

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

APR 02 2008

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

PETITION TO ADOPT A UNIFORM RULE
TO GOVERN TELEPHONIC AND AUDIOVISUAL
PARTICIPATION IN NEVADA COURTS

COMES NOW the Honorable Mark Gibbons, Chief Justice of the Nevada Supreme Court, and petitions the Nevada Supreme Court on its administrative docket to adopt a rule governing telephonic and audiovisual participation in civil, criminal and family law cases in all courts in the State of Nevada and alleges that:

1. Modern technology has been used in Nevada courts to make case information and court records more accessible to the public at a reasonable cost.

2. In order to improve access to the courts and reduce litigation costs, the Nevada Supreme Court should consider expanding the permissible use of technology to allow litigants and their counsel to participate in court proceedings by telephonic or audiovisual means.

3. Some state judges currently permit telephonic or audiovisual appearances by counsel or parties on a regular basis; however, the practice is not consistent between judicial districts or among the courts in the same judicial district.

4. Practitioners and litigants alike would benefit from a single, uniform practice throughout the state courts and I therefore

propose that the Nevada Supreme Court adopt a statewide rule to govern telephonic and audiovisual participation in all civil, criminal and family law cases, and that the court encourage the courts to make greater use of such technology to conduct conferences, hearings and other proceedings.

5. Courts in other states have adopted similar rules and the federal courts have also allowed telephonic participation in hearings, although no federal rule appears to govern the practice in this district.

Accordingly, I request that the Nevada Supreme Court adopt a new rule to establish uniform procedures for telephonic or audiovisual participation in civil, criminal and family law cases. A proposed rule, based on that adopted in Alaska, is set forth in Exhibit A attached to this petition.

DATED this 2nd day of April, 2008.

J. Gibbons, C.J.

EXHIBIT A

Telephonic or Audiovisual Participation in Court Proceedings.

(a) Authorization for Telephonic or Audiovisual Participation.

The court may allow a party, counsel, witness or the judge to participate telephonically or by audiovisual means in any trial, hearing or deposition for good cause and in the absence of substantial prejudice to opposing parties.

(b) Procedure. The following procedure must be observed concerning telephonic or audiovisual participation in trials or hearings:

(1) Trials and hearings involving telephonic or audiovisual participation must be scheduled in the same manner as other trials or hearings.

(2) When telephonic or audiovisual participation is requested, the court, before the trial or hearing, shall designate the party responsible for arranging the call and the party or parties responsible for payment of the call.

(3) Upon convening a telephonic or audiovisual proceeding, the judge shall:

(i) Recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing;

(ii) Ascertain that all statements of all parties are audible to all participants;

(iii) Give instructions on how the hearing is to be conducted, including notice that in order to preserve the record speakers must identify themselves each time they speak.

(4) A verbatim record of the proceeding must be made.

(c) Public Access. The right of public access to court proceedings must be preserved in accordance with law.