

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION  
OF A UNIFORM RULE GOVERNING  
TELEPHONIC AND AUDIOVISUAL  
PARTICIPATION IN CIVIL, CRIMINAL  
AND FAMILY LAW CASES IN ALL  
COURTS IN THE STATE OF NEVADA.

ADKT No. 424

**FILED**

JUN 16 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER SCHEDULING PUBLIC HEARING

On June 7, 2011, the Hon. Mark Gibbons, Associate Justice of the Nevada Supreme Court, filed a petitions seeking amendment of Part IX of the Supreme Court Rules governing telephonic and audiovisual participation in the Nevada courts. This court has proposed an amendment to Rule 4, attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the proposed rule amendment on Thursday, July 7, 2011, at 3:00 p.m. in the Nevada Supreme Court Courtroom at 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, Regional Justice Center, 200 Lewis Street, 17<sup>th</sup> Floor, Las Vegas, Nevada.

The bench, bar and the public are invited to submit written comments on this matter. An original and 8 copies of written comments are to be submitted to: Tracie K. Lindeman, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., July 1, 2011. Persons interested in participating in the hearing must notify the Clerk no later than July 1, 2011.

**Hearing date:** July 7, 2011, at 3:00 p.m.  
Nevada Supreme Court Courtroom  
201 South Carson Street  
Carson City, Nevada 89701

**Comment deadline:** July 1, 2011, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

DATED this 16<sup>th</sup> day of June, 2011.

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

cc: All District Judges  
All Justices of the Peace  
Cam Ferenbach, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Clark County Bar Association  
Washoe County Bar Association  
All City Attorneys  
All District Attorneys  
Legal Aid Center of Southern Nevada  
Nevada Legal Services  
Volunteer Attorneys for Rural Nevadans  
Washoe Legal Services  
State Public Defender  
Washoe County Public Defender  
Clark County Public Defender  
Washoe County Alternative Public Defender  
Clark County Special Public Defender  
Federal Public Defender  
Administrative Office of the Courts

Exhibit A

AMENDMENT OF PART IX OF THE SUPREME COURT RULES

PART IX. RULES GOVERNING APPEARANCE BY  
AUDIOVISUAL TRANSMISSION EQUIPMENT

\* \* \*

**Rule 4. Appearance by audiovisual transmission equipment.**

\* \* \*

**3. Court discretion to modify rule.**

(a) **Applicable cases.** In exercising its discretion under this provision, the court should consider the general policy favoring audiovisual transmission equipment appearances in civil and criminal cases.

(b) **Court may require personal appearances.** Upon a showing of good cause either by motion of a party or upon its own motion, the court may require a party or witness to appear in person at a hearing, conference, or proceeding listed in subsection 1 if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(c) **Court may permit appearances by audiovisual transmission equipment.** The court may permit a party or witness to appear by audiovisual transmission equipment at a hearing, conference, or proceeding listed in subsection 2 if the court determines that a audiovisual transmission equipment appearance is appropriate.

**4. Need for personal appearance.** If, at any time during a hearing, conference, or proceeding conducted by audiovisual transmission equipment, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance by a party or witness.

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