

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 0585

FILED

OCT 22 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER AMENDING FOURTH JUDICIAL
DISTRICT COURT RULES 1 AND 2*

WHEREAS, on September 30, 2021, Kriston Hill, District Judge, Alvin R. Kacin, District Judge, and Mason E. Simons, District Judge, Fourth Judicial District Court filed a petition in this court seeking to amend the Rules of Practice for the Fourth Judicial District Court, specifically Rules 1 and 2. Accordingly,

IT IS HEREBY ORDERED that the proposed amendments to Rules 1 and 2 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 Fourth Judicial District Court shall be effective 60 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 22nd day of October, 2021

1 Hardesty C.J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

EXHIBIT A

AMENDMENTS TO FOURTH JUDICIAL DISTRICT COURT RULES 1 AND 2

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 ~~[government of the]~~ Fourth Judicial District Court, ~~[there shall be issued a “Standing Order Supplementing Local Rules” signed by both district judges. Said]~~ the court’s judges may issue standing orders supplementing these rules from time to time. Standing ~~[Order]~~ orders shall be posted in the Elko County Clerk’s Office and on the Elko County Clerk’s website. ~~[The Elko County Clerk shall provide a copy of said Standing Order to any person without charge.]~~

3. ~~[The district judge who will try the case, sua sponte or upon motion of a party, may determine that a case should not follow regular procedure, and the judge may then make such orders as deemed advisable for all subsequent proceedings.]~~

~~4.]~~ The District Court Rules promulgated by the Nevada Supreme Court shall be applied whenever ~~[not inconsistent]~~ consistent with these local rules. To the extent ~~[that these local rules]~~ they are inconsistent with the District Court ~~[Rules promulgated by the Nevada Supreme Court,]~~ Rules, these ~~[local]~~ rules shall be applied instead ~~[of the District Court Rules]~~ pursuant to DCR 5.

Rule 2. Organization of the ~~[Court.]~~ Court; Chief Judge; Juvenile Judge; Court Masters; and Court Masters Pro Tempore.

1. The Fourth Judicial District Court consists of ~~[two]~~ three departments: Department ~~[1-and]~~ 1, Department ~~[2.]~~ 2, and Department 3.

2. Unless previously disqualified, the court's judges ~~[of this court]~~ may ~~[interchange with each other.]~~ 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 ~~[act]~~ preside in the department of ~~[the other]~~ another judge without a specific ~~[assignment of the actions.]~~ order of case reassignment. Cases heard by a judge pursuant to this ~~[paragraph]~~ subsection remain in the department originally assigned and are not automatically transferred.

3. ~~[All actions will be assigned to a department by the Elko County Clerk pursuant to instructions contained in the Standing Order.]~~

4. ~~Cases will not be reassigned except upon good cause and order signed by both judges, or upon disqualification or as otherwise provided by rule or law.~~

5. ~~It is the intent of the district judges, to the extent reasonably possible, to implement a "One Family/One Judge" assignment of domestic relations cases. The Elko County Clerk and attorneys practicing within the Fourth Judicial District Court shall bring to the attention of the district judges cases that might be transferred between departments in order to accomplish this goal.~~

6. ~~The position of court master is established and an appointment shall be made pursuant to the Standing Order. Either district judge may appoint a person other than the person appointed~~

~~in the Standing Order to act as temporary court master in any individual case. The court master shall perform the duties of the following positions:~~

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

~~b. Paternity master, pursuant to NRS 3.405;~~

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

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

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

~~f. Such other duties as assigned to the court master in either the Standing Order or by separate order of the assigned judge in an individual case.]~~ 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 Practice for the District Courts.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

c. The chief judge shall supervise the district court functions of the Elko 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The court's judges may appoint one or more individuals to serve as court masters to assist in handling the caseload of the court. Appointments and terminations of court masters shall be made by a majority vote of the judges.

The assigned judge may appoint special masters in an individual case. Court masters may perform the duties of any of the following positions, as deemed appropriate by the judges:

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

b. Paternity master, pursuant to NRS 3.405;

c. Domestic relations referee, pursuant to NRS 125.005;

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

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

f. Adult guardianship master, pursuant to NRS 159.0615;

g. Criminal proceeding master, pursuant to NRS 3.245;

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

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

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