the objections.

(2) Review. Upon receipt of an ADR commissioner's report, any objections, and any response, the court shall:

(A) Affirm, reverse, or modify the ADR commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the ADR commissioner for reconsideration or further action.

Rule 1.92. Actions for professional negligence pursuant to NRS Chapter 41A.

(a) In each action for professional negligence filed pursuant to NRS Chapter 41A, the judge shall address the following issues at the **[Rule]** *NRCP* 16 conference:

(1) The status of discovery;

(2) The status of settlement negotiations, including the settlement conference required pursuant to NRS **[41A.081;]** *41A.081*, and set a deadline by which the parties must have a mandatory settlement conference scheduled; and

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

(b) After considering the issues set forth in subsection (a), the judge shall set a firm trial date based upon the age of the case and the parties' readiness to commence trial. Where possible, the trial shall 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 shall be waived.

(c) If the parties fail to participate in a private mediation or settlement conference pursuant to NRS 41A.081 by the deadline set by the court, the judge may refer the case to the Eighth Judicial District Court Settlement Conference Program.

(d) A notice of compliance with NRS 41A.081 is required to be filed by the parties prior to the pretrial conference.

* * *

PART II. CIVIL PRACTICE

* * *

Rule 2.14. [~~Petitions for Judicial Review~~] Requests for relief pursuant to the Foreclosure Mediation Program.

(a) [~~A Petitioner seeking Judicial Review under authority of NRS Chapter 107 must first~~] Within 10 days of submission of the mediator's statement, either party may 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.~~] a

request for appropriate relief in accordance with Foreclosure Mediation Rule 20.

~~(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.] Upon receipt of the mediator's statement and any request for relief, the court shall enter an order (1) describing the terms of any loan modification or settlement agreement, (2) dismissing the petition, or (3) detailing decisions regarding the imposition of sanctions as the court determines is appropriate.~~

~~(c) [The Petitioner shall promptly serve the Petition by certified mail in accordance with Foreclosure Mediation Rule 5(7)(f) and NRC 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] mediator in connection with these proceedings is admissible without the necessity of any additional foundation or testimony of the [Mediator,] mediator.~~

~~[(1) EDCRs] (d) EDCR [2.21] 2.20 through 2.28, inclusive, shall apply to [the hearing of Petitions for Judicial Review,] these proceedings.~~

* * *

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.] NRCP 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.] NRCP 56(e)**, and avoid mere general conclusions or argument. Affidavits/declarations substantially defective in these respects may be stricken, wholly or in part.

* * *

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]~~ *nondocumentary* exhibits in support of pretrial and post-trial briefs ~~[which]~~ *that* 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" x 11")]~~ *(8.5" x 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.

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]~~ *for compliance therewith*. 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.]~~ *NRCP* 4.

* * *

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

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

(a) Unless otherwise ordered, all discovery disputes (except disputes regarding any extension of deadlines set by the discovery scheduling order, or presented at a pretrial conference or at trial) must ~~[first]~~ be heard *first* by the discovery commissioner.

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

(c) The *discovery* commissioner may shorten or extend any of the ~~[times]~~ *deadlines* provided for in ~~[Rule]~~ EDCR 2.20 ~~[on]~~ for any discovery ~~[motion.]~~ *matter*.

(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 *with specificity* 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.]~~ *reasons why the conference was not held*. 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. *The movant must sufficiently detail in an affidavit the essential facts to enable the discovery commissioner to pass preliminary judgment on the adequacy and sincerity of the good faith discussion between the parties. It must include the names of the parties who conferred or attempted to confer and the manner in which they communicated. The affidavit must demonstrate that counsel discussed their disputed issues with the same level of detail and legal support as is contained in their briefing before the court.*

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

(f) Following the hearing of any discovery motion or other contested ~~[matter,]~~ *matter* heard by or submitted to the discovery commissioner, the *discovery* commissioner must prepare and file a report with the *discovery* commissioner's recommendations for a resolution of each unresolved dispute. The *discovery* commissioner may direct counsel to prepare the report in accordance with ~~[Rules]~~ *EDCR* 7.21 and 7.23. The *discovery* commissioner must file the report with the court and serve a copy of it on each party.

(1) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Points and authorities may be filed with an objection but are not mandatory. If points and authorities are filed, any other party may file and serve responding points and authorities within 7 days after being served with the objections.

(2) Review. Upon receipt of a discovery commissioner's report, any objections, and any response, the court shall:

(A) ~~[Affirm,]~~ *Affirm and adopt*, reverse, or modify the discovery commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the discovery commissioner for reconsideration or further action.

(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]** *EDCR* 7.20 that 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. The party submitting the materials *in camera* must provide one *Bates stamped* copy of the materials without redactions and one *identically Bates stamped* set of materials with proposed redactions. ~~[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,]~~ *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, and the department will contact counsel to **[get]** *schedule* the ~~[ease so scheduled.]~~ *case*.

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 *must* be filed no later than 21 days before the ~~[discovery cut-off date or any extension thereof.]~~ *earliest discovery deadline for which an extension is sought.* A request made beyond the period specified above shall not be granted unless the moving party, ~~[attorney]~~ *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 submitted to the assigned judge and shall include on the last page thereof the words "IT IS SO ORDERED" with a date and signature block for the judge's signature.

(2) A motion to extend any discovery scheduling order deadline shall be set in accordance with EDCR 2.20.

(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.

* * *

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**] *under the construction defect statutes, NRS 40.600 et seq.*;

(2) “Business matters” as defined under EDCR 1.61; [**and**]

(3) “*Medical malpractice court matters*” as defined pursuant to EDCR 1.66; and

(4) 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,]~~ *matter or medical malpractice court 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]~~ 21 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)]~~ (A) Both actions involve the same party or parties and are based on the same or similar claim; and/or

~~[(ii)]~~ (B) Both actions involve the same property, transaction, or event.

* * *

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.

(10) If the case involves any primary claims or claims in the alternative arising from NRS Chapter 41A, the settlement conference brief may be up to 20 pages in length and must also include:

(A) Whether the healthcare provider has given consent; and

(B) Computation of damages calculated with due regard for the applicable provisions of NRS 42.021.

* * *

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]** *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]** *that* 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]** *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. 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],** *experts*) and the address of each witness **[which]** *that* 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]** *that* 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]** *that* counsel desires to bring to the attention of the court prior to trial.

(c) When a party is not represented by an **[attorney]** *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.]** *NRCP* 16.1(a)(3).

Rule 2.68. Final ~~[pre-trial]~~ *pretrial* conference.

(a) At the request of court or counsel, the court may conduct a **[pre-trial]** *pretrial* conference. Such conference may be held **[three]** 3 weeks prior to trial or at any other time convenient to the court and counsel.

(b) At the **[pre-trial]** *pretrial* 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]** *pretrial* 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~~] *pretrial* 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.

(d) If the case involves any claim arising from NRS Chapter 41A, a final pretrial conference is mandatory and may also include the following subjects in addition to those in subsection (b):

- (1) Order of witnesses;*
- (2) Exhibit list for trial; and*
- (3) Any other matters.*

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~~] *that* is not usually found in the courtroom, i.e., overhead, VCR and monitor, view box, etc. At calendar [~~call~~] *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]** *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]** *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,~~] *Flores v. State*, 114 Nev. [910] 910, 965 P.2d 901 (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.

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.~~] *NRCP* 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 2.80. 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~~ *Uniform Interstate Depositions and Discovery Act, NRS 53.100 to NRS 53.200.*

(2) A cover sheet in the form required by ~~[Rule]~~ *EDCR 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]~~ *EDCR 7.20*, the cover sheet must be described *as* “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.]~~ *NRCP 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.

* * *

PART IV. PROBATE; TRUSTS AND THE ADMINISTRATION
OF ESTATES

* * *

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,]~~ shall appoint one or more district court ~~[judge]~~ judge(s) to serve as the probate ~~[judge in the chief judge's stead.]~~ judge(s) for the Eighth Judicial District Court of Nevada. The chief judge shall also have the discretion to ~~[designate one or more additional district court judges as alternate probate judge(s) to hear]~~ allocate probate matters ~~[in]~~ among the several probate judge(s). In the event that ~~[the]~~ a probate judge is *preempted*, disqualified from hearing a ~~[matter]~~ matter, or ~~[if the probate judge]~~ is otherwise unable to accommodate a matter for any good ~~[cause in the discretion of the probate judge.]~~ cause, the chief judge shall assign the matter to another probate judge, or, if none, to any district judge.

* * *

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 chief judge or a probate [judge.] judge, as applicable.*

(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(e) of the Nevada Rules of Civil Procedure.]~~ *NRCP 53(d).*

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

Rule 4.05. Probate commissioner's reports and recommendations.

(a) ~~[Within]~~ *Except as otherwise provided in these rules, within a reasonable time [after the evidence presented is closed in a] following the hearing of any motion, petition, or other contested matter that is heard by or submitted to the probate commissioner, the probate commissioner shall prepare and file [his or her] a 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.] order for resolution of the matter.*

(b) The probate commissioner may direct counsel for a party to prepare the ~~[report,]~~ *report in accordance with EDCR 7.21 and 7.23, which shall be*

delivered to the probate commissioner no later than **[10 judicial]** 14 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]** 7 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]** a report, the **[attorney charged with drafting the report]** probate commissioner shall file the report with the court and serve a copy of the report on all **[parties. If the probate commissioner drafts the report, the probate commissioner may effect service]** parties or direct one of the parties to perfect service of the same. **[The]** Service of the report is deemed complete upon submission or sending if the report is served by electronic service pursuant to NEFCR and Part VIII of these rules, or **[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.]** if served by mail.

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

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

(a) Within ~~[10-judicial]~~ 14 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]~~ *all interested* 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]~~ *a memorandum of 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.]~~ *authorities setting forth the factual and legal basis for said objections.*

(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]~~ 28 days from the date of filing the request.

(c) Within ~~[10-judicial]~~ 14 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]~~ 7 days before the matter is set for hearing.

(d) Failure to file and serve such request and written objections within the ~~[10-day]~~ 14-day period will result in the automatic affirmance of the probate commissioner's recommendation by the probate judge.

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) *Upon receipt of a probate commissioner's report, request for judicial review, and any response and reply, the probate judge shall:*

(1) Affirm, reverse, or modify the probate commissioner's ruling, with or without oral argument in accordance with EDCR 2.23; or

(2) Remand the matter to the probate commissioner for reconsideration or further action.

(d) 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.

Rule 4.08. Transfer to the probate ~~judge.~~ judge; injunctions and restraining orders.

(a) 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]~~ *enter an order retaining the case at the discretion of the probate judge. If the probate judge does not enter an order retaining the case, then the case shall be returned to the probate commissioner's calendar.*

(b) A request to transfer a matter to the probate judge shall be filed with the clerk and emailed to the inbox for the probate department and the department assigned to the matter no later than 4:00 p.m. on the Friday prior to the week the matter is to be heard. The request to transfer shall specifically identify the following, with the appropriate box marked:

- Schedule evidentiary hearing—discovery completed*
- Schedule evidentiary hearing—discovery plan needed*
- Schedule oral argument on matter of law—fully briefed*
- Schedule oral argument on matter of law—briefing schedule needed*

After receiving the request to transfer, the probate commissioner shall remove the matter from the probate calendar, and the assigned department shall calendar the matter for hearing on the next available hearing date and specifically set forth the scope of the hearing. The scope of the hearing will

indicate whether the hearing is to set an evidentiary hearing, discovery plan, oral argument on any matter fully briefed, or briefing schedule. Parties are encouraged to submit a stipulation and order with an agreed upon discovery plan, or briefing schedule, by 4:00 p.m. on the Friday prior to the week the matter is to be heard. Any stipulation and order submitted shall vacate the pending hearing date and leave space for the department to include a new hearing date for the evidentiary hearing or oral argument.

(c) A motion for relief pursuant to NRCP 65 must be heard and considered by the assigned probate judge, not the probate commissioner. The master calendar shall set all applications for injunctions or restraining orders in probate matters on the assigned probate judge's calendar. Subject to EDCR 4.08(a), all other proceedings in the case will be heard by the probate commissioner.

Rule 4.10. Calendars.

(a) ~~[Subject to change by order of the chief judge, the]~~ The probate commissioner will hear 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 day and time as ~~[set]~~ designated by the probate ~~[judge or probate]~~ commissioner, as approved by the ~~[probate]~~ chief 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).]~~ The probate commissioner will hear evidentiary hearings on such day and time as designated by the probate commissioner. The probate judge(s) shall hear probate matters at such days and times as designated by such probate judge in accordance with Part I of these rules. The probate judge(s) and the probate

commissioner will provide the clerk's office with a schedule of days and times at which to set probate petitions, motions, returns of sale, evidentiary hearings, and trials. A motion noticed for hearing on the wrong day or time may, at the discretion of the probate commissioner or probate judge, be set over to the next appropriate day or vacated to be properly noticed.

(b) In the event that the probate commissioner plans to be absent on a judicial day, the probate commissioner must reset the time for the hearing of the probate calendar or arrange for a probate judge to handle the probate commissioner's calendar and shall coordinate planned absences with the probate judge(s) to ensure that adequate judicial coverage is maintained.

** * **

Rule 4.12. Petitions, applications, and motions; calendaring; orders shortening or extending time.

(a) All pleadings and papers filed before the probate commissioner shall comply with EDCR 7.20 and shall indicate for the department number "PC-1," followed by the department number of the assigned probate judge, if known, in parentheses (e.g., Department No.: PC-1 (26)).

(b) Except as otherwise provided by these rules as to ex parte petitions, motions, and applications, all petitions, motions, and applications filed before the probate commissioner must include the designation "Hearing Requested" in the caption of the first page of the document directly below the case number and department number. The clerk shall set the matter for hearing, and the matter shall be processed in accordance with EDCR 4.13. If the probate commissioner determines that an ex parte filing necessitates a hearing, the probate

commissioner shall set the matter for hearing, and the matter shall be processed in accordance with EDCR 4.13.

(c) The probate commissioner shall have broad discretion in managing the probate calendar and may set, shorten, or extend the time set for hearing on any matter before the probate commissioner in accordance with EDCR 2.25 and 2.26. The probate commissioner may also enter appropriate procedural orders, including briefing schedules and discovery orders, pertaining to matters on the probate calendar.

Rule 4.13. List of approved, [~~deficient~~] deficient, and heard matters.

(a) Under the supervision of the probate [~~judge,~~] judge(s), 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”~~] *approved, denied, or requiring a [~~hearing that is~~] hearing, which shall be 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”~~] *approved, denied, or as requiring a hearing.*

Rule 4.14. Approved matters.

(a) Any matter designated as **["approved"]** *approved* on the list described in **[Rule]** *EDCR* 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]**~~ *order may be emailed* 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.]**~~ *department's inbox no earlier than 7 days prior to the hearing and no later than 14 days after being notified of the court's decision pursuant to EDCR 7.21.*

(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]**~~ *day prior to the hearing of the* ~~**[matter is to be heard.]**~~ *matter.*

(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"]** *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~~ *such party's* 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]** *EDCR* 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]** *EDCR* 4.17, direct the parties to a settlement conference as set forth under **[Rule]** *EDCR* 4.19, and/or otherwise process the matter.

* * *

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. *The probate commissioner may direct the parties to meet and confer for the purpose of developing a discovery plan, subject to the probate commissioner's approval.* In matters that have been transferred to the probate judge pursuant to **[Rule]** EDCR 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.

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]** *the probate commissioner's* 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]** approval.

(2) The probate commissioner may shorten or extend any of the times provided for in **[Rule]** EDCR 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.]** counsel. Moving counsel must set forth in the affidavit *with specificity* 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. *The movant must detail in an affidavit the essential facts sufficiently to enable the probate commissioner to pass preliminary judgment on the adequacy and sincerity of the good faith discussion between the parties. It must include the*

name of the parties who conferred or attempted to confer and the manner in which they communicated.

(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]~~ *the probate commissioner's recommendations* for ~~[the court's order]~~ *a resolution of each unresolved dispute* in accordance with ~~[Rule]~~ EDCR 4.05. *The probate commissioner may direct counsel to prepare the report in accordance with EDCR 7.21 and 7.23. The probate commissioner must file the report with the court and serve a copy of it on each party. Within ~~[10 judicial]~~ 14 days after being served with a copy of the report, any party may file with the clerk of the 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]~~ EDCR 7.20 ~~[which]~~ *that 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. The party submitting the materials in camera must provide one Bates stamped copy of the materials without redactions and one identically Bates stamped set of materials with proposed redactions. ~~[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]~~ *EDCR* 2.34 unless otherwise ordered.

* * *

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]~~ *second* 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]~~ *nonobjecting* party may, as a matter of right, request to continue the matter for 1 week to allow the ~~[non-objecting]~~ *nonobjecting* 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.

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PART V. FAMILY DIVISION MATTERS; GUARDIANSHIPS

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5.200 Court practice and procedure generally

* * *

Rule 5.208. Family [~~division~~] *Division* hearing masters.

(a) Except as provided otherwise by rule, statute, or court order, this rule governs matters heard by a [~~family—division~~] *Family Division* hearing master.

(b) The appointment and proceedings of a hearing master shall be in accordance with the provisions of NRCP 53.

(c) A hearing master shall prepare a master's report and recommendations that shall be furnished to each party at the conclusion of the proceedings in court; if not served in court, the report and recommendations shall be served upon each party pursuant to the NRCP.

(d) Within 14 days of service of the report and recommendations, either party may file a written objection. If a written objection is filed pursuant to this rule, the objection must be properly noticed with a hearing date set with

the district ~~[court]~~ judge and served upon all interested parties, as prescribed in EDCR 5 for motions. The court ~~[shall]~~ *may* affirm the master's findings of fact unless clearly erroneous.

(e) In the absence of a timely objection, the findings and recommendations of the master shall be affirmed and become an order of the court.

* * *

5.400 Discovery, case management conferences (CMC) and early case evaluations (ECE), experts, and reports

* * *

Rule 5.402. 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 *first* by the discovery ~~[hearing master.]~~ *commissioner*.

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

(c) The ~~[hearing master]~~ *discovery commissioner* may shorten or extend any of the ~~[times]~~ *deadlines* for *the filing of* any discovery motion.

(d) A discovery motion must ~~[certify]~~ *set forth by separate affidavit of moving counsel* that after a discovery dispute conference or a good faith effort to confer, the parties were unable to resolve the matter satisfactorily, detailing *with specificity* what attempts to resolve the dispute were made, what was resolved and what was not resolved, and ~~[why.]~~ *the reasons therefor*. A conference requires a personal, telephonic, ~~[video, or email conference]~~ or *videoconference* between or among the parties; if such conference was not possible, the motion shall set forth the ~~[reasons. Such a motion must be supported by affidavit.]~~ *reasons why the conference was not held*. The movant must sufficiently detail in an affidavit the essential facts to enable the discovery commissioner to pass preliminary judgment on the adequacy and sincerity of the good faith discussion between the parties. It must include the name of the parties who conferred or attempted to confer and the manner in which they communicated. The affidavit must demonstrate that counsel discussed their disputed issues with the same level of detail and legal support as is contained in their briefing before the court.

(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]~~ *discovery commissioner* may stay any disputed discovery proceeding pending resolution by the court.

(g) *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 request or motion to compel further answer to any written discovery must set forth in full the interrogatory or request and the answer or answers thereto.

(h) Following the hearing of any discovery motion, or other contested matter heard by or submitted to a discovery ~~[hearing master,]~~ *commissioner*, the discovery ~~[hearing master]~~ *commissioner* must prepare a report with ~~[the discovery hearing master's]~~ recommendations for a resolution of each unresolved dispute.

(1) The discovery ~~[hearing master]~~ *commissioner* may direct counsel to prepare the report.

(2) The discovery ~~[hearing master]~~ *commissioner* must file the report with the court and serve a copy of it on each party.

~~[(3) If the discovery [hearing master] commissioner determines that the exigencies of the case do not permit application of the time frames set out in NRCp 16.3, the following time frames will apply instead. Within 7 calendar days after being served with the report, any party may file and serve written objections to the recommendations. Written authorities may be filed with an objection but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within 7 days after being served with the objections.]~~

~~[(4)]~~ (3) Upon receipt of a discovery ~~[hearing master's]~~ *commissioner's* report, any objections, and any response, the court may:

(A) ~~[Adopt,]~~ *Affirm and adopt*, reverse, or modify the discovery ~~[hearing master's]~~ *commissioner's* ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the discovery [~~hearing master~~ commissioner for reconsideration or further action.

~~[(h)]~~ (i) Papers or other materials submitted for the discovery [~~hearing master's~~] commissioner's *in camera* inspection must be accompanied by a captioned cover sheet 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. The party submitting the materials *in camera* must provide one *Bates stamped* copy of the materials without redactions and one *identically Bates stamped* set of materials with proposed redactions.

* * *

PART VII. GENERAL PROVISIONS

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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~~] *pretrial* 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~~] *attorney* fees, to any aggrieved party.

(3) Dismissal of the complaint, ~~[cross-claim, counter-claim]~~ *crossclaim, counterclaim*, 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]~~ *that* may, under the facts of the case, be reasonable, including the imposition of fines, ~~[costs]~~ *costs*, or ~~[attorney's]~~ *attorney* fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion ~~[which]~~ *that* is obviously frivolous, ~~[unnecessary]~~ *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. *Proposed voir dire questions by the parties or their attorney(s) must be submitted to the court no later than the calendar call/final pretrial conference in accordance with EDCR 2.68-2.69, unless otherwise directed by the court. The judge must conduct the initial 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]~~ The trial judge ~~[may]~~ *must then* permit counsel to supplement the judge's examination*

by oral and direct questioning of any of the prospective ~~[jurors.]~~ *jurors subject to governing law*. 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.]~~
- ~~(e)~~ Questions touching on the verdict a juror would return when based upon hypothetical facts.
- ~~[(d)]~~ (c) Questions that are in substance arguments of the case.

PART VIII. ELECTRONIC FILING AND SERVICE

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Rule 8.16. Court fees.

(a) Any document requiring payment of a filing fee to the clerk may be filed electronically in the same manner as any other electronic document.

(b) If a filing fee is required, the filer shall immediately send to the clerk 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]~~ *schedule of fees*. The clerk may also permit the filer to use a credit card or debit card for the payment of the filing fee.

(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 the filing.

(e) Subject to any waiver pursuant to NEFCR 10(c), if without just cause or because of failure to give reasonable attention to the matter, a filer does not pay the required filing fees, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or self-represented litigant 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 self-represented litigant of the reasonable expenses, including attorney fees, to any aggrieved party;

(3) Dismissal of the complaint, [~~cross-claim,~~] *crossclaim*, counterclaim, or motion or the striking of the answer and entry of judgment by default, or the granting or denial of the motion; or

(4) Any other action the court deems appropriate, including, without limitation, imposition of fines.

PART IX. JUSTICE AND MUNICIPAL COURT APPEALS

Rule 9.1. Notice of appeal and bond. *The notice of appeal and any bond shall be filed with the justice or municipal court in compliance with the rules of the particular court and applicable law.*

(a) The notice of appeal shall:

(1) *Specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as “all plaintiffs,” “the defendants,” “the plaintiffs A, B, et al.,” or “all defendants except X”;*

(2) *Designate the judgment, order, or part thereof being appealed;*
and

(3) *Name the court to which the appeal is taken.*

Rule 9.2. Serving the notice of appeal. *The appellant shall serve the notice of appeal on all parties to the action in the justice or municipal court. Service on a party represented by counsel shall be made on counsel. If a party is not represented by counsel, the appellant shall serve the notice of appeal on the party at the party’s last known address. The appellant must note, on each copy, the date when the notice of appeal was filed. The notice of appeal filed with the justice or municipal court clerk shall contain an acknowledgment of service or proof of service.*

Rule 9.3. Payment of fees. *Except where provided by statute, upon filing a notice of appeal, the appellant must pay the justice or municipal court clerk the district court filing fee and any fees charged by the lower court. Except for amended notices of appeal, the district court filing fee is \$47 for each notice of appeal filed.*

Rule 9.4. Bonds.

(a) ***When bond required.*** *In a civil case, the appellant shall file a bond for costs on appeal in the justice or municipal court with the notice of appeal.*

(b) Amount of appeal cost bond. In civil appeals, the bond shall be in the sum of \$250. If the appeal is withdrawn, dismissed, or the judgment affirmed, any outstanding court fees owed to the district court may be satisfied from the bond, with the remainder to be returned to the justice or municipal court for disbursement in accordance with the rules of the particular court and applicable law.

(c) Supersedeas bond; when required. Whenever an appellant desires a stay on appeal, with the exception of summary evictions, in addition to the bond for costs on appeal, the person may file a bond for supersedeas, as provided in this rule.

(1) If the appeal is from a judgment or order directing the payment of money, the bond shall be conditioned for the satisfaction of the judgment in full, together with costs and interest, if for any reason the appeal is dismissed or if the judgment is affirmed and to satisfy in full such modification of the judgment and such costs and interests as the appellate court may adjudge and award. If the appellant does not make such payment within 30 days after the filing of affirmance of the judgment in whole or in part in the court in which the appeal is taken, judgment may be entered on motion of the respondent in the respondent's favor against the surety or sureties for such amount, together with the interest that may be due thereon and the costs that may be awarded against the appellant upon the appeal. When the judgment is for the recovery of money not otherwise secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied, costs awarded against appellant on appeal, and interest, unless the lower court judge, after notice and hearing and for good cause shown, fixes a different amount or orders security other than the bond.

If the appeal is from an order dissolving or refusing to dissolve an attachment, the bond shall be in the sum of the value of the property attached and conditioned that if the order appealed from, or any part thereof, is affirmed, the appellant shall pay to the opposing party, on such appeal, all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon.

(2) If the judgment or order appealed from direct the assignment or delivery of documents or personal property, the things required to be assigned or delivered shall be assigned and placed in the custody of such officer or receiver as the court may appoint, and the bond shall be in such amount as the court or justice court judge may direct, to the effect that the appellant will, if the judgment or order appealed from, or any part thereof, is affirmed, pay to the opposing party on such appeal all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon. In lieu of the assignment and delivery and of the bond herein provided for, the appellant may enter into a bond, in such amount as the court or justice court judge thereof may direct, to the effect that if the judgment or order, or any part thereof, is affirmed, the appellant will obey the order and pay to the opposing party on such appeal all damages and costs caused by reason of said appeal and the stay of execution thereon.

(3) If the judgment or order appealed from directs the execution of a conveyance or other instrument, the instrument shall be executed and deposited with the clerk or justice of the court with whom the judgment or order is entered to abide by the judgment of the appellate court, and the bond shall be in such amount as the court or justice court judge thereof may direct, to the effect that the appellant will, if the judgment or order, or any part thereof, is affirmed,

pay to the opposing party on such appeal all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon.

(4) In cases involving an appeal by the defendant of an order of eviction in a formal proceeding, such appeal shall not stay the execution of the judgment, unless, no later than 10 days after the filing of a notice of appeal, the person shall execute and file with the court or justice court judge an undertaking to the plaintiff, with two or more sureties, in an amount to be fixed by the court or justice, but which shall not be less than twice the amount of the judgment and costs, to the effect that, if the judgment appealed from is affirmed or the appeal is dismissed, the appellant will pay the judgment and the cost of appeal, the value of the use and occupation of the property, and damages justly accruing to the plaintiff during the pendency of the appeal. Upon taking the appeal and filing the undertaking, all further proceedings in the case shall be stayed.

Whenever an appeal is perfected, and a bond given as provided by subparagraphs (1), (2), (3), and (4) herein, it shall stay all further proceedings in the court below upon the judgment or order appealed from or upon matters embraced therein, except as hereinafter specified. However, the court below may proceed upon any other matter included in the action or proceeding and not affected by the judgment or order appealed from; and the court below may in its discretion dispense with or limit the security required by subparagraphs (1), (2), (3), and (4) above when an appellant is an executor, administrator, trustee, or other person acting in another's right.

In cases not provided for in subparagraphs (1), (2), (3), or (4) above, the giving of an appeal bond, under the provisions of EDCR 9.4, shall stay proceedings in the court below upon the judgment or order appealed from, except that where it directs the same of perishable property, the court below may order the property to be sold and the proceeds thereof to be deposited to abide by the

judgment of the appellate court, and except where the appellate court may otherwise direct upon such terms as it may in its discretion impose.

Rule 9.5. Pending appeal. *In summary eviction appeals, the execution of the order of eviction is automatically stayed upon filing of the notice of appeal and posting of the appeal cost bond. For all other civil appeals, an order of stay or related relief from either the lower court or district court must be obtained, unless a supersedeas bond is posted.*

(a) Initial motion in the justice or municipal court. *A party must ordinarily move first in the lower court for the following relief:*

(1) A stay of the judgment or order of, or proceedings in, a justice court or municipal court, pending appeal to the district court;

(2) Approval of a supersedeas bond; or

(3) An order suspending, modifying, restoring, or granting an injunction while an appeal is pending.

(b) Motion in the district court; conditions on relief. *A motion for the relief mentioned in EDCR 9.5(a)(1) may be made to the district court.*

(1) The motion shall:

(A) Show that moving first in the lower court would be impracticable; or

(B) State that, a motion having been made, the lower court denied the motion or failed to afford the relief requested and state any reasons given by the lower court for its action.

(2) The motion shall also include:

(A) The reasons for granting the relief requested and the facts relied on;

(B) Originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

(C) Relevant parts of the record.

(3) The moving party must give reasonable notice of the motion to all parties.

(4) The court may condition relief on a party's filing a bond or other appropriate security in the lower court.

Rule 9.6. Court clerk's duty to forward the record. *Upon the filing of the notice of appeal, the justice or municipal court clerk shall immediately forward to the clerk of the district court the required filing fee and the appeal cost bond, together with the record.*

(a) The record consists of any papers and exhibits filed in the justice or municipal court, the court minutes, and the docket entries made by the clerk, including but not limited to:

(1) The notice of appeal;

(2) Any docket entries;

(3) Any court minutes; and

(4) Any orders.

(b) Except in non-small claims civil appeals from justice court, transcripts are not required and will not be prepared except at the request of a party or the district court hearing the appeal.

(c) In summary eviction appeals, transcripts are not required; however, the justice or municipal court shall make available any electronic recording of proceedings without transcription upon request by the district court.

Rule 9.7. Use of the e-filing system. All parties are required to register with the court's electronic filing system. All filings must be electronically filed in accordance with Part VIII of the EDCR.

Rule 9.8. Briefing and oral argument.

(a) **Opening brief.** Within 7 calendar days of the filing of the notice of appeal, the appealing party may file an opening brief with the district court including:

- (1) The basis for the appeal;
- (2) A statement of the relevant facts;
- (3) A statement of the procedural history of the case;
- (4) The argument on appeal, which must contain any law in support of the appeal; and
- (5) A short conclusion stating the precise relief sought.

(b) **Answering brief.** Within 7 calendar days of the filing and service of the opening brief, the responding party may file an answering brief with the district court, including:

- (1) A statement of the relevant facts;
- (2) A statement of the procedural history of the case;
- (3) The argument opposing the appeal, which must contain any law in support of the answering brief; and
- (4) A short conclusion.

Briefs must not exceed 10 pages, excluding exhibits. Briefs may not include any documents that were not provided to the municipal or justice court. No reply will be permitted except with the approval of the district judge hearing the appeal.

(c) Oral argument. Unless otherwise ordered by the district court, oral argument shall not be scheduled.

Rule 9.9. Service. *A party or a person representing a party must, at the time of filing a paper, serve a copy on the other parties to the appeal pursuant to NRCP 5 and EDCR 8.02. Service on a party represented by counsel must be made on the party's counsel.*

Rule 9.10. Dismissal of appeal. *If the appellant fails to timely file an opening brief, to post the bond as required by EDCR 9.4, or to pay the filing fees as required by EDCR 9.3, the appeal may be dismissed by the district court upon motion from any respondent or upon its own motion at the cost of the appellant.*

(a) Prior to the granting of the dismissal, the appellant shall be given written notice of the motion to dismiss. The notice shall be supported by a certificate of the clerk or district court, showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed, the expiration date of any order extending the time for transmitting the record, and proof of service.

(b) The notice of the motion to dismiss may be mailed or delivered to the appellant or the appellant's attorney. The appellant may respond in writing within 7 days of such service, showing good cause, if any, why the motion should not be granted. The district court clerk shall docket the appeal for the limited purpose of permitting the district court to entertain the motion without requiring payment of the filing fee, but the appellant shall not be permitted to respond without payment of the fee unless the person is otherwise exempt therefrom. The district court, with or without allowing a response from the respondent, shall grant the motion to dismiss if good cause is not shown. If

satisfied as to good cause for the delay, the district court shall allow the appeal to continue upon such terms as it may order.

(c) If any respondent shall fail to timely file an answering brief, such failure may be treated by the district court as a confession of error and sufficient grounds for reversal of the judgment or order appealed from.

Rule 9.11. Representation of entity. *An entity cannot represent itself and must have counsel.*

Rule 9.12. Extension of 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 an 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 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, however, 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.

Rule 9.13. Withdrawal of appeal. *If an appealing party no longer wants to pursue an appeal after the notice of appeal is filed, but before the respondent files any motion or brief, a notice of withdrawal of appeal must be filed with the district court, and the appeal cost bond will be returned to the posting party. If the respondent has filed a motion or brief, the appellant must obtain the consent of the respondent and submit a stipulation and order to dismiss the appeal that is signed by the respondent and that addresses the status of the bond, whether to be returned to the appellant or if it is awarded to the respondent for any incurred costs.*

Rule 9.14. Return of bond. *After the district court dismisses an appeal or affirms the decision of the justice or municipal court, the appeal cost bond will be returned to the justice or municipal court for disbursement in accordance with the rules of the particular court and applicable law. Upon the issuance of a remittitur returning jurisdiction to the justice or municipal court, any supersedeas bond posted shall be awarded to the respondent by the justice or municipal court.*

Rule 9.15. Remand. *When the district court remands an appeal to the justice or municipal court for additional findings or clarification, the appeal shall remain open, and the appeal cost bond posted shall be held by the district court until:*

- (a) A response is provided by the justice or municipal court;*
- (b) The lower court matter is dismissed and/or closed; or*
- (c) The appeal is withdrawn by the appellant, whichever occurs first.*

The district court shall issue a supplemental order to address the award or return of the appeal cost bond and closure of the district court appeal case if the

lower court matter is dismissed and/or closed, or if the appeal is withdrawn by the appellant, after issuance of remand.

Rule 9.16. Sealing of the record.

(a) In summary eviction appeals, if the district court reverses the decision of the justice or municipal court, the record shall be automatically sealed by the district court pursuant to NRS 40.2545.

(b) In all other civil appeals, the record will not be sealed unless upon stipulation approved by or motion granted by the district court.