

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 30 2009

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

PETITION

COMES NOW, Mark Gibbons, Justice of the Nevada Supreme Court, who petitions the Nevada Supreme Court on its Administrative Docket to amend Rule 3 of the Rules Governing Appearance By Communication Equipment adopted December 18, 2008, as follows:

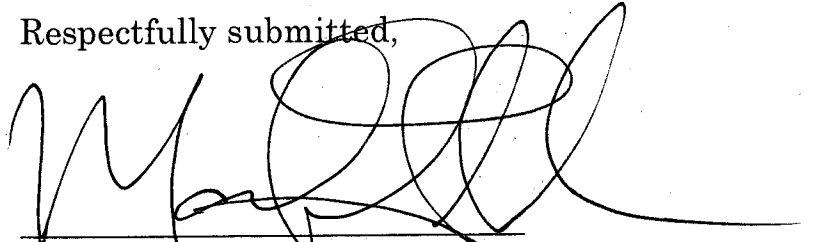
1. Rule 3 currently provides that "this rule applies to all cases except criminal, juvenile, and appellate proceedings."
2. In order to improve access to the courts and reduce costs and expenses, the Nevada Supreme Court should consider modifying said rule to permit it to apply to criminal and juvenile proceedings providing there is a stipulation between the parties to the case to utilize the procedure set forth in the telephonic or audiovisual participation in court proceedings rule.
3. The modification of this rule would give courts conducting criminal and juvenile proceedings the opportunity to determine the effectiveness of this rule and allow the Supreme Court to determine if its use should be expanded further.
4. Telephonic conferences in criminal cases are currently being utilized to a limited extent in California, as shown by Exhibit "1" attached hereto.

09-31731

Wherefore, I request that the court authorize the amendment of the current rule as set forth above.

Dated this 29 day of April, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Gibbons', written over a horizontal line.

MARK GIBBONS, JUSTICE

COURTCALL, LLC*Telephonic Court Appearances*

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TO: All Counsel
FROM: COURTCALL
RE: Service Commencement Judge Swain – Department 79, Hollywood
 Judge Smith – Department 77, Hollywood
DATE: October 2007

It is with great pleasure that we announce that for certain appearances commencing on and after October __, 2007 Judge Smith and Judge Swain will begin using CourtCall to conduct telephonic appearances by counsel ("CourtCall Appearances"): CourtCall Appearances have been available in Civil and other proceedings for several years and we believe they can benefit members of the Criminal Bar, as well. CourtCall is providing equipment to enhance the process and by making the process of telephonic appearance more uniform your practice will become more productive and the cost of court appearances will be further reduced. Subject to the Court's authority to reject any request for a CourtCall Appearance and/or to modify these procedures as may be appropriate, the following are the initial policies concerning CourtCall Appearances in the courtrooms of Judge Swain and Judge Smith. **INITIALLY, TELEPHONIC APPEARANCES WILL BE AVAILABLE ONLY FOR MISDEMEANOR, NON-CUSTODY APPEARANCES AS SET FORTH BELOW.** Absent emergency circumstances, counsel must contact CourtCall to obtain, complete and serve a Request For CourtCall Appearance Form ("Request Form") and pay the fee for each CourtCall Appearance at least 3 Court days prior to the hearing date.

General procedures:

Counsel may appear by CourtCall where counsel has been retained and is prepared to state on the record that he or she is the defendant's attorney of record and counsel must also have prior 977 authorization from the client to appear on his or her behalf. Counsel of record may appear by CourtCall for all appearances described below, unless the Court has specifically stated that counsel must appear in person on the next date set, or any future Court date. CourtCall Appearances will be heard at 8:30 am and 11:50 am, daily. Counsel should appear on the 8:30 calendar but may appear on the 11:50 calendar, as described below under "Emergency Appearances."

1. Arraignment and Plea.

Other than in Domestic Violence cases where the defendant is required by statute to appear. Counsel of record may appear by CourtCall to announce his or her appearance as attorney of record, and either enter a "not guilty" plea or continue the arraignment. To facilitate the receipt of discovery, CourtCall will provide the clerk with a stamped envelope addressed to counsel of record who is appearing by CourtCall and the clerk will mail the discovery to counsel at the conclusion of the CourtCall Appearance.

2. Pre-trial Hearings.

Counsel of record may appear by CourtCall to continue any pre-trial hearing unless the Court has stated otherwise.

3. Pre-trial Motions or Sentencing Hearings.

Counsel of record may appear by CourtCall to continue any motion or sentencing hearing, if prior notice has been given the prosecution and there is no objection to the continuance.

4. Emergency Appearances.

In the event of an emergency on the date of counsel's scheduled appearance, counsel may contact CourtCall and be placed on either the 8:30 am or 11:50 am CourtCall calendar, it being the responsibility of counsel to arrange for payment to CourtCall as soon as possible after said emergency appearance.

You may obtain additional information by calling CourtCall, LLC at 310-342-0888 or 888-882-6878. For information about CourtCall Appearances, please call CourtCall, not courtrooms of Judge Swain or Judge Smith.