


FILED

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

Jacob Reynolds

Bar #10199

Public Hearing December 5, 2023, 3:00 p.m. at Supreme Court of Nevada

ADKT 581

**Comment:** I wish to simply provide quite plainly in the new rules that failings in the technology can result in the Court **deeming the failure a nonappearance**. I believe this is necessary to avoid abuse of the system and to avoid burdening parties. Failures in the technology burden the Court that has prepared for a hearing, and burden opposing counsel that has prepared for a hearing. It should be plainly stated that a failure in the technology to work may be deemed a failure to appear. This is something being provided for parties' convenience and it should not be allowed to work for the inconvenience or prejudice of the Court and opposing parties. The following are the specific proposed changes:

#### Specific Proposed Changes

#### Comment on Supreme Court Rules Part IX-B

(A) Rules Governing Appearance by Telephone Transmission Equipment for Civil and Family Court Proceedings Rule 4 Exhibit A – Comment on Rule 4: formerly entitled “Appearance by telephonic transmission equipment” now being changed to “Remote Appearances.”

a. Point of Concern:

- i. Sub-paragraph 3 is being modified to be Sub-paragraph 2 and states: “~~[(3)]~~ 2. Court discretion to modify rule. *In accordance with the Rules of Virtual Advocacy 3(q), if a party’s internet connection is poor and the court is unable to view, hear or understand an attorney or litigant, the court reserves the right to hear from the party telephonically, continue the matter, or take the matter off-calendar, or pursue any other remedy that the court deems appropriate.*”

b. Comment:

- i. This needs stronger language to protect the Court from abuse and unnecessary delay. The first identified potential consequence should be to allow the Court to treat the failing as a non-appearance. Proposed language would be:
  1. “~~[(3)]~~ 2. Court discretion to modify rule. *In accordance with the Rules of Virtual Advocacy 3(q), if a party’s internet connection is poor and the court is unable to view, hear or understand an attorney or litigant, the failure may be deemed a non-appearance. The court also reserves the right to hear from the party telephonically, continue the matter, ~~for~~*”

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take the matter off-calendar, or pursue any other remedy that the court deems appropriate.

(B) There is a corollary to this in the REMOTE/VIRTUAL HEARING PROCEDURES being proposed contemporaneously to the Rules of Virtual Advocacy.

a. Rule 3(p) currently proposed reads as follows:

i. "If a party's internet connection is poor and the Court is unable to view, hear, or understand an attorney or litigant, the Court reserves the right to hear from the party telephonically, continue the matter, take the matter off-calendar, or pursue any other remedy that the Court deems appropriate."

ii. Comment:

1. I propose the same change:

a. If a party's internet connection is poor and the court is unable to view, hear or understand an attorney or litigant, the failure may be deemed a non-appearance. The Court also reserves the right to hear from the party telephonically, continue the matter, [or] take the matter off-calendar, ~~for~~ pursue any other remedy that the court deems appropriate.