

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 424

FILED

JAN 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

*ORDER AMENDING RULES 2 AND 4 OF PART IX-A(B)
OF THE RULES GOVERNING APPEARANCE BY
COMMUNICATION EQUIPMENT*

WHEREAS, on December 12, 2018, the Honorable Mark Gibbons, Chief Justice, filed a petition in this court seeking amendment of Rule 2 and Rule 4 of Part IX-A(B) of the Rules Governing Appearance by Communication Equipment to conform Nevada's procedural rules to United States Supreme Court and Ninth Circuit Court of Appeals precedent; and

WHEREAS, it appears that amendment of Rule 2 and Rule 4 of Part IX-A(B) of the Rules Governing Appearance by Communication Equipment is warranted; accordingly,

IT IS HEREBY ORDERED that Rule 2 and Rule 4 of the Rules Governing Appearance by Communication Equipment shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to Rule 2 and Rule 4 of the Rules Governing Appearance by Communication Equipment shall be effective 30 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 rules.

Dated this 25th day of January 2019.

Gibbons, C.J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Richard J. Pocker, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO RULES 2 AND 4 OF PART IX-A(B) OF THE RULES GOVERNING APPEARANCE BY SIMULTANEOUS AUDIOVISUAL TRANSMISSION EQUIPMENT FOR CRIMINAL PROCEEDINGS

Rule 2. Policy ~~[favoring]~~ allowing simultaneous audiovisual transmission equipment appearances. The intent of this rule is to promote uniformity in the practices and procedures relating to simultaneous audiovisual transmission appearances. ~~[To improve access to the courts and reduce litigation costs,]~~ As provided in these rules, courts ~~[shall]~~ may permit ~~[parties, to the extent feasible,]~~ a witness to appear by simultaneous audiovisual transmission equipment at appropriate ~~[proceedings pursuant to these rules.]~~ proceedings, including trial.

Rule 4. Personal appearances; appearance by simultaneous audiovisual transmission equipment.

1. Except as set forth in Rule 3, a witness may appear by simultaneous audiovisual transmission equipment at trial if the court first makes a case-specific finding that (1) the denial of physical confrontation is necessary to further an important public policy, and (2) the reliability of the testimony is assured; and in all other criminal proceedings or hearings where personal appearance is required unless the court determines that the personal appearance of the witness is necessary.

* * *