

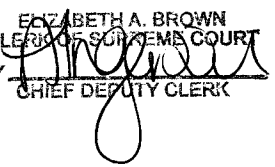
IN THE SUPREME COURT OF THE STATE OF NEVADA

ADKT 0536

FILED

MAR 07 2019

IN THE MATTER OF ADOPTING
THE JUSTICE COURT LOCAL RULES
OF THE PAHRUMP JUSTICE COURT

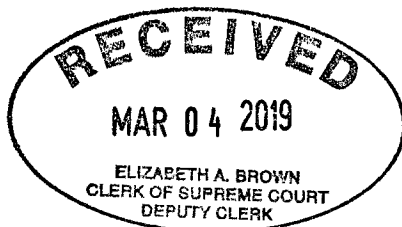
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK


PETITION TO ADOPT THE JUSTICE COURT LOCAL RULES FOR THE PAHRUMP
JUSTICE COURT, BY CREATING PJC RULES 1 THROUGH 14.

COMES NOW the Honorable Kent Jasperson, Justice of The Peace for the Pahrump Township, to Petition the Nevada Supreme Court on its administrative docket to adopt the Justice Court Local Rules for the Pahrump Justice Court by creating PJC Rules 1 through 14.

The rules are needed to provide a standard procedure regarding specific issues so that the court is complying with the requirements of the Nevada Revised Statutes. The Court requests that the Supreme Court approve the rules of procedures for the Justice Court of Pahrump Township as set forth in Exhibit A to this petition.

Respectfully submitted this 28TH of February 2019.





Judge Kent Jasperson
Pahrump Township Justice Court

19-10244

EXHIBIT

A

Pahrump Justice Court Local Rules of Procedure

PJC Rule No. 1. Authority and Scope:

To the extent that same are not inconsistent with the Justice Court Rules of Civil Procedure (JCRCP), Local Rules of Practice for the Rural Justice Courts in the State of Nevada, the provisions of Nevada Revised Statute (NRS) Chapters 4, 64-67, or 173-189, the Court adopts the Local Rules of Practice for the Eighth Judicial District Court (EDCR), the Nevada District Court Rules (DCR), the Nevada Rules of Professional Conduct and the Model Code of Conduct for Judicial Employees in the State of Nevada.

PJC Rule No. 2. Issuance of Notices:

Only the Clerk may set the hearing of any criminal or civil proceeding.

PJC Rule No. 3. Motions and Stipulations:

- (a) An application to the Court for an Order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the Court permits it to be made orally. It shall state the grounds upon which it is made and shall set forth the relief or order sought. It must be supported by affidavit or other admissible evidence.
- (b) For cause shown, an order may be obtained ex-parte.
- (c) Any opposition to a written motion must be filed not later than ten (10) days after service of the motion.

- (d) Response to the opposition must be filed not later than five (5) days after service of the opposition.
- (e) When a motion or opposition is supported by an affidavit, the affidavit must be served with the motion or opposition.
- (f) A certificate of service must accompany each motion or opposition filed.
- (g) Motions shall comply with DCR, EDCR 2, and NRS 178.552.
- (h) No stipulation between the parties or their attorneys will be regarded unless the stipulation is in writing, providing reason for the requested continuance, subscribed by both parties or their attorneys, and confirmed by written order.
- (i) Proposed order shall accompany all motions and stipulations.
- (j) No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefore, after notice of such motion to the adverse parties.

PJC Rule No. 4. Petitions to Seal:

Any petition to seal a record pursuant to NRS 179.245 and 179.255 must be filed as a civil action. No fee shall be charged to an indigent petitioner, to an acquitted petitioner, or when the criminal charges have been dismissed by the State. Notice of the evidentiary hearing must be given to all persons, agencies or entities that the petitioner desires to be affected by an order sealing record. The evidentiary hearing required pursuant to NRS 179.245 and 179.255 may not be waived.

PJC Rule No. 5. Conduct of Counsel:

Attorneys shall stand while addressing the Court. Attorneys may examine witnesses while standing or seated at counsel table or while standing at the lectern. Attorneys shall not approach the Clerk, the witness area or the bench without first having obtained the Court's permission to do so. Summer dress rules shall apply from May 1 through October 15, at which times jackets will be optional.

PJC Rule No. 6. Code of Professional Courtesy:

Counsel and pro se litigants shall conduct themselves in accordance with the Nevada Rules of Professional Conduct and the Model Code of Conduct for Judicial Employees of the State of Nevada.

PJC Rule No. 7. Bail Bonds:

The will not accept a bail bond or other security if the bond or other security has a limited term. Bonding agents must provide proof of a current Power of Attorney filed with the County Clerk's office.

PJC Rule No. 8. Subpoenas:

Either the Judge or the Deputy Clerks may issue subpoenas in a civil proceeding in according with JCRCP 45(a). The Deputy Clerks shall not issue a subpoena in a criminal proceeding.

PJC Rule No. 9. Waiver of Defendant's Presence:

The defendant's presence is required at the arraignment, trial, and sentencing unless the Court has waived the defendant's presence for a particular proceeding. Good cause must be shown for all waivers. Waivers are not favored in matters wherein the defendant is charged with an alcohol or drug-related offense, in cases alleging domestic battery, in cases alleging resisting, evading, delaying or battery upon a peace officer, or in cases wherein the defendant is accused of a felony or gross misdemeanor.

PJC Rule No. 10. Social Security Numbers:

A person shall not include, and this Court will not require a person to include, the social security number of a person on any document that is filed or otherwise submitted to the Court, except for the last four numbers thereof.

PJC Rule No. 11. Tenants Withholding Rent:

Tenants may deposit rent withheld under paragraph (d) of subsection 1 of NRS 118A.355 into an account maintained by the Court. A tenant does not have a defense to an eviction under NRS 118A.355 unless the tenant has deposited the withheld rent with the Court.

PJC Rule No. 12. Interpreters or Other Special Needs:

The Court will arrange for situation appropriate certified interpreters or provisions for special needs. Counsel must submit their written request for interpreter or other special needs at least ten (10) days prior to the Court appearance.

PJC Rule No. 13. Appearance by Communication Equipment:

The Court adopts Supreme Court Rules, Part IX: Rules governing appearance by communication equipment, Rule 4.

PJC Rule No. 14. Affidavits on Reductions and Dismissals:

Anytime a person is charged with a violation of Nevada Revised Statute 200.485 {Battery Which Constitutes Domestic Violence}, or 484C.110 through 484C.130 inclusive {Driving Under the Influence}, should the charge be amended to a lesser charge, or dismissed it shall be done in writing and accompanied by an affidavit stating the reason for the change to the original charge.