

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF JCRNLV 6.6, 34, 42,
AND DELETION OF JCRNLV 48.5.

ADKT 0586

FILED

DEC 13 2021

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

*ORDER AMENDING JUSTICE COURT RULES OF NORTH
LAS VEGAS TOWNSHIP 6.6, 34, AND 42 AND DELETING RULE 48.5*

WHEREAS, on October 19, 2021, Natalie L. Tyrell, Chief Judge, Justice Court of North Las Vegas Township filed a petition in this court seeking to amend the Justice Court Rules of North Las Vegas Township (JCRNLV), specifically Rules 6.6, 34, and 42, and to delete Rule 48.5. Accordingly,

IT IS HEREBY ORDERED that the proposed amendments to JCRNLV 6.6, 34, and 42 shall be adopted and Rule 48.5 shall be deleted. The Rules shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to JCRNLV 6.6, 34, and 42 and the deletion of Rule 48.5 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 13TH day of December, 2021.

1 Hardesty, C.J.
Hardesty

Parraguirre
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: All District Court Judges
All Justices of the Peace
All Municipal 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

AMENDMENT TO RULES 6.6, 34, AND 42 AND REPEAL OF RULE 48.5 OF THE LOCAL RULES OF PRACTICE FOR THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP

Rule 6.6. Customer Service Hours. All matters shall be set in the office of the clerk of the court where the case is filed. The office shall be open for that purpose from ~~[7:15]~~ 8:00 a.m. to ~~[5:45]~~ 4:30 p.m., Monday through ~~[Friday,]~~ Thursday, with the following exceptions:

(a) The court will be closed on nonjudicial days; and

(b) The court may permanently alter the hours described ~~[in subsection (a),]~~ above, and the court may temporarily close customer service windows for specific periods of four hours or less, in order to train staff, reduce backlogs, or serve other purposes deemed necessary by the court. A closure under this subsection must be preceded by three days of conspicuous written notice in the customer service lobby.

Rule 34. In Forma Pauperis.

(a) All In Forma Pauperis (IFP) requests must be approved ~~[by a judge]~~ before the related filings will be processed by the court.

(b) The IFP request may be approved by a clerk forthwith for expedited determination.

(c) If the IFP request is denied, and the applicant wishes to contest the determination, the application must be submitted to the case judge for review.

(d) If an IFP request is ~~[denied,]~~ denied by the case judge, and the requesting party provides a telephone number on the IFP request, the court will call the requesting party by telephone to inform the party of the ruling and to request payment of the filing fees if that party desires to proceed. The

party must pay the applicable fee no later than ~~[5]~~ 4:30 p.m. on the second judicial day following the telephone call by the court. If the requesting party fails to provide the court with a telephone number on the IFP request, the fees must be paid no later than ~~[5]~~ 4:30 p.m. on the second judicial day following the court's denial of the IFP request. If payment of the appropriate filing fees is not made within the applicable period set forth above, any documents relating to the IFP request will be returned to the initiating party by mail.

~~[(e)]~~ (e) If the IFP request is approved, the related documents will be processed as if the appropriate fees had been paid.

~~[(d)]~~ (f) Unless the judicial order granting the IFP explicitly states otherwise:

(1) A granted IFP request only applies to the one related action in justice court; and

(2) A granted IFP request only applies to court costs and fees and does not waive bond requirements, security requirements, or court reporter compensation (including transcript costs).

~~[(e)]~~ (g) In accordance with NRS 12.015, if a Statement of Legal Aid Representation is submitted, the fees set forth in NRS 12.015 will be deemed automatically waived in the North Las Vegas Justice Court without the need for a court order in individual cases. The Statement of Legal Aid Representation may only be filed by a "client of a program for legal aid" as defined in NRS 12.015~~(8)~~, or that client's attorney, and must indicate the specific entity that is providing legal assistance to the indigent party.

~~[(f)]~~ (h) IFP requests for summary eviction cases shall be governed by the provisions of Rule ~~[43.]~~ 42.

Rule 42. In Forma Pauperis requests in summary eviction cases. In summary eviction cases, the following procedures for processing In Forma Pauperis (IFP) requests by tenants shall apply:

(a) ~~[All]~~ In conformance with JCRCP Rule 111, all IFP requests ~~[must be approved by a judge before the]~~ may be reviewed by the clerk for an expedited determination. The related filings will not be processed by the ~~[court.]~~ court until approval of the IFP request or payment of the applicable filing fee.

(b) If a tenant's IFP request is denied, and the tenant ~~[provides a telephone number on the IFP request, the court will call the tenant by telephone to inform the tenant of the filing and to request payment of the]~~ wishes to contest the determination, the application must be submitted to the case judge for review. If the application is still denied, the court must notify the tenant expeditiously to resubmit the document with the required filing fee if the tenant desires to proceed. The tenant must pay the applicable fees no later than ~~[5]~~ 4:30 p.m. on the second judicial day following ~~[the telephone call]~~ notification by the court. If the tenant fails to provide the court with a telephone number on the IFP request, the fees must be paid no later than ~~[5]~~ 4:30 p.m. on the second judicial day following the court's denial of the IFP request.

(c) If payment of the appropriate filing fees is not made within the period set forth in subsection (b), and the landlord has filed an affidavit of complaint for summary eviction, a hearing will be scheduled, but the court may decline to consider any of the tenant's attempted filings for which fees have not been paid.

(d) If payment of the appropriate filing fees is not made within the time period set forth in subsection (b), and the landlord has not filed an affidavit of

complaint for summary eviction, any documents relating to the IFP request shall be returned to the tenant by mail.

(e) If an IFP request is approved under this rule, the related documents will be processed as if the appropriate fees had been paid.

(f) Unless the judicial order granting the IFP request explicitly states otherwise:

(1) A granted IFP request only applies to the one related action in justice court; and

(2) A granted IFP request only applies to court costs and fees and does not waive bond requirements, security requirements, or other court reporter compensation (including transcript costs).

(g) In accordance with NRS 12.015, if a Statement of Legal Aid Representation is submitted, the fees set forth in NRS 12.015 will be deemed automatically waived in the North Las Vegas Justice Court without the need for a court order in individual cases. The Statement of Legal Aid Representation may only be filed by a “client of a program for legal aid” as defined in NRS 12.015(8), or that client’s attorney, and must indicate the specific entity that is providing legal assistance to the indigent party.

~~[Rule 48.5. Mandatory Small Claims Mediation Program.~~

~~(a) Purpose. The court hereby establishes the Mandatory Small Claims Mediation Program:~~

~~(1) To increase access to justice;~~

~~(2) To increase parties’ satisfaction with the outcome;~~

~~(3) To reduce future litigation by the same parties;~~

~~(4) To make the most efficient use of judicial resources; and~~

~~(5) To expand dispute resolution resources available to the parties.~~

~~(b) Definitions. For the purpose of this rule, the following definitions apply:~~

~~(1) Mediation. A process in which a mediator facilitates settlement discussions between parties.~~

~~(2) Mediator. An impartial person who facilitates discussions between the parties to a mediation. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, reducing obstacles to communication, and providing the parties an opportunity for each to be heard in a dignified and thoughtful manner.~~

~~(3) Party. Any person or entity whose name is designated on the record as plaintiff or defendant or any other person or entity that has filed an appearance.~~

~~(c) Mediation through the Neighborhood Justice Center. Pursuant to NRS 244.1607, the North Las Vegas Justice Court utilizes the services of the court-connected Neighborhood Justice Center (NJC) in Clark County. Except as otherwise provided in this rule, all parties must attend mediation with the NJC prior to the trial of any small claims case filed under NRS Chapter 73.~~

~~(d) Exemptions. Cases arising under NRS Chapter 97A and NRS Chapter 604A, and cases filed by an inmate against the Nevada Department of Corrections, are automatically exempt from the mandatory mediation requirement in small claims cases. A party who believes another type of case is inappropriate for mandatory mediation may seek an exemption from mediation.~~

~~(1) The party seeking an exemption must file a motion with the court, along with proof of service of the motion.~~

~~(2) The motion should be filed and served with the initial pleading of the moving party. A motion made after the filing of the moving party's initial pleading must be filed and served no later than 10 judicial days before the scheduled mediation.~~

~~(3) Any opposition to the motion must be in writing and must be filed and served no later than 5 judicial days before the scheduled mediation.~~

~~(4) The motion will be considered without hearing, and the parties will be notified of the ruling by telephone.~~

~~(c) Attendance.~~

~~(1) The following persons shall attend a small claims mediation:~~

~~(A) Parties and counsel. All individual parties must attend the mediation. Although parties may proceed without an attorney in small claims cases, if a party has retained an attorney, that attorney must attend the mediation unless the represented party desires to proceed without counsel at the mediation.~~

~~(B) Public entities. If a party is a public entity, it shall appear by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body or officer of the entity.~~

~~(C) Other entities. If a party is an entity other than a public entity, it shall appear by the physical presence of a~~

~~representative other than the party's counsel of record who has full authority to settle without further consultation.~~

~~(D) Insured parties. If any party is insured for the claim in dispute, that party shall also be required to have its insurer(s) present by the physical presence of a representative of the insurance carrier(s) who is not that carrier's outside counsel; this representative must have full settlement authority.~~

~~(E) Applicability to parties, counsel, and entities named above. The foregoing requirements of attendance may be varied only by written stipulation of the parties or by order of the mediator for good cause shown.~~

~~(2) Default and dismissal in mandatory mediation small claims cases:~~

~~(A) Default. If the case was scheduled for mandatory mediation in accordance with this rule and if the plaintiff or plaintiffs were in attendance and the defendant or defendants were not in attendance for the scheduled mediation, the matter shall be subject to default judgment.~~

~~(B) Dismissal. If the case was scheduled for mandatory mediation in accordance with this rule and if the plaintiff or plaintiffs did not attend the mediation, the matter shall be subject to dismissal without prejudice.~~

~~(3) Any settlement reached at mediation shall be binding on the parties and entered by the clerk as a judgment of dismissal, as appropriate. If mediation is unsuccessful because no settlement agreement was reached, the case will proceed to trial. This rule does~~

~~not prevent a party from filing a motion for further proceedings based upon noncompliance with a settlement agreement.~~

~~(f) Confidentiality. A mediator shall preserve and maintain the confidentiality of all mediation proceedings. Any communication made during the mediation that relates to the controversy mediated, whether made to the mediator or a party, or to any other person present at the mediation, is confidential.~~

~~(g) Inadmissibility of mediation proceeding.~~

~~(1) All mediation proceedings are deemed settlement conferences as prescribed by court rule and the Rules of Evidence. In addition, the parties shall not introduce into evidence, in any subsequent hearing in the related small claims case, the fact that there has been a mediation proceeding.~~

~~(2) The admission of any party at the mediation proceeding shall not be disclosed or used in any subsequent hearing in the related small claims case.~~

~~(3) A mediator shall not be called as a witness in any subsequent proceeding relating to the parties' negotiation and participation except as set forth in subsection (h) of this rule.~~

~~(h) Outcome of the mediation. The outcome of the mediation shall be submitted to the Justice Court Civil Clerk's Office within 3 judicial days after the conclusion of the mediation, as follows:~~

~~(1) If the mediation is successful in resolving the issues between the parties, the mediator shall so indicate on the Report of Small Claims Mediator form.~~

~~(A) The mediator will file the original copy of the Mediator Agreement form.~~

~~(B) The Civil Clerk's Office will enter the Mediation Agreement form as a consent judgment or order for dismissal, as appropriate.~~

~~(2) If an agreement is not reached, the mediator shall so indicate on the Report of Small Claims Mediator form. The case will then be set for trial before a justice of the peace.~~

~~(3) If a settlement is reached as to fewer than all defendants, the mediator shall so indicate and list the remaining defendants on the Report of Small Claims Mediator form. The dispute between the remaining parties will then be set for trial before a justice of the peace.~~

~~(4) If one or both parties fail to appear at any mediation, the mediator shall list each party that failed to appear on the Report of Small Claims Mediator form. A justice of the peace will then sign any appropriate order for dismissal or default judgment.~~

~~(i) Interpreters. If a court-appointed interpreter is needed at a mediation for a party who does not speak English, or for a party with a communications disability, that party must file a written motion to request an interpreter, and the compensation for that interpreter shall be paid as provided by law. The interpreter's role shall be strictly limited to that of interpreting, not offering opinions or suggestions.~~

~~(j) Phone/video appearances. A party living outside Clark County or incarcerated in a prison or jail may participate in a mediation by telephone conference or video conference. The party must contact the North Las Vegas Justice Court in advance of the mediation to make necessary arrangements.]~~