

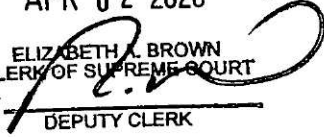
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE REPEAL OF  
THE RULES OF PRACTICE FOR THE  
FIRST JUDICIAL DISTRICT COURT  
AND APPROVAL OF PROPOSED  
RULES OF PRACTICE FOR THE FIRST  
JUDICIAL DISTRICT COURT

ADKT 0543

FILED

APR 02 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER AMENDING RULES OF PRACTICE FOR  
THE FIRST JUDICIAL DISTRICT COURT*

WHEREAS, on January 24, 2020, James T. Russell, District Judge, and James E. Wilson, Jr. District Judge, First Judicial District Court filed a petition in this court seeking to amend the Rules of Practice for the First Judicial District Court, specifically Rules 3.7 and 3.8. An amended petition was filed on January 30, 2020. Accordingly,

IT IS HEREBY ORDERED that the proposed amendments to Rules 3.7 and 3.8 shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to the Rules of Practice for the First Judicial District Court 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 rule amendments.

Dated this 2<sup>ND</sup> day of April, 2020.

Pickering, C.J.  
Pickering

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

Cadish, J.  
Cadish

Silver, J.  
Silver

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

## EXHIBIT A

### AMENDMENT TO RULES 3.7 AND 3.8 OF THE RULES OF PRACTICE FOR THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

#### 3.7 Motions and stipulations.

(a) *Motion.* A non-pleading request for an order or other relief is made by motion unless otherwise prescribed in these rules or other controlling law.

(b) *Duty to confer and exchange information; certification in motion.* Before filing any motion, except as provided below in this subsection, the party must confer with the opposing attorneys or self-represented parties and make a good faith effort, including the exchange of names of witnesses and documents that support each party's contentions, to resolve the issue raised in the motion. The first paragraph of any motion, except as provided below in this subsection, must be a certification that the attorneys or parties filing the motion have complied in good faith with this rule and state specifically:

(1) The date the attorney or the moving party conferred with the opposing attorneys or self-represented parties;

(2) The method of conferring, i.e., in person, by telephone, letter, etc.;

(3) What witnesses were identified by each party as supporting their contentions;

(4) What documents or other evidence were exchanged in support of each party's contentions;

(5) Any issues that were resolved; and

(6) What issues could not be resolved.

This rule does not apply to motions made under NRS 13.050; NRCP 11(c), 12(b)-(d), 41, 50, 53(b)(3), 54(d), 56, and 59; or under any statute or rule that allows a motion for attorney fees, costs, or both.

(c) *Telephone conference with judge.* If, at any time after the parties have conferred in good faith as required in subsection (b) of this rule and been unable to resolve all of the issues, the parties agree to a telephone conference with the judge, the attorneys and/or self-represented parties may contact the judge's judicial assistant and inform him of the nature of the issue and that they would like to arrange a telephone call with the judge regarding the issue. If the issue does not involve material factual disputes, the judge may agree to participate in a telephone conference that will be recorded on the court's recording system.

(d) *Required content.* Motions and oppositions must include a memorandum of points and authorities with appropriate headings and in the following order:

(1) For motions other than those excepted under subsection (b) of this rule, a certification of counsel or of the self-represented party that he has conferred with opposing counsel or self-represented party and made a good faith effort to resolve the issue raised in the motion;

(2) State the issue the party wants decided;

(3) State the facts upon which the motion is based, and include admissible evidence to support the alleged facts;

(4) Cite the legal authority that supports the party's position;

(5) Include analysis of the facts and law and the party's argument;

and

(6) Specify the requested relief.

(e) *Failure to comply.* ~~[Failure to comply with these requirements by the moving party may result in the court declining to consider the motion until the parties have conferred and be treated as consent to deny the motion; failure to comply with these requirements by the opposing party may be treated as consent to grant the motion.]~~ The failure of the moving party to file a memorandum of points and authorities in support of the motion shall constitute a consent to the denial of the motion.

**3.8 Time for filing opposition.** Unless otherwise ordered by the court, ~~[opposition points and authorities must be filed and served within 14 days after service of the motion.]~~ an opposing party will have 14 days after service of the motion to file a memorandum of points and authorities in opposition to the motion. The failure of an opposing party to timely file a memorandum of points and authorities shall constitute a consent to the granting of the motion.