

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE AMENDMENT OF )  
RULE 1 AND RULE 2 OF THE LOCAL RULES )  
OF THE FOURTH JUDICIAL DISTRICT COURT )

ADKT 585

FILED

SEP 30 2021

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

PETITION FOR ORDER AMENDING RULE 1 AND RULE 2 OF THE LOCAL RULES  
OF THE FOURTH JUDICIAL DISTRICT COURT

WHEREAS the 2019 Nevada Legislature amended NRS 3.014 to require three rather than two district judges for the Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, and

WHEREAS the amendment to NRS 3.014 became effective January 4, 2021, and

WHEREAS the petitioners have concluded that the current versions of Rule 1 and Rule 2 of the local rules of the Fourth Judicial District Court must be amended to reflect the 2019 amendment to NRS 3.014, and

WHEREAS the petitioners have drafted an amendment to Rule 1 and Rule 2 of the local rules of the Fourth Judicial District Court, and

WHEREAS petitioners have attached their draft of amendments to Rule 1 and Rule 2 of the local rules of the Fourth Judicial District Court as Exhibit 1, and

WHEREAS petitioners have determined that their draft of the amendments to Rule 1 and Rule 2 of the local rules of the Fourth Judicial District Court will serve the interests of justice,

Petitioners Kriston N. Hill, Alvin R. (Al) Kacin, and Mason E. Simons respectfully petition this honorable court to enter an order amending Rule 1 and Rule 2 of the local rules of the Fourth Judicial District Court as reflected in Exhibit 1, effective upon the entry of said order.

DATED this 30 day of September, 2021.

*[Signature]*  
KRISTON N. HILL  
DISTRICT JUDGE - DEPT 1

*[Signature]*  
ALVIN R. (AL) KACIN  
DISTRICT JUDGE - DEPT 2

*[Signature]*  
MASON E. SIMONS  
DISTRICT JUDGE - DEPT 3

EXHIBIT 1

**Rule 1. Applicability and Citation of Rules.**

1. These rules shall be known as the Fourth Judicial District Court Rules. They shall be cited as 4JDCR.

2. In order to allow flexibility in the administration of the Fourth Judicial District Court, the court's judges may issue standing orders supplementing these rules from time to time. Standing orders shall be posted in the Elko County Clerk's Office and on the Elko County Clerk's website.

3. The District Court Rules promulgated by the Nevada Supreme Court shall be applied whenever consistent with these local rules. To the extent they are inconsistent with the District Court Rules, these rules shall be applied instead pursuant to DCR 5.

**Rule 2. Organization of the Court; Chief Judge; Juvenile Judge; Court Masters; and Court Masters Pro Tempore.**

1. The Fourth Judicial District Court consists of three departments: Department 1, Department 2, and Department 3.

2. Unless previously disqualified, the court's judges may provide temporary judicial coverage for one another. In the event of the absence or the incapacity of a judge, or when agreed by the judges, a judge may temporarily preside in the department of another judge without a specific order of case reassignment. Cases heard by a judge pursuant to this subsection remain in the department originally assigned and are not automatically transferred.

3. The court's caseload shall be divided into criminal, guardianship, probate, juvenile, domestic relations, and general civil dockets.

a. All criminal actions, including appeals from limited jurisdiction courts, shall be assigned as provided by the Nevada Rules of Criminal Procedure for the District Courts.

1           b.     Except as may otherwise be ordered by the chief judge pursuant to Rule  
2 2(5)(c), the clerk shall assign all guardianship actions to the judge who has been  
3 assigned the guardianship docket.

4           c.     Except as may otherwise be ordered by the chief judge pursuant to Rule  
5 2(5)(c), the clerk shall assign all probate actions to the judge who has been assigned  
6 the probate docket.

7           d.     Except as may otherwise be ordered by the chief judge pursuant to Rule  
8 2(5)(c), the clerk shall assign all juvenile actions to the judge who has been  
9 designated as the juvenile judge.

10          e.     Except as may otherwise be ordered by the chief judge pursuant to Rule  
11 2(5)(c), the clerk shall randomly assign domestic relations actions to one of the three  
12 departments.

13          f.     Except as may otherwise be ordered by the chief judge pursuant to Rule  
14 2(5)(c), the clerk shall randomly assign general civil actions, including appeals from  
15 limited jurisdiction courts, to one of the three departments.

16          4.     By majority vote, the court's judges shall from among themselves elect  
17 judges to serve as chief judge and juvenile judge of the judicial district. No judge's  
18 vote may be cast by proxy. In the event no judge receives a majority of votes for an  
19 office, the Chief Justice of the Supreme Court of Nevada shall designate a judge of  
20 the judicial district to serve in that office for the specified full or unexpired term that  
21 remains to be served.

22          a.     Initial elections of a chief judge and a juvenile judge shall be held by  
23 secret vote at the first regularly-scheduled judges meeting following the effective  
24 date of this rule, as amended.

25          b.     The terms of office of the chief judge and juvenile judge elected  
26 pursuant to Rule 2(4)(a) shall: (i) begin upon election; and (ii) expire at 5:00 PM  
27 PST on the first Monday of January 2023.

28          c.     Regular elections of a chief judge and a juvenile judge to two-year  
terms of office shall be held by secret vote at a regularly-scheduled judges meeting  
on the second Tuesday of November of every even-numbered year starting 2022.

1 d. The terms of office of the chief judge and juvenile judge elected  
2 pursuant to Rule 2(4)(c) shall: (i) begin at 5:00 PM PST on the first Monday of  
3 January of the first odd-numbered year following the election; and (ii) expire at 5:00  
4 PM PST on the first Monday of January of the subsequent odd-numbered year.

5 e. There shall be no limit to the number of terms that a judge may serve  
6 as either chief judge or juvenile judge. One judge may hold the offices of chief judge  
7 and juvenile judge at the same time.

8 f. If the office of chief judge or juvenile judge becomes vacant for a  
9 reason other than removal pursuant to Rule 2(4)(g), a special election to fill the  
10 remainder of the unexpired term shall be held by secret vote at the regular monthly  
11 judges meeting following the vacancy.

12 g. The chief judge or the juvenile judge may be removed by motion and a  
13 two-thirds vote of the judges at a regular monthly judges meeting. No judge's vote  
14 may be cast by proxy. The Chief Justice of the Supreme Court of Nevada shall  
15 designate a judge of the judicial district to serve the remainder of the term of any  
16 chief judge or juvenile judge so removed.

17 5. The chief judge, in addition to any duties specifically provided by  
18 statute, court rule, or standing order, shall perform the following duties on behalf of  
19 the judicial district:

20 a. The chief judge shall preside over all regular monthly and special  
21 meetings of the court's judges and shall speak for the court on matters approved by  
22 a majority vote of the judges. The chief judge shall represent the court in its relations  
23 with other branches of government, the bar, the general public and the news media.

24 b. The chief judge shall supervise all administrative court personnel not  
25 permanently assigned to the chambers of another district judge, or under the  
26 supervision of the juvenile judge.

27 c. The chief judge shall supervise the district court functions of the Elko  
28 County Clerk. The chief judge shall supervise case management and, in consultation  
with the court's other judges, may assign judges to preside over specialty courts and  
other specific dockets, and may reassign specific cases as reasonably necessary to  
equalize the workload of the court among the several judges and implement a "One  
Family, One Judge" assignment of cases.

1           d.     The chief judge shall obtain the services of senior district judges or  
2 sitting district judges in other judicial districts in the state when necessary to assist a  
3 judge with his or her caseload.

4           e.     The chief judge shall arbitrate conflicts between the court's judges,  
5 including, but not limited to, conflicts concerning calendaring, case assignment,  
6 court procedures, and court policy.

7           f.     In consultation with the court's other judges, the chief judge shall  
8 determine the need and seek funds for, and approve the provision of: (i) space and  
9 furnishings needed to conduct court business; (ii) the construction of new court  
10 buildings, courtrooms and related physical facilities; (iii) the modification of  
11 existing court buildings, courtrooms and related physical facilities; and (iv) the  
12 temporary assignment or reassignment of courtrooms between departments to  
13 accommodate the needs of the court, and efficient and effective case management.

14           g.     The chief judge shall be responsible for: (i) entering and vacating  
15 standing orders approved by a majority vote of the court's judges; and (ii) appointing  
16 standing and special committees of the judges as may be advisable to facilitate the  
17 proper performance of the duties and functions of the court.

18           h.     The chief judge shall be responsible for compilation and distribution of  
19 statistics of the court.

20           6.     The juvenile judge, in addition to any duties specifically provided by  
21 statute, court rule, or standing order, shall perform the following duties on behalf of  
22 the judicial district:

23           a.     The juvenile judge shall supervise court masters' performance of  
24 juvenile master duties and set the salaries, expenses, and other compensation of  
25 masters of the juvenile court, probation officers and all employees of the juvenile  
26 court pursuant to NRS 62B.100(2).

27           b.     The juvenile judge shall oversee the operation of the court's Juvenile  
28 Probation and Juvenile Detention departments, including financial oversight and the  
approval of personnel decisions.

1 c. The juvenile judge shall hear all objections to masters' recommendations in juvenile delinquency and juvenile dependency cases except  
2 where prohibited by the Revised Nevada Code of Judicial Conduct.

3  
4 d. The juvenile judge shall oversee the operation of the Elko County Juvenile Detention Center, including facility maintenance, upgrades, and  
5 modifications, and approval of interlocal agreements for the shared use of the  
6 facility.

7 7. The judges shall hold a regular monthly judges meeting, and may hold  
8 additional special meetings as circumstances require.

9 a. The judges shall meet once per month for a regular meeting in the Elko  
10 County Courthouse during work hours or as otherwise agreed by their mutual  
11 consent. The chief judge shall set any agenda for the regular monthly meeting in  
12 consultation with the court's other judges.

13 b. The court's judges may meet at such other reasonable locations and  
14 times for special meetings as may be required by the chief judge. The chief judge  
15 shall set any agenda for special meetings in consultation with the other judges.

16 8. The court's judges may appoint one or more individuals to serve as  
17 court masters to assist in handling the caseload of the court. Appointments and  
18 terminations of court masters shall be made by a majority vote of the judges. The  
19 assigned judge may appoint special masters in an individual case. Court masters may  
20 perform the duties of any of the following positions, as deemed appropriate by the  
21 judges:

22 a. Child support master, pursuant to NRS 3.405, NRS 125B.200(1), NRS  
23 425.381, and NRS Chapter 130;

24 b. Paternity master, pursuant to NRS 3.405;

25 c. Domestic relations referee, pursuant to NRS 125.005;

26 d. Juvenile master, pursuant to NRS 62A.180 and NRS 432B.050, et seq.;

27 e. Minor guardianship master, pursuant to NRS 159A.0615;

1 f. Adult guardianship master, pursuant to NRS 159.0615;

2 g. Criminal proceeding master, pursuant to NRS 3.245;

3 h. Short trial commissioner and/or short trial judge pro tempore, pursuant  
4 to Rule 2 and Rule 3 of the Nevada Short Trial Rules; and

5 i. Such other duties as may be assigned to court masters by the chief judge  
6 or by separate order of the assigned judge in an individual case.

7  
8 9. By majority vote, the court's judges shall select a number of persons to  
9 comprise a panel of substitute court masters to serve as court masters pro tempore.  
10 The persons so selected must possess the qualifications deemed appropriate by the  
11 judges.