

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

MAY 16 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER SCHEDULING PUBLIC HEARING

On April 2, 2008, the Hon. Mark Gibbons, Chief Justice of the Nevada Supreme Court, filed a petition in this court, attached as Exhibit A, requesting the adoption of a uniform rule to govern telephonic and audiovisual participation in Nevada courts.

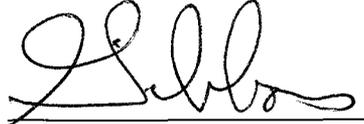
The Nevada Supreme Court will conduct a public hearing Monday, June 2, 2008, at 4:00 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada.

The bench, bar and the public are invited to submit written comments on the proposed rule. 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., May 28, 2008. Persons interested in participating in the hearing must notify the Clerk no later than May 28, 2008.

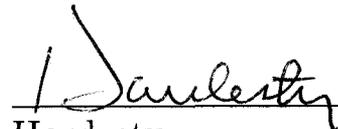
Hearing date: June 2, 2008, at 4:00 p.m.
Supreme Court Courtroom
201 S. Carson Street
Carson City, Nevada

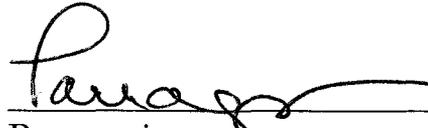
Comment deadline: May 28, 2008, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 16 day of May, 2008.

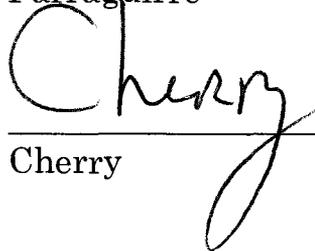

_____, C.J.
Gibbons

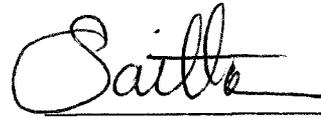

_____, J.
Maupin


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Saitta

cc: All District Judges
All District Court Clerks
Nancy Allf, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Bench-Bar Committee
Administrative Office of the Court

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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.


_____, 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.