RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

APPROVED BY THE SUPREME COURT OF NEVADA

Effective March 1, 1994 and Including Rules Current Through December 5, 2006

ORDER

The Committee for Specialization of the Courts, a duly appointed subcommittee of the Eighth Judicial District Court, filed on behalf of the Judges of the Eighth Judicial District Court a petition seeking changes in the rules governing case assignments in the criminal/civil divisions of the court. The committee states that the proposed rule changes would facilitate the separate handling of criminal and civil matters by various departments of the court. Petitioners also filed an amended petition requesting approval of additional rule changes to enable the Eighth Judicial District Court to streamline the new procedures and to make the practice within the various departments more uniform.

It appearing to the court that amendment of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada is warranted,

IT IS HEREBY ORDERED that the Rules of Practice for the Eighth Judicial District Court be amended as set forth in Exhibit A attached.

IT IS HEREBY FURTHER ORDERED that the amended rules shall become effective July 1, 1997. 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 order shall be conclusive evidence of the adoption and publication of the foregoing amended Rules.

DATED this 12th day of June, 1997.

BY THE COURT

MIRIAM SHEARING, *Chief Justice*

CHARLES E. SPRINGER
Associate Justice

CLIFF YOUNG
Associate Justice

ROBERT E. ROSE
Associate Justice

A WILLIAM MAUPIN
Associate Justice

RULES OF PRACTICE
FOR THE
EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

PART I. ORGANIZATION OF THE COURT AND ADMINISTRATION

Rule 1.01. Name and citation of rules. These rules shall be known as the "Eighth Judicial District Court Rules" and may be cited and abbreviated as "EDCR."

Rule 1.10. Scope, construction and implementation of rules. These rules govern the procedure and administration of the Eighth Judicial District Court and all actions or proceedings cognizable therein. They must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

Rule 1.11. Family division-Jurisdiction. These rules shall apply to all cases within the jurisdiction of the family division of the district court pursuant to NRS 3.223. All matters heard in the family division shall be randomly assigned to a trial judge serving in the family division.

Rule 1.12. Definitions of words and terms. In these rules, unless the context or subject matter otherwise requires:

(a) "Case" must include and apply to any and all actions, proceedings and other court matters, however designated.

(b) "Clerk" means the clerk of the district court.

(c) "Court" means the district court.

(d) "District judges" means all judges elected to the district court whether serving in the family, or civil/criminal divisions of the court.

(e) "Party," "petitioner," "applicant," "claimant," "plaintiff," "defendant," or any other designation of a party to any action or proceeding, case or other court matter must include and apply to such party's attorney of record.

(f) "Person" must include and apply to corporations, firms, associations and all other entities, as well as natural persons.

(g) "Must" is mandatory and "may" is permissive.

(h) The past, present and future tenses each include the others; the masculine, feminine and neuter genders each include the others; and the singular and plural numbers each include the other.

(i) Wherever the term "master" appears in these rules it is interchangeable with the term "referee" as used in the Constitution of the State of Nevada and the Nevada Revised Statutes and vice versa.

Rule 1.14. Time; judicial days; service by mail.

(a) In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run must not be included. The last day of the period so computed must be included, unless it is a Saturday, a Sunday, or a non-judicial day, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a non-judicial day, or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of the district court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. The County Clerk shall memorialize and maintain in a written log all such inaccessible days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and non-judicial days must be excluded in the computation.

(b) If any day on which an act required to be done by any one of these rules falls on a Saturday, Sunday or legal holiday, the act may be performed on the next succeeding judicial day.

(c) Except as otherwise provided in paragraph (d) of this rule, whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, and the notice or paper is served upon the party by mail, either U.S. Mail or court authorized electronic mail, or by electronic means, 3 days must be added to the prescribed period.

(d) The 3 calendar days provided for in paragraph (c) of this rule shall not apply to criminal proceedings due to the necessity of getting matters on the calendar as quickly as possible as provided for in EDCR 3.20.
[As amended, effective April 11, 2006.]

Rule 1.20. Departments and courtrooms. There must be a separate numbered or lettered department for each judge in this district. The courtrooms will be designated by the department number or letter of the judge(s) assigned thereto, but may be used interchangeably by the other judges or judicial officers. The family division departments shall be designated by letters.
[As amended, effective January 1, 2001.]

Rule 1.21. Department hours. Each department shall remain open on judicial days during standard court hours which are from 8:00 a.m. to 5:00 p.m. The position of district court judge is a full time job and most of the work time of a district court judge should be spent trying cases or spent in his or her chambers at the courthouse.
[Added; September 20, 1999.]

Rule 1.30. Chief judge.

(a) The district judges must biennially select one of their number to serve as chief judge for a term of 2 years to begin January 1. However, the term may, by election, be extended 2 years.

(b) The chief judge must:

(1) Be responsible for the chief judge's own motion calendar.

(2) Hear all extraditions and any other miscellaneous petitions regarding criminal matters.

(3) Share and direct responsibility for hearing overflow cases and the probate calendar with all trial judges.

(4) Refer all involuntary mental commitment proceedings to hearing masters, direct the appointment of said masters with the approval of the district judges, reduce to written order the findings of such masters, hear all objections to the master's findings and direct the enforcement thereof as may be appropriate.

(5) Make regular and special assignments of all judges, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

(6) Instruct any grand jury impaneled, receive any reports, indictments or presentments made by it and handle any other matters pertaining to it.

(7) Supervise the court administrator in the management of the court and the performance of the administrator's duties. Supervise the administrative business of the court and have general supervision of the attaches of the court. The various commissioners, referees, hearing officers and masters shall report to and be directed by their supervising judge pursuant to local court rule; however, the chief judge will maintain general supervision over all such officers.

(8) Coordinate with the court clerk and the Office of the Clerk of the Court to assure quality and continuity of services necessary to the operation of the court.

(9) Attend meetings of the family division judges.

(10) Approve requests by civil litigants to proceed in forma pauperis and waiver of fees.

(11) Appoint presiding judges over civil, civil/criminal and family divisions of the district court.

(12) Exercise general supervision over all administrative court personnel that are not permanently assigned to a particular district court judge.

(13) Determine the need for and approve: (a) the allocation of space and furnishings in the court building; (b) the construction of new court buildings, courtrooms and related physical facilities; (c) the modification of existing court buildings, courtrooms and related physical facilities; and (d) the temporary assignment or reassignment of courtrooms between departments to accommodate the needs of litigants, and efficient and effective case management.

(14) Supervise the court's calendar, and apportion the business of the court among the several departments of the court as equally as possible.

(15) Reassign cases from a department to another department as convenience or necessity requires. The chief judge shall have authority to assign overflow cases.

(16) Appoint standing and special committees of judges as may be advisable to assist in the proper performance of the duties and functions of the court.

(17) Provide for liaison between the court and other governmental and civic agencies; and when appropriate, meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, and community to review problems and to promote understanding of the administration of justice.

(18) Assure that court duties are timely and orderly performed.

(i) The chief judge shall set and preside over frequent and regular meetings of the judges or an elected representative committee of the judges not less than once a quarter and additional special meetings as may be required by the business of the court, distributing to all judges a prepared agenda before the meeting and minutes thereafter. If a quorum of judges is not present at the quarterly judges' meeting, the chief judge shall have the authority to mandate attendance at the next judges' meeting.

(ii) The chief judge must designate another judge to perform the chief judge's duties (serve as acting chief judge) in his or her absence (or unavailability as chief judge). The acting chief judge, as well as the presiding judges of the criminal and civil divisions and the family division shall serve at the pleasure of the chief judge.

(iii) The chief judge may be removed from office by a two-thirds vote of the judges present at a duly noticed meeting. Any judge may appeal any order of the chief judge to the full panel of the district judges in the district. Any order of the chief judge can only be reversed by a two-thirds vote of the judges attending a regularly scheduled meeting.

(iv) The duties prescribed in these rules shall be done in accordance with applicable Nevada Revised Statutes, Supreme Court Rules and established court policies. To facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

(19) Supervise all criminal division masters.

(i) The chief judge shall determine, within budgetary constraints, the number of criminal division masters and the compensation to be paid to those masters based on a salary schedule approved by a majority of the judges of the Eighth Judicial District Court.

(ii) The chief judge shall be responsible for disciplinary decisions involving the criminal division masters.

(iii) The chief judge shall determine, as necessary from time to time, whether to assign a criminal division master to handle matters assigned to other masters under the EDCR.

(20) An executive committee composed of the chief judge and presiding judges over civil, criminal and family divisions shall meet once a month to address any items of administration or other business and shall provide a report and minutes of those meetings at the quarterly meeting of the district court.

[Amended effective October 13, 2005.]

Rule 1.31. Presiding judge-Family division.

(a) The chief judge shall appoint a presiding judge over the family division of the district court.

(b) The presiding judge is responsible for the following judicial duties:

(1) The presiding judge's own caseload comprised of one-half of a regular department caseload or the juvenile judge position normal caseload, and any overflow domestic calendar;

(2) Guardianship Calendars:

(i) To hear, or arrange for hearing by another family division judge, all guardianship matters, including all contested guardianship matters and objections to a commissioner's findings;

(ii) Meet with and supervise the guardianship commissioner in the performance of his or her duties under Rule 5.91 et seq.

(3) Protective Order Calendars:

(i) Hear all matters involving temporary and extended protective orders against domestic violence under NRS 33.017, including all contested matters and objections to a commissioner's findings, unless the matter has been assigned to a specific family division judge;

(ii) Meet with and supervise the domestic violence commissioner in the performance of his or her duties under Rule 5.22.

(iii) Review and approve or disapprove of the recommendation of the domestic violence commissioner with respect to disposition of all initial TPO petitions unless the matter has been assigned to a specific family division judge.

(4) Mental Commitment Calendars:

(i) To refer all mental commitment hearings to a mental commitment hearing master, hear, or arrange for such hearing by another family division judge, whether contested or an objection to a recommendation;

(ii) Meet with and supervise Mental Commitment Hearing Master in the performance of his or her duties under Rule 1.44.

(5) Child Support Calendars:

(i) To refer all child support cases to hearing masters, direct the appointment of said masters with the approval of the family division judges, hear all objections to the master's findings, unless another family division judge has been assigned to the matter, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the child support hearing masters in the performance of their duties under Rule 1.40.

(iii) Review and sign off on recommendations of the child support masters with respect to disposition of all child support petitions unless the matter has been assigned to a specific family division judge.

(6) Public Welfare Paternity Calendars:

(i) To refer all public welfare paternity cases to hearing masters, direct the appointment of such masters with the approval of the family division judges, hear all objections to the master's findings, and direct the enforcement thereof as may be appropriate.

(ii) Meet with and supervise the activities of the hearing masters in the performance of their duties under Rule 1.42.

(7) Hear all cases regarding abuse and neglect under Chapter 432B of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge which will cause the matter to be randomly assigned to another family division judge.

(8) Hear all cases regarding delinquency under Chapter 62 of the Nevada Revised Statutes if the juvenile judge has a conflict preventing his or her involvement unless the presiding judge is the juvenile judge in which event the case will be randomly assigned to another family division judge.

(9) Meet with and supervise the activities of the discovery commissioner in the performance of his or her duties under Rule 2.34.

(10) Hear all out-of-state consents to terminate parental rights in contemplation of an adoption.

(11) Hear all motions to disqualify a family division judge when so directed by the chief judge.

(12) Review and approve or deny all initial requests to proceed in forma pauperis waiving the fees for the family litigant.

(13) Hear or reassign emergency matters, including but not limited to orders shortening time, prove-ups, etc., when a judge is absent or otherwise unavailable.

(14) Determine the necessity of canceling a motion calendar where no courtroom is available to a hearing master or commissioner, reassign vacant courtrooms (i.e. courtrooms having no calendar at a given period of time) where to do so will eliminate the need to cancel a calendar.

(15) Supervise compliance with Supreme Court Rule 251.

(16) Coordinate with and work with the chief judge of the district court.

(17) Attend and preside over every family division judges' monthly meeting and any special meetings.

(18) Attend every general district judges meeting.

(19) Attend every Bench/Bar Executive Committee meeting.

(20) Attend special meetings called by the chief judge; assist with any project assigned to the family division by the chief judge.

(21) Direct the family division administrator in the management of the division and the performance of the administrator's duties including, but not limited to, the collection and compilation of statistics on the caseload and other procedures adopted by a majority vote of the

family division judges to promote the objectives of the family division of the district court; meet with the family division administrator as needed.

(22) Meet with the district court administrator, the head of the Department of Family and Youth Services, the clerk's office supervisors, and family division department heads.

(23) Serve on the Department of Family and Youth Services Policy/Fiscal Affairs Board.

(24) Coordinate with the family division court clerk and the office of the court clerk for the family division to insure quality and continuity of services necessary to the operation of the court.

(25) Meet with employees to discuss problems and/or suggestions for improvement to the family division procedures.

(26) Complete any assignment received from the chief judge of the Eighth Judicial District or Nevada Supreme Court to assist in the smooth and efficient work of the district court on behalf of the public.

[Amended effective July 15, 2004.]

Rule 1.32. Trial judge. For the purpose of these rules, all judges, except the chief judge and the presiding judge, are denominated "trial judges."

Rule 1.33. Specialization of judges; procedure for selection. The chief judge must assign the judges of the district (excluding family court judges) to specialized divisions of the court for 2-year terms as needed. The assignments must provide for rotation of the judges among the various divisions. In making the assignments, the chief judge shall request the district judges to recommend the assignments, and shall take into account the desires of each individual judge. The final selection, however, is left to the discretion of the chief judge. Assignments shall be made as follows:

(a) Civil/Criminal division: judges as needed;

(b) Business court division: at least 2 judges who have experience as a judge or practitioner in “business matters” as defined in Rule 1.61(a);

(c) Civil only division: judges as needed;

(d) Drug Court/Overflow division: judges as needed;

(e) Overflow division: judges as needed.

[Amended effective October 2, 2006.]

Rule 1.40. Child support masters.

(a) Every child support master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.

(b) Except as otherwise herein provided, the proceedings of the child support masters must be in accordance with the provisions of N.R.C.P. 53.

(c) The master may request a district court judge serving in the family division to make an immediate determination of appropriate sanctions for contemptuous behavior, issue a bench warrant, quash a warrant or release persons arrested thereon.

(d) The master's report must be furnished to each party at the conclusion of the proceeding and the court will accept the master's findings of fact unless clearly erroneous.

(e) Within 10 days after the conclusion of the proceeding and receipt of the report, either party may serve written objections thereto upon the other party. If no objection is filed, the report will be referred to the presiding judge and without further notice, judgment entered thereon.

(f) If a written objection is filed pursuant to this rule, application to the court for action upon the report over the objection thereto must be by motion and upon notice as prescribed in Rule 2.20.

[Amended effective August 21, 2000.]

Rule 1.42. Uniform Parentage Act masters.

(a) Every paternity hearing master must be in good standing as a member of the State Bar of Nevada. The compensation of the masters may not be taxed against the parties, but when fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge, such compensation must be paid out of appropriations made for the expenses of the court.

(b) The duly appointed paternity hearing master must conduct informal, closed hearings pursuant to NRS Chapter 126 and in so doing has the authority to:

(1) Determine whether a defendant qualifies for court-appointed counsel.

(2) Appoint, with the consent of the presiding judge, counsel for those defendants who qualify.

(3) Order blood tests and review the results thereof.

(4) Make and file a written final recommendation for settlement.

The paternity hearing master must rule on all motions and questions of law and evidence put to the master. Said decisions and rulings are final and not appealable, subject only to timely rejection of the final recommendation of the paternity hearing master.

(c) Any party may reject the final recommendation of the paternity hearing master as to the issue of paternity. Written notice of rejection must be filed with the court and served upon all parties within 10 days of receiving a copy of the final recommendation of the paternity hearing master. If notice of rejection is not filed within 10 days, the master's recommendation may be approved by the presiding judge, as the judgment in the action. If notice of rejection is timely filed by any party, the cause is at issue and must be assigned at random to a trial judge serving in the family division and may be set for trial pursuant to Rule 2.60.

(d) Once paternity has been established, issues of visitation, custody and child support must be determined by a judge serving in the family division pursuant to Part V of these rules.

Rule 1.44. Civil commitments and hearing masters; duties of the Division of Mental Hygiene and Mental Retardation; duties of counsel.

(a) The provisions of this rule apply to all court-ordered admissions of any allegedly mentally ill person.

(b) Unless otherwise ordered by the chief judge, mental commitment hearings must be conducted by the mental commitment hearing master. The compensation of the masters must not be taxed against the parties, but when fixed by the chief judge must be paid out of appropriations made for the expenses of the court. Every master must be in good standing as a member of the State Bar of Nevada.

(c) The mental commitment hearing master may conduct formal court hearings at the hospital or wherever is most convenient to the master and the patient. The master has the authority to swear witnesses, take evidence, appoint independent medical evaluators, evaluate competency, recommend guardians, and conduct all other matters relating to the involuntary commitment proceeding. All proceedings must be transcribed by a duly appointed court reporter as provided by law.

(d) Not less than 24 hours before the time set for a commitment hearing, the Administrator of the Mental Hygiene and Mental Retardation Division, or the administrator's designee, must examine each allegedly mentally ill person and prepare, for presentation at the hearing, a report designating which facilities are available together with a recommendation of the least restrictive environment suitable to the patient's needs. At the time of the hearing, the allegedly mentally ill person must not be so under the influence of or so suffer the effects of drugs, medication or other treatment as to be hampered in preparing for or participating in the hearing, and a record of all drugs, medication or other treatment which the person has received during the 72 hours immediately prior to the hearing must be presented to the master.

(e) The Clark County Public Defender's Office must furnish counsel for all allegedly mentally ill persons not otherwise represented by an attorney.

(1) Prior to the hearing, the public defender or the attorney for the allegedly mentally ill person must interview the patient, explain to the patient his or her rights pending court-ordered treatment, the procedures leading to court-ordered treatment, the standards for court-ordered treatment and the alternative of becoming a voluntary patient. The public defender must also explain that the patient can obtain counsel at the patient's own expense.

(2) Prior to the hearing, the patient's attorney must review the commitment petition, evaluation reports, the patient's medical records and the list of alternatives to court-ordered treatment.

(f) At the conclusion of each hearing, a copy of the written recommendation of the hearing master must be given to the patient, the patient's counsel and the district attorney. Not later than 5:00 p.m. on the day the hearing concludes, the hearing master's recommendation must be submitted to the chief judge.

(g) Objections to the master's recommendation must be made to the chief judge at the time the report is submitted or at such other time as the chief judge may prescribe. The chief judge may require oral objections to be reduced to writing.

(h) After reviewing the master's recommendation and any objection thereto, the chief judge must:

(1) Approve the same and order the recommended disposition,

(2) Reject the recommendation and order such relief as may be appropriate, or

(3) Direct a rehearing.

(i) All rehearings of matters heard before the master must be before the chief judge and must be conducted de novo.

(j) No recommendation of a master will become effective until expressly approved by the chief judge.

Rule 1.45. Juvenile judge.

(a) The juvenile judge shall be selected every three years by a vote of the family division judges. The juvenile judge may be re-selected without limitation to number of terms.

(b) The juvenile judge must:

(1) Supervise the activities of the family division masters in the performance of their duties under Rule 1.46, hear all objections to the master's findings, and direct the enforcement thereof as may be appropriate.

(2) Hear all abuse and neglect trials involving allegations of sexual abuse upon a minor child under Chapter 432B of the Nevada Revised Statutes.

(3) Hear all de novo appeals of abuse and neglect cases and any other matters regarding abuse and neglect under Chapter 432B of the Nevada Revised Statutes.

(4) Share and assign responsibility for hearing overflow delinquency abuse and neglect cases with all family judges.

(5) Hear all de novo appeals of delinquency cases and any other miscellaneous matters regarding delinquency cases.

(6) Where applicable, represent the division on all matters involving the probation committee, director of juvenile services, chief probation officer or other employee/services referenced in Chapter 62 of the Nevada Revised Statutes.

[Added effective August 21, 2000.]

Rule 1.46. Juvenile hearing masters.

(a) The district judges serving in the family division may appoint one or more masters to serve on a full-time or part-time basis. A master serves at the pleasure of the district judges serving in the family division and unless those judges make an order terminating the appointment of a master, such master must continue to serve as such until the appointment of a successor. The compensation to be allowed to a master must be fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge. Every master must be in good standing as a member of the State Bar of Nevada, must be in active practice, and may not engage in any private practice after appointment as a master, except when appointed as a part-time master.

(b) A master must hear such cases as are assigned by the presiding judge with the following powers: to hear all preliminary matters and arraignments; to take the plea of any juvenile; to appoint an attorney to represent any minor in any proceeding in which the court has jurisdiction if it appears that such minor is unable to employ counsel; to take the written waiver of any minor and the minor's family of their right to employ counsel; to conduct all detention, transfer, and adjudicatory hearings; to make proper disposition of all juvenile cases to accept written agreements releasing a child to the custody of the child's parents, guardian or custodian upon a return date or to set bail or bond in proper cases; to procure the attendance of witnesses by issuance and service of subpoenas; to require the production of evidence; to swear witnesses; to take evidence and rule on its admissibility; to make findings of fact and recommendations which, if approved by the presiding judge, become a decree of the family division of the district court; to sign all interim orders that are necessary for the care, treatment and welfare of the juvenile; and to act as the supervising master in the juvenile traffic court of Clark County and to recommend, in connection therewith, the appointment of assistant special masters by the presiding judge, if the same are deemed necessary. The above enumeration is not a limitation of powers of the family division master and the master has all inherent powers of the family division of the district court subject to the approval of the presiding court judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.

(c) The proceedings before the master must be conducted in the same manner as in the district court. If a record is required by law or rule, the proceedings before the master must be transcribed by a duly appointed court reporter, or recorded by sound or video recording equipment as designated by the family division judges. Within 10 days after the evidence is closed, the master must present to the presiding judge all papers relating to the case, written findings of fact and recommendations. Within the above time period, the master must serve upon the minor's attorney of record and the minor's parent or guardian or adult relative a written copy of the master's findings and recommendations and must also furnish a written

explanation of the right of such minor to seek review of the recommendation by the presiding judge. Service, as provided in this section, must be by mail to the last known address of such persons or to the address designated by such persons appearing at the hearing before the master or to his or her attorney, if any has appeared as a matter of record.

(d) At any time prior to the expiration of 5 days after the service of a written copy of the findings and recommendations of a master, a minor or parent or guardian of a minor may apply to the presiding judge for a hearing. The application for hearing must state the grounds on which the application is based and shall be accompanied by a memorandum of points and authorities. The presiding judge may, after a review of the record of such proceedings, grant or deny such application. In case no hearing by the court is requested, the findings and recommendation of the master, when confirmed or modified by an order of the court, become a decree of the court. A presiding judge may, on the court's own motion, order a rehearing of any matter heard before a master.

(e) All rehearings of matters heard before a master will be before the juvenile judge who may at his or her discretion conduct a trial de novo. The court will review the transcript of the master's hearing and (1) make a decision to affirm, modify or remand with instructions to the master or (2) conduct a trial on all or a portion of the issues.

(f) No recommendation of a master or disposition of a juvenile case will become effective until expressly approved by the juvenile judge.

[Amended effective August 21, 2000.]

Rule 1.48. Criminal division masters.

(a) The provisions of this rule derive from NRS 2.245 and apply to all criminal proceedings before a criminal division master.

(b) A criminal division master must be a senior judge or justice, senior justice of the peace, justice of the peace, district judge serving in the family division, or a member of the State Bar of Nevada who is in good standing as a member of the state bar and has been so for a minimum of 5 continuous years immediately preceding appointment as a criminal division master.

(c) Upon appointment, a criminal division master shall be precluded form practicing law in Clark County and must recuse himself or herself from hearing any case that he or she previously handled as an attorney and from any case where the defendant was a client of the criminal division master or the law firm where the criminal division master practiced.

(d) The Clark County District Attorney's Office, the Clark County Public Defender's Office, the Special Public Defender's Office, and any other government office or private attorney appointed to represent an indigent defendant shall provide legal representation for the State of Nevada and indigent defendants before a criminal division master as they would before any judge of the Eighth Judicial District Court.

(e) The compensation of all criminal division masters shall be fixed as provided by Rule 1.30(b)(19) and shall be paid from appropriations made for the expenses of the court.

(f) A motion to recuse or disqualify a criminal division master shall be heard by the chief judge or a judge of the criminal division designated by the chief judge. If the chief judge must designate a district judge to hear a motion to recuse or disqualify a criminal division master, the chief judge shall, to the extent that it is practicable, designate the district judge sitting in the department to which the proceeding was randomly assigned for trial.

(g) All proceedings before a criminal division master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statues, and these rules.

(h) A criminal division master serves as the pleasure of the district judges of the Eighth Judicial District Court and unless those judges, by simple majority vote, cause the chief judge to enter an order terminating the appointment of a criminal division master, such master shall continue to serve until the appointment of a successor. In the event of a tie vote, the chief judge's vote shall break the tie.

(i) All proceedings before a criminal division master shall be of record in the same manner

provided by law for proceedings before judges of the Eighth Judicial District Court. All pleas of guilty or nolo contendere shall be transcribed and become a part of the court record.

(j) A motion for reconsideration or a recommendation or decision of a criminal division master shall be brought before the district judge sitting in the department of origin and shall be decided upon the pleadings and any transcript of the proceedings before the criminal division master unless the district judge deems further evidence to be necessary. The "department or origin" is the department of the Eighth Judicial District court to which the clerk's office randomly assigned the case for trial.

(k) A criminal division master shall hear cases assigned by the chief judge including:

(1) In conjunction with a clerk of court, accepting returns of true bills by the grand jury.

(2) Conducting arraignments and accepting pleas of guilty, nolo contender, and not guilty, including ascertaining whether the defendant will invoke or waive speedy trial rights.

(3) Setting trial dates in conjunction with the clerk of the trial court.

(4) Referring cases to the Division of Parole and Probation for preparation of a presentence report and setting sentencing dates in the department of origin.

(5) Setting or modifying bail at the time of return of a true bill or arraignment.

(6) Ruling in open court on motions to quash bench warrants and setting court dates in the department or origin.

(7) Handling cases calendared for bench warrant return.

(8) Unless the sentencing judge requests that all probation revocation proceedings come before that judge, presiding over notices of intent to seek revocation and status checks on revocation of probation and either setting a revocation hearing before the judge in he department of origin or accepting a stipulation by all parties to resolve the revocation proceedings. However, all contested hearings on motions for probation revocation shall be heard by the district court judge who originally granted probation. Furthermore, in given cases, the sentencing judge granting probation may order that any subsequent proceeding regarding probation shall be heard by that judge and any such order shall preempt the jurisdiction of a master in regard thereto.

(9) Setting motions and/or hearing dates in the department or origin.

(10) Determining conflicts or indigency and appointing counsel where appropriate.

(11) When an issue of the defendant's competency to stand trial arises, ordering a minimum of 2 psychiatric examinations and reports to be prepared and setting a trial date for a competency determination before the department or origin.

(12) Upon stipulation of counsel, when 2 consistent reports opining incompetence have been submitted, referring the defendant for custodial treatment pending the attainment of competency to stand trial.

(13) Upon stipulation of counsel, pursuant to negotiations, referring the defendant to drug court and setting the drug court date or referring a defendant to the Serious Offender's Diversion Program or another comparable stipulated diversion alternative.

(14) Upon stipulation of counsel, allowing the amendment of charging documents and pleadings.

(15) Pursuant to negotiations and upon stipulation and waiver, sitting as a magistrate and adjudicating and sentencing on a simple misdemeanor.

(16) Presiding over the drug court calendar and attending to all drug court related duties and procedures upon occasion and in the event that the judge assigned to preside over the drug court is out of the jurisdiction for judicial/legal training, on vacation, out sick or is otherwise temporarily unable to preside over the drug court calendar.

[Added; May 11, 2004.]

Rule 1.50. Court administrator. The court administrator is responsible for the administration of the rules, policies and directives of the district court. In addition to the duties prescribed below, the district court administrator shall be denominated the administrator of the clerk of the court and shall appoint an assistant court administrator to hold the additional title of clerk of the court who shall perform all the statutory and other duties assigned to that office. Subject to the direction of the chief judge acting on behalf of the district judges, the court administrator must:

(a) Supervise the assistant court administrator, family division administrator, jury commissioner and other officers and employees of or serving the district court, except for the department staff of each judge.

(b) Supervise the office of the court clerk and the processing of all pleadings and papers related to court business and the court clerks.

(c) Direct the supervisor of the Court Interpreter Program.

(d) Direct bailiff management at security gate and schedule relief support for all bailiff positions.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the district court and represent the judicial branch of government in the district.

(f) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the following divisions: adjudication, administration, family mediation services, jury services, family adjudication and grand jury.

(g) Expedite movement of the court calendars and coordinate automated case management system in cooperation with the clerk's office, including, but not limited to the development of integrated data entry systems.

(h) Supervise preparation and submission of reports on activities of the court to state, regional and local authorities as required.

(i) Determine statistics to be gathered and manage the flow of information through and about the court.

(j) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve work operations.

(k) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers assigned for specific purposes.

(l) Represent the court on regional and statewide judicial and justice system coordinating councils, conferences, conventions, and committees as assigned.

(m) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.

(n) Perform such other functions and duties as may be assigned by the district judges.

[Amended effective December 5, 2006.]

Rule 1.51. Assistant court administrator. The assistant court administrator serves under the direction of the court administrator. The assistant court administrator is responsible for all duties assigned by the court administrator and, in the absence of the court administrator, shall perform all of the duties of the court administrator under Rule 1.50.

Rule 1.52. Family division administrator. The district court administrator, with the consent of the district court judges serving in the family division, must appoint a family division administrator. The family division administrator serves under the direction of the court administrator. The family division administrator is responsible for the administration of the rules, policies and directives of the family division of the district court. Subject to the direction of the presiding judge acting on behalf of the district judges serving in the family division and the court administrator, the family division administrator must:

(a) Supervise the employees of, or serving in, the family division of the district court, except for the department staff of each judge.

(b) Direct the supervisor of the Family Mediation and Assessment Center and the CASA program for the court.

(c) Coordinate jury and court interpreter services when necessary.

(d) Direct bailiff management at security installations and coordinate relief support for all bailiff positions involving the family division.

(e) Plan, organize and direct budgetary, fiscal, personnel management training, facilities and equipment of the family division.

(f) Represent, when authorized by the family division judges, the judicial branch of government in the district with regard to matters affecting the family division.

(g) Monitor a system of internal controls which includes payroll, purchasing, accounts payable, accounts receivable, information systems and inventory for the family division.

(h) Monitor and, when necessary, expedite movement of the family division court calendars and coordinate the automated case management system in cooperation with the family division clerk's office.

(i) Supervise preparation and submission of reports on activities of the family division to state, regional and local authorities as required by law.

(j) Determine what statistics need to be gathered to manage the flow of information pertaining to the family division.

(k) Direct research, evaluation and monitoring and propose new and revised policies as necessary to improve work operations.

(l) Coordinate the calendars and activities of judges visiting from other jurisdictions and of masters assigned for specific purposes.

(m) Represent the family division on regional and statewide judicial and justice system coordinating councils, conferences, conventions and committees as assigned by the presiding judge or the court administrator.

(n) Handle public information and liaison with other government executive, legislative and judicial agencies and the community.

(o) Perform such other functions and duties as may be assigned by the district judges serving in the family division.

Rule 1.60. Assignment or transfer of cases generally.

(a) The chief judge shall have the authority to assign or reassign all cases pending in the district. Unless otherwise provided in these rules, all cases must be distributed on a random basis. However, when a case is remanded to a lower court or tribunal for further proceedings, it must be returned to the original judge at the conclusion of these proceedings.

(b) The chief judge may, in the event the calendar of any judge becomes unusually congested due to extraordinary circumstances, redistribute a calendar or a portion thereof on an equitable basis provided, however, that the calendar of a judge serving in the family division may not be redistributed in violation of NRS 3.0105.

(c) Any judge who plans to be absent on a judicial day (for vacation, education or other court approved project) must reset the time for the hearing of his or her cases or arrange for another department to handle the judge's calendar, and shall coordinate planned absences with the chief judge to assure that adequate judicial coverage is maintained. If a judge is ill or unexpectedly absent, the judge's secretary or the chief judge must arrange for the absent judge's calendar to be heard by any other district judge.

(d) Judges who disqualify themselves from hearing a case must direct the entry of an appropriate minute order for reassignment on a random basis. If all the trial judges in this district are disqualified, the clerk must notify the court administrator to reassign the case to a senior judge or a visiting judge from another judicial district.

(e) Under the supervision of the chief judge, the court administrator shall assign appropriate matters to available senior judges and visiting judges.

(f) No attorney or party may directly or indirectly influence or attempt to influence the clerk of the court or court staff or any officer thereof to assign a case to a particular judge. A violation of this rule is an act of contempt of court and may be punished accordingly.

(g) These rules also apply to the family division, its judges and presiding judge.

(h) When, upon motion of a party, or sua sponte by the court, it appears to the assigned judge that a case has been improperly assigned to the wrong division of the court, then that judge must transfer the case to the correct division and order the clerk's office to randomly reassign the case to a judge serving in the new division. Any objection to the ruling must be heard by the chief judge in the same manner as objections to a discovery recommendation under Rule 2.34(f). The ruling of the chief judge is final and non-appealable.

[As amended; September 20, 1999.]

Rule 1.61. Assignment of business matters. Unless otherwise provided in these rules, business matters must be divided evenly among those full-time civil judges deemed necessary to handle all business matters.

(a) "Business Matters" shall be deemed as follows:

(1) Disputes concerning the validity, control, operation, or governance of entities created under NRS Chapters 78-88, including shareholder derivative suits;

(2) Disputes concerning trademarks asserted under Nevada law, causes of action asserted pursuant to the Nevada Trade Secrets Acts, the Nevada Securities Act, involving investment securities described in Article 8 of the Nevada Uniform Commercial Code; or commodities described in NRS Chapter 90;

(3) Disputes between two business entities where the court determines that the case would benefit from enhanced case management.

(b) The following shall not be deemed business matters:

(1) Matters where the primary claim is an action for personal injury;

(2) An action based on products liability;

(3) An action brought by a consumer against a business;

(4) An action for wrongful termination of employment; or

(5) Landlord-tenant disputes shall not be deemed a business matter.

(c) Either party in a case may file a request in the pleadings that a case be assigned as a business matter. If the request is made by the plaintiff, the case will automatically be assigned to a full-time civil judge assigned to business matters. If the request is not made by the plaintiff, but is made by a defendant in its answer, the case shall be randomly reassigned to a business court judge for determination whether the case should be handled as a business court matter.

(d) The court shall decide whether a case is or is not a business matter and that decision shall not be appealable by any appeal nor reviewable upon any writ; any matters not deemed a business matter shall be randomly reassigned if it was originally assigned to the business court. If a case was remanded to the business court for determination of whether it would be handled as a business court matter and the business court deems it not to be a business court matter, that case will be remanded back to the department to which it was originally assigned.

[Added, effective January 1, 2001.]

Rule 1.62. Assignment of civil cases. Unless otherwise provided in these rules, all civil cases not designated business matters shall be divided among those trial judges assigned to the civil/criminal division and full-time civil division; additionally, any civil case which will take 4 weeks or more to try may be handled by a full-time civil judge. No department assignment may be made for uncontested probate matters, or mental competency cases.

(a) Assignment of civil cases to full-time civil judges. Civil cases shall be assigned randomly to the balance of full-time civil judges not designated business court judges. In addition to random assignment of cases, civil cases initially assigned to a civil/criminal judge may be reassigned and transferred to a full-time civil judge not hearing business matters if the trial of the matter is likely to exceed 4 weeks in length.

(b) At the time these rules take effect, all pending civil cases will be analyzed and a determination made by the presently assigned judge to:

(1) Keep the case and try it;

(2) Reassign it to the business court;

(3) Determine the likely length of the trial and, if the trial will exceed 4 weeks in length, the case may be remanded to a full-time civil judge, or leave the case as is and available for random reassignment to another civil/criminal judge to accommodate case reassignment pursuant to these rules.

[As amended, effective January 1, 2001.]

Rule 1.63. Assignment of family cases. Unless otherwise provided in these rules, all family cases must be divided evenly among the judges serving in the family division, except the presiding judge pursuant to Rule 5.42. The family division judges shall determine how to assign guardianship cases. Upon the election of a new presiding judge, the caseload of the new presiding judge shall be adjusted with the out-going presiding judge in the most efficient manner to accommodate the judiciary, the bar and the litigants.

[Amended effective August 21, 2000.]

Rule 1.64. Assignment of criminal cases.

(a) Each criminal case must be randomly assigned to the civil/criminal trial judge aligned with that department of justice court which initiated the case, in accordance with the track and team system. This rule does not apply to misdemeanor appeals from a municipal court. The trial judges in the civil/criminal division will rotate the hearing of misdemeanor appeals from municipal courts on a monthly basis.

(b) When an indictment is filed against a defendant who had the same case pending against him or her filed by complaint in justice court, the indictment must be assigned directly to the trial judge to whom the complaint had originally been tracked.

[As amended, effective January 1, 2001.]

Rule 1.70. Cases to be calendared to preserve track and team system. The integrity of the track and team system must be preserved. The procedures must be appropriately modified by the chief judge when additional tracks are formed or additional judgeships created.

Rule 1.72. Calendaring of civil and criminal motions. The trial judges, except those trial judges serving in the family division, and the chief judge will hear civil motions or criminal arraignments and motions Monday through Thursday. Special calendars or any other matters, as directed by the court, may be heard on Fridays. Motion times must be obtained from the clerk. A motion noticed for hearing on the wrong day may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.

Rule 1.73. Calendaring of contested family motions. The district judges serving in the family division, except the presiding judge, will provide the clerk's office with a schedule of days and times in which to set motions, reserving for the court specific times wherein the court will calendar special matters, returns and trials. Motion times must be obtained from the clerk's office. A motion noticed for hearing on the wrong day or time may, at the discretion of the judge, be set over to the next appropriate day or vacated to be properly noticed.
[Amended effective August 21, 2000.]

Rule 1.74. Calendaring of civil and criminal trials. More than one case may be set to be heard for trial at the same time or on the same date. In the event such trailing cases are left unresolved at the time or on the day of trial, the court may direct that they remain stacked behind the case being trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys involved.

Rule 1.75. Calendaring of family trials and evidentiary hearings.

(a) The district judges serving in the family division will hear trials of contested matters and evidentiary hearings in the afternoons Monday through Thursday or at any other time designated by the judge. Trial and hearing times must be obtained from the judicial department to which the case has been assigned.

(b) More than one case may be set to be heard at the same time or on the same date. In the event such trailing cases are left unresolved at the time of the day of the trial or hearing, the court may direct that they remain stacked behind the case being heard and they shall be trailed in the order in which they are assigned for trial and that the parties, their attorneys and witnesses must stand ready to proceed to trial upon reasonable oral notification by the court to the attorneys (or pro se litigants) involved.

Rule 1.80. Assignment of overflow cases. An overflow judge or judges may be selected by the chief judge when appropriate. When a district judge is not presiding at the trial of a case, that judge shall take an overflow case of any type or description which the chief judge might assign to her or him. However, the chief judge shall assign to judges serving in the family division only overflow cases within the family division.
[As amended; September 20, 1999.]

Rule 1.90. Caseflow management.

(a) Delay reduction standards.

(1) Time to disposition. For criminal cases, the aspirational standard of the court is for 50% of all cases to be resolved within 6 months, 90% of all cases to be resolved within 1 year (with the last 10% being only life sentence or death penalty cases) and for 100% of the cases to be resolved within 2 years. It is the goal of the court to achieve a final resolution in 80% of its civil cases within 24 months of filing and a final resolution in 95% of its cases within 36 months of the date of filing. The court recognizes that there will be exceptional cases which will not be resolved within 36 months. The court also recognizes that 100% of all cases must be resolved within 60 months from the date of filing, unless there is a written stipulation by the parties to extend deadlines under N.R.C.P. 41(e).

(2) Time limits for discovery commissioner. Except in complex litigation as defined in N.R.C.P. 16.1(f), the discovery commissioner shall ensure that pretrial discovery is completed within 18 months from the filing of the the joint case conference report. Discovery in complex litigation shall be completed within 24 months from the filing of the joint case conference report.

(3) Time limits for pretrial motions. All pretrial motions shall be heard and decided no later than 15 days before the date scheduled for trial.

(4) Time limits for matters under submission. Unless the case is extraordinarily complex, a judge or other judicial officer shall issue a decision in all matters submitted for decision to him or her not later than 20 days after said submission. In extraordinarily complex cases, a decision must be rendered not later than 30 days after said submission. Following the decision of the judge or other judicial officer, the prevailing party shall submit a written order to the judge or judicial officer not later than 20 days from the date of the decision.

(5) Time limits for entry of judgments. Unless the case is extraordinarily complex, a judge or other judicial officer shall order the prevailing party to prepare a written judgment and findings of fact and conclusions of law and submit the same not later than 20 days following trial. In extraordinarily complex cases, the attorney for the prevailing party shall submit a written judgment and findings of fact and conclusions of law to the judge or judicial official not later than 30 days following the conclusion of trial.

(6) Time limits for remands from Nevada Supreme Court. Any case remanded for further action by the supreme court shall be scheduled for a status check no later than 30 days from issuance of the remittitur.

(b) Civil caseflow management.

(1) Responsibility of trial judge. It is the clear responsibility of each individual trial judge to manage the individual calendar in an efficient and effective manner. Each judge is charged with the responsibility for maintaining a current docket.

(2) Dismissal calendar. Each department shall review its civil caseload for complaints not served or not answered within 180 days of filing and for civil cases pending longer than 2 years in which no action has been taken for more than 6 months. The cases shall either be disposed of or moved forward by means of a dismissal calendar held at least monthly in each department.

(3) Scheduling orders. The discovery commissioner shall issue a scheduling order in a civil case no later than 30 days from the filing of the joint case conference report. The scheduling order shall indicate whether the case is likely to take more than 4 weeks to try.

(4) Trial setting. Upon receipt of a scheduling order from the discovery commissioner, the trial judge shall issue a trial setting order within 60 days, setting the matter for trial no later than 18 months from the date of the trial ready date set forth in the scheduling order.

(5) Trial date. The trial shall go forward on the date originally set, unless the court grants a continuance upon a showing of good cause. No trial date shall be continued pursuant to stipulation of the parties without approval of the trial judge. At the time a continuance is granted, the trial judge must set the case for trial at a time and date certain. The new trial date shall be set at the earliest available date within 9 months of original trial date.

(6) Number of trials. Each department must set a minimum of 10 cases for each full week of a trial stack. In determining the maximum number of cases to set, the judge should consider the following factors: the length of time between the filing of the trial order and the trial date, length of trial and fallout, or dispositions expected before trial date.

(c) Caseflow review committee.

(1) Purpose. The purpose of the committee shall be to review the status of all dockets to identify backlogs that require attention and to review compliance with court delay reduction standards.

(2) Procedures. The caseflow review committee shall monitor the caseflow of each department. To assist the committee in its review, each department, on or before the 15th day of the month, shall report the following information to the caseflow review committee as to the previous month:

(A) The number of scheduling orders received during the month.

(B) A list of cases for which scheduling orders have been received but no trial dates have been set.

(C) A list of all cases set to begin trial during the month and a report of disposition. For any cases continued, a reason given for the continuance and the number of prior trial continuances reported.

(D) A list of all cases sent to overflow trial calendar and a report of disposition or reason for non-disposition and next case action date.

(E) A report of matters (motions and trials) taken under advisement and which have been pending more than 30 days.

(F) Any other reports the committee deems useful to accomplish the purpose of the caseflow review committee.

(3) Recommendation to chief judge. When the caseflow review committee determines that an individual judge's docket has become backlogged due to inactivity, neglect, or inadequate management, it will recommend in writing to the chief judge appropriate action to bring the docket to current status. Prior to making such recommendation, a representative of the caseflow review committee must meet with the judge in question to discuss the problem. The action recommended by the caseflow review committee may include, but shall not be limited to the following remedial measures:

(A) Require the judge to attend proceedings with a judge (or judges) whose docket(s) is current, to observe the procedures employed to move the docket.

(B) Refuse the approval of the judge's requests for the expenditure of funds not relating to items which impact the judge's productivity in disposing of cases.

(C) Require the judge to attend an educational program on docket management and develop a written plan for improvement.

(D) Curtail the judge's time away from the court.

(E) Recommend that the chief judge issue a letter of complaint to the Nevada Judicial Discipline Commission.

(4) Willful non-compliance. Should the chief judge determine that any judge's non-compliance with the delay reduction and caseflow management standards is willful and not a result of caseload or extraordinary circumstances, the chief judge shall report the same to the chief justice of the supreme court for further action.

(d) Caseflow management reporting.

(1) Complaints not served or answered within 180 days. Not less than once each month, the court administrator shall provide each department with a list of all civil cases which have not been served or answered within 180 days of the filing of the complaint. Upon receipt of the list, each judge shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than monthly.

(2) Cases 2 years or older. Not less than 2 times per calendar year, the court administrator shall provide each department with a list of all civil cases 2 years old or older, upon which there has been no activity since the initial pleadings. Upon receipt of the list, each judge may order a status report be filed, shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than 2 times per year.

(3) Cases 36 months or older. In January and July of each year, the court administrator shall provide each department with a list of all civil cases 36 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases and shall submit a written status report to the chief judge in February and August, setting forth the status of each such case.

(4) Cases 48 months or older. In January of each year, the court administrator shall provide each department and the chief judge with a list of all cases which are 48 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases and shall submit a written status report to the chief judge no later than 30 days from receipt of the report.

[Amended; effective October 13, 2005.]

PART II. CIVIL PRACTICE

Rule 2.01. Scope of rules. The rules in Part II govern the practice and procedure of all civil actions, all contested proceedings under Titles 12 and 13 of NRS. Rules governing the practice and procedures in all family division actions are found in Part V.

Rule 2.05. Filing of case required before judicial consideration. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein.

Rule 2.10. Temporary restraining orders and preliminary injunctions.

(a) A motion for a preliminary injunction must be made upon the notice required by Rule 2.20, unless an order fixes a shorter notice.

(b) No temporary restraining order may be granted unless coupled with an order fixing the time for hearing a motion for preliminary injunction.

(c) Orders under subsections (a) and (b) must fix the time within which the restraining order, if any, and all pleadings, affidavits and briefs in support of the restraining order and the motion for preliminary injunction must be served upon the adverse party, and the time for filing of opposition, counter-affidavits and briefs.

Rule 2.15. Petitions for judicial review other than pursuant to the Nevada Administrative Procedure Act.

(a) A petitioner seeking judicial review under authority other than NRS 233B must serve and file a memorandum of points and authorities in support thereof within 21 days after the record of the proceeding under review has been filed with the court.

(b) The respondent must serve and file a memorandum of points and authorities in opposition thereto within 21 days after service of petitioner's points and authorities.

(c) Petitioner may serve and file reply points and authorities not later than 7 days after service of respondent's opposition.

(d) After petitioner's time to reply has expired, either party may serve and file a notice of hearing setting the petition for hearing on a day when the judge to whom the case is assigned is hearing civil motions, and which is not less than 7 days from the date the notice is served and filed.

(e) All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

(f) Rules 2.22 through 2.28 apply to the hearing of petitions for judicial review.

Rule 2.16. Petitions for judicial review pursuant to the Nevada Administrative Procedure Act. A request for hearing pursuant to NRS 233B.133(4) must be in the form of a notice setting the petition for hearing on a day when the judge to whom the case is assigned is hearing civil motions, and which is not less than 7 days from the date the notice is served and filed.

Rule 2.17. First Amendment extraordinary writs.

(a) A petitioner seeking review of a claim of prior restraint under the First Amendment to the United States Constitution must label the extraordinary writ and points and authorities "First Amendment Writ." Points and authorities in support of the writ must be served and filed concurrently with the writ, and petitioner must immediately deliver a courtesy copy of the writ and points and authorities to the assigned department.

(b) The respondent must serve and file a memorandum of points and authorities in opposition thereto within 15 days after service of petitioner's points and authorities.

(c) Petitioner may serve and file reply points and authorities not later than 3 days after service of respondent's opposition.

(d) Within 25 days after the writ and accompanying points and authorities are filed and a courtesy copy delivered to the assigned department, the court shall conduct a hearing. The court shall rule on the writ within 30 days after the writ and accompanying points and authorities are filed and a courtesy copy delivered to the assigned department.

(e) All memoranda of points and authorities filed in proceedings involving First Amendment Writs must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

(f) Rule 2.22 through 2.28 apply to the hearing of First Amendment Writs.

[Added; effective May 25, 1999.]

Rule 2.20. Motions; contents; responses and replies.

(a) All motions must contain a notice of motion setting the same for hearing on a day when the judge to whom the case is assigned is hearing civil motions and not less than 21 days from the date the motion is served and filed. A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(b) Within 10 days after the service of the motion, the opposing party must serve and file written opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion should be denied. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same.

(c) An opposition to a motion which contains a motion related to the same subject matter will be considered as a counter-motion. A counter-motion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(d) A moving party may file a reply memorandum of points and authorities not later than 5 days before the matter is set for hearing. A reply memorandum must not be filed within 5 days of the hearing or in open court unless court approval is first obtained.

(e) A memorandum of points and authorities which consists of bare citations to statutes, rules, or case authority does not comply with this rule and the court may decline to consider it. Supplemental briefs will only be permitted if filed within the original time limitations of paragraphs (a), (b), or (d), or by order of the court.

(f) If all the civil trial judges in this district are disqualified from hearing a case, a notice of motion must state: "Please take notice that the undersigned will bring the above motion on for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator."

Rule 2.21. Affidavits on motions.

(a) Factual contentions involved in any pre-trial or post-trial motion must be initially presented and heard upon affidavits, depositions, answers to interrogatories, and admissions on file. Oral testimony will not be received at the hearing, except upon the stipulation of parties and with the approval of the court, but the court may set the matter for a hearing at a time in the future and require or allow oral examination of the affiants to resolve factual issues shown by the affidavits to be in dispute. This provision does not apply to an application for a preliminary injunction pursuant to N.R.C.P. 65(a).

(b) Each affidavit shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains and must be served and filed with the motion, opposition, or reply to which it relates.

(c) Affidavits must contain only factual, evidentiary matter, conform with the requirements of N.R.C.P. 56(e), and avoid mere general conclusions or argument. Affidavits substantially defective in these respects may be stricken, wholly or in part.

Rule 2.22. Motions; appearance of counsel and stipulations for extension of time.

(a) Unless the date for the hearing of a motion is vacated or continued as provided in these rules, counsel for all parties to the motion must appear on the date and at the time set for hearing.

(b) Counsel may not remove motions from the calendar by calling the clerk's office or the judge's chambers. If the date for the hearing of the motion has been noticed by counsel, all interested parties to the motion may stipulate to vacate or continue the hearing of the motion. Written stipulations must be filed not less than 1 full judicial day before the hearing date. Unless otherwise directed by the court, if the stipulation is not in writing, counsel for movant must appear at the hearing to present the oral stipulation. A hearing date which has been vacated or continued by stipulation may only be reset by stipulation or with a new notice of motion setting the same for hearing not less than 7 days from the date the new notice or stipulation is filed. If the date for the hearing of the motion has been set by the judge, counsel must obtain the judge's approval before the hearing of the motion will be continued or vacated.

(c) All interested parties to a motion may stipulate to continue the day fixed for the filing of a response or reply thereto. Such stipulation is ineffective unless it:

(1) Is in writing,

(2) Is filed with the clerk before the day fixed for filing the response or reply, and

(3) Contains an agreement extending the date for the hearing of the motion not less than the number of days granted as a continuance for the filing of the response or reply.

(d) When it appears to the court that a written notice of motion has been given, the court may not, unless the other business of the court requires such action, continue the matter specified in the notice except as provided in this rule or upon a showing by motion supported by affidavit or oral testimony that such continuance is in good faith, reasonably necessary and is not sought merely for delay or by reason of neglect.

Rule 2.23. Motions decided without oral argument.

(a) At the request of a judge, the clerk must promptly bring to the judge's attention every motion to which no response has been timely filed. The clerk must also submit all motions, whether responded to or not, to the judge not less than 3 days before the scheduled hearing.

(b) The judge may consider the motion on its merits at anytime with or without oral argument, and grant or deny it.

(c) When a judge decides a motion before the hearing date, it must be removed from the calendar and the clerk must enter an order upon the minutes of the court reflecting the action taken.

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60, must file a motion for such relief within 10 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the 30-day period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case.

Rule 2.25. Extending time.

(a) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reason for the extension requested. A request for extension made after the expiration of the specified period shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc. requested extension.

(b) Ex parte motions for extension of time will not ordinarily be granted. When, however, a certificate of counsel shows good cause for the extension and a satisfactory explanation why the extension could not be obtained by stipulation or on notice, the court may grant, ex parte, an emergency extension for only such a limited period as may be necessary to enable the moving party to apply for a further extension by stipulation or upon notice, with the time for hearing shortened by the court.

[Amended; effective October 13, 2005.]

Rule 2.26. Shortening time. Ex parte motions to shorten time may not be granted except upon an affidavit or certificate of counsel describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. An order which shortens the notice of a hearing to less than 10 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Rule 2.27. Exhibits. Exhibits that are submitted to the court that are in excess of 10 pages in length must be numbered consecutively in the lower right-hand corner of the document. [Added; effective October 13, 2005.]

Rule 2.28. Notice of and compliance with decision. An order of the court shall fix the time within which the order is to be complied. The party who obtains the order shall serve notice on the party whose compliance is required. Unless otherwise required, the time for complying with an order begins when service is made in the manner required by N.R.C.P. 4.

Rule 2.30. Amended pleadings.

(a) A copy of a proposed amended pleading must be attached to any motion to amend the pleading. Unless otherwise permitted by the court, every pleading to which an amendment is submitted as a matter of right, or has been allowed by order of the court, must be re-typed or re-printed and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) All amended pleadings must contain copies of all exhibits referred to in such amended pleadings. A pleader may, upon ex parte application, obtain an order from the court directing the clerk to remove any exhibit attached to prior pleadings and attach the same to the amended pleading.

Rule 2.31. Exemptions from mandatory pre-trial discovery requirements. All cases which were not commenced by the filing of a complaint are exempt from the mandatory pre-trial discovery requirements of N.R.C.P. 16.1.

Rule 2.34. Discovery disputes; conferences; motions; stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery commissioner.

(b) Upon reasonable notice, the discovery commissioner may direct the parties to appear for a conference with the commissioner concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the commissioner's consent.

(c) An available date and time for the setting of any noticed discovery motion must be obtained from the office of the discovery commissioner before the motion is filed and, for good cause, the commissioner may shorten or extend any of the times provided for in Rule 2.20.

(d) Discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A conference requires either a personal or telephone conference between or among counsel. Moving counsel must set forth in the affidavit what attempts to resolve the discovery dispute were made, what was resolved and what was not resolved, and the reasons therefor. If a personal or telephone conference was not possible, the affidavit shall set forth the reasons.

If the responding counsel fails to answer the discovery, the affidavit shall set forth what good faith attempts were made to obtain compliance. If, after request, responding counsel fails to participate in good faith in the conference or to answer the discovery, the court may require such counsel to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure. When a party is not represented by counsel, the party shall comply with this rule.

(e) The commissioner may stay any disputed discovery proceeding pending resolution by the judge.

(f) Following the hearing of any discovery motion, the commissioner must prepare and file a report with a recommendation for the court's order. The commissioner may direct counsel to prepare the commissioner's report, including findings and recommendations in accordance with Rules 7.21 and 7.23. The clerk of the court or discovery commissioner designee shall forthwith serve a copy of the report on all parties. The report is deemed received 3 days after the clerk of the court or the discovery commissioner designee places a copy in the attorney's folder in the clerk's office or 3 days after mailing to a party or the party's attorney. Within 5 days after being served with a copy, any party may serve and file specific written objections to the recommendations with a courtesy copy delivered to the office of the discovery commissioner. Failure to file a timely objection shall result in an automatic affirmance of the recommendation.

(g) Papers or other materials submitted for the discovery commissioner's *in camera* inspection must be accompanied by a captioned cover sheet complying with Rule 7.20 which indicates that it is being submitted *in camera.* All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. If the *in camera* materials consist of documents, counsel must provide to the commissioner an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.

[Amended; effective October 13, 2005.]

Rule 2.35. Extention of discovery deadlines.

(a) Stipulations or motions to extend any date set by the discovery scheduling order must be in writing and supported by a showing of good cause for the extension and be received by the discovery commissioner within 20 days before the discovery cut-off date or any extension thereof. A request made beyond the period specified above shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect.

(1) All stipulations to extend any discovery scheduling order deadline shall be lodged with the discovery commissioner and shall include on the last page thereof the words "IT IS SO ORDERED" with a date and a signature block for the commissioner or judge's signature.

(2) A motion to extend any discovery scheduling order deadline shall be set in accordance with Rule 2.34(c).

(b) Every motion or stipulation to extend or reopen discovery shall include:

(1) A statement specifying the discovery completed;

(2) A specific description of the discovery that remains to be completed;

(3) The reasons why the discovery remaining was not completed within the time limits set by the discovery order;

(4) A proposed schedule for completing all remaining discovery;

(5) The current trial date; and

(6) Immediately below the title of such motion or stipulation a statement indicating whether it is the first, second, third, etc. requested extension, e.g:

STIPULATION FOR EXTENSION OF TIME TO

COMPLETE DISCOVERY

(FIRST REQUEST)

(c) The court may set aside any extension obtained in contravention of this rule.
[Added; effective October 13, 2005.]

Rule 2.40. Responding to discovery requests. Answers to interrogatories must set forth each question in full before each answer. Each objection to an interrogatory, a request for admission, or a demand for production of documents and each application for a protective order must include a verbatim statement of the interrogatory, question, request or demand, together with the basis for the objection. A demand to compel further answer to any written discovery must set forth in full the interrogatory or request and the answer or answers thereto.
[Amended; effective October 13, 2005.]

Rule 2.47. Motions in limine. All motions in limine to exclude or admit evidence must be in writing and filed not less than 5 weeks prior to the date set for trial and must be heard not less than 15 days prior to trial. The court may refuse to sign orders shortening time and to consider any oral motion in limine and any motion in limine which is not timely filed or noticed.

Rule 2.50. Consolidation.

(a) Motions for consolidation of two or more cases must be heard by the judge assigned to the case first commenced. If consolidation is granted, the consolidated case will be heard before the judge ordering consolidation.

(b) Documents filed subsequent to consolidation shall list all case numbers and captions, with the lowest number appearing first, and the clerk shall be provided sufficient copies for each case number so listed.

Rule 2.55. Discovery scheduling order.

(a) All cases which were not commenced by the filing of a complaint are exempt from the entry of a scheduling order pursuant to N.R.C.P. 16(b).

(b) Except in actions exempted by the trial court as inappropriate, the discovery commissioner or judge shall, after receiving input from the attorneys for the parties and any unrepresented parties by way or a case conference report and/or a scheduling conference, enter a scheduling order that limits the time:

(1) to complete discovery obligations;

(2) to join other parties and to amend the pleadings; and

(3) to file and hear dispositive motions.

(c) When a trial date is vacated without resetting, the judge should direct the discovery commissioner to enter an amended scheduling order.

[Amended; effective October 13, 2005.]

Rule 2.60. Trial setting.

(a) A case commenced by the filing of a complaint must first have a scheduling order entered before a trial date is set. If the scheduling order is entered by a discovery commissioner, the commissioner must also notify the trial judge of the earliest reasonable date that the case will be ready for trial. The court will prepare, serve and file a notice or order setting the case for trial.

(b) In the trial setting order the court may in its discretion set dates for the attorneys for the parties and any unrepresented parties to appear before it for pretrial conferences to facilitate settlement, to participate in a calendar call, to complete pretrial motion practice (in addition to that set forth in the scheduling order) and to discuss any other matters, as set forth in N.R.C.P. 16(c)

(c) When a case which was not commenced by the filing of a complaint is at issue, any party may request the setting of a trial date by filing and serving on all other parties a "Request for Trial Setting" in which the party shall represent that no pleading is unanswered and that no other parties will be summoned to appear prior to the trial.

(d) The court may request that the clerk set a next appearance date for each case and trial dates may be set at the direction of the judge.

[Amended; effective October 13, 2005.]

Rule 2.65. Notice of trial setting.

(a) The clerk must maintain a folder for each practicing attorney with cases pending in the Eighth Judicial District Court. Periodically, scheduling orders shall be placed by a designee of the discovery commissioner’s office in each attorney’s folder; similarly, a designee of the trial judge shall place trial setting orders in each attorney’s folder or have them delivered by facsimile or mail.

(b) Placing the scheduling and trial setting orders in the folders constitutes notice to the attorney of the matter contained in each order. It is the responsibility of each attorney to obtain the material placed in the attorney's folder.

(c) A designee of the judge must promptly notify each litigant appearing in proper person of a trial setting by mail and the discovery commissioner must provide notice of the scheduling order in the same manner. Additionally, the commissioner or judge’s office may notify counsel of scheduling or trial setting orders by mail or facsimile transmission when appropriate.

[Amended; effective October 13, 2005.]

Rule 2.67. Meetings of counsel before calendar call or final pre-trial conference; pre-trial memorandum.

(a) Prior to any calendar call or final pretrial conference, the designated trial attorneys for all the parties must meet together to exchange their exhibits and lists of witnesses, and arrive at stipulations and agreements, all for the purpose of simplifying the issues to be tried. The plaintiff must designate the time and place of the meeting which must be within Clark County, unless the parties agree otherwise. At this conference between counsel, all exhibits must be exchanged and examined and counsel must also exchange a list of the names and addresses of all witnesses, including experts, to be called at the trial. The attorneys must then prepare a joint pretrial memorandum which must be served and filed not less than 15 days before the date set for trial. If agreement cannot be reached, a memorandum must be prepared separately by each attorney and so submitted. A courtesy copy of each memorandum must be delivered to the court at the time of filing.

(b) The pretrial memorandum must be as concise as possible and must state the date the conference between the parties was held, the persons present, and include in numerical order the following items:

(1) A brief statement of the facts of the case.

(2) A list of all claims for relief designated by reference to each claim or paragraph of a pleading and a description of the claimant's theory of recovery with each category of damage requested.

(3) A list of affirmative defenses.

(4) A list of all claims or defenses to be abandoned.

(5) A list of all exhibits, including exhibits which may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party. If no objection is stated, it will be presumed that counsel has no objection to the introduction into evidence of these exhibits.

(6) A list of the witnesses (including experts), and the address of each witness which each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court's precluding the party from calling that witness.

(7) A brief statement of each principal issue of law which may be contested at the time of trial. This statement shall include with respect to each principal issue of law the position of each party.

(8) An estimate of the time required for trial.

(9) Any other matter which counsel desires to bring to the attention of the court prior to trial.

(c) When a party is not represented by an attorney the party must comply with this rule. Should the designated trial attorney or any party in proper person fail to comply, a judgment of dismissal or default or other appropriate judgment may be entered or other sanctions imposed.

(d) The above requirements are in addition to the requirements mandated of counsel by N.R.C.P. 16.1(a)(3).

[Amended; effective October 13, 2005.]

Rule 2.68. Final pre-trial conference.

(a) At the request of court or counsel, the court may conduct a pre-trial conference. Such conference may be held three weeks prior to trial or at any other time convenient to the court and counsel.

(b) At the pre-trial conference, the court may consider the following subjects:

(1) Prospects of settlement.

(2) Use of depositions at trial in lieu of live testimony.

(3) Time required for trial.

(4) Alternate methods of dispute resolution.

(5) Readiness of case for trial.

(6) Any other matters.

(c) The pre-trial conference must be attended by designated trial counsel who are knowledgeable and prepared for such conference. Should the designated trial counsel fail to appear at the pre-trial conference or to comply with this rule, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment entered or other sanctions imposed.

Rule 2.69. Calendar call.

(a) Unless otherwise directed by the court, trial counsel must bring to calendar call:

(1) All exhibits already marked by counsel for identification purposes.

(2) Typed exhibit lists with all stipulated exhibits marked as admitted.

(3) Jury instructions in 2 groups: the agreed upon set and the contested set. The contested instructions must contain the name of the party proposing the same and the citations relied upon for authority.

(4) Proposed voir dire questions.

(5) Original depositions.

(6) A list of equipment needed for trial which is not usually found in the courtroom, i.e., overhead, VCR and monitor, view box, etc. At calendar call the court or its designee will inform counsel if such equipment is available in house or if counsel must procure the same and bring to the courtroom.

(7) Courtesy copies of legal briefs on trial issues. Originals must be filed and a copy served on opposing counsel at or before the close of trial.

(b) All subpoenas for production of medical records as authorized by NRS 52.325 (if not already produced) or for the production of records of a hotel or casino must direct the custodian of records to appear at calendar call and lodge such documents rather than at trial.

(c) Failure of trial counsel to attend calendar call and/or failure to submit required materials shall result in any of the following which are to be ordered within the discretion of the court:

(1) Dismissal of the action.

(2) Default judgment.

(3) Monetary sanctions.

(4) Vacation of trial date.

(5) Any other appropriate remedy or sanction.

(d) At the calendar call the court may schedule a conference to be held prior to the commencement of trial at which the following issues are resolved:

(1) Any legal or evidentiary issues anticipated to be raised by the parties during trial.

(2) Jury instructions and verdict forms;

(3) Proposed voir dire questions;

(4) Any stipulations to the admission or proposed exhibits;

(5) The prescreening of any demonstrative or illustrative exhibits to be used with the jury;

(6) Any objections by the parties to allowing jurors to ask questions under the procedures set forth in Flores v. State, 114 Nev. 910 (1998);

(7) The scheduling of witnesses to ensure limited delays in the proceedings and any proposals by the parties regarding clustering of expert witness testimony;

(8) The portions of any depositions to be read or shown by videotape to the jury and any objections to the portions; and

(9) The contents of notebooks to be provided to the jury.

[Amended; effective October 13, 2005.]

Rule 2.70. Default judgment.

(a) An application for a judgment by default, irrespective of the amount of the proposed judgment, must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge, not by the attorney representing the plaintiff; set forth such facts as would be admissible in evidence; show affirmatively that the affiant is competent to testify to the matters stated therein; and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

(b) Unless written notice of the application is required or the prior consent of the court is obtained, a request for the entry of judgment by default under N.R.C.P. 55(b)(2) must be made without placing the matter on the motion calendar. The application, together with any supporting affidavits, must be left with the clerk who shall promptly deliver the same to the judge for consideration in chambers.

Rule 2.75. Stipulations for dismissal. A stipulation which terminates a case by dismissal must also indicate whether or not a Request for Trial Setting or Scheduling Order has been filed and, if a trial date has been set, the date of that trial.

Rule 2.80. Subpoenas for foreign deposition.

(a) A party seeking the issuance from the clerk of a subpoena for the purpose of taking a foreign deposition in the district must present and tender to the clerk the following:

(1) Copies of the papers required by the Uniform Foreign Depositions Act, NRS 53.060.

(2) A cover sheet in the form required by Rule 7.20, with the title of the court as “Eighth Judicial District Court” and not the foreign court in which the action is pending. For purposes of Rule 7.20, the cover sheet must be described "Request for Foreign Deposition Subpoena."

(3) Such filing fees as may be required by law.

(b) Upon compliance with subsection (a) the clerk must collect the required fee, assign a case number to the request, and retain for the clerk's records the copies of the papers referred to in subsection (a)(1), as well as the cover sheet required by subsection (a)(2).

(c) Subpoena(s) may then be issued and enforced in conformance with N.R.C.P. 45.

(d) All subsequent proceedings involving the request or the issuance of a subpoena, including show cause proceedings, must be commenced by pleadings or papers bearing the case number as assigned above.

[Amended; effective October 13, 2005.]

Rule 2.90. Dismissal for lack of prosecution.

(a) Any civil case which has been pending for more than 2 years and in which no action has been taken for more than 6 months may be dismissed, on the court's own initiative, without prejudice.

(b) Written notice of the entry of a dismissal pursuant to this rule must be given to each party who has appeared in the action, or to the attorney for that party. Placing a copy of the notice in the attorney's folder maintained in the Office of the Clerk of the Court constitutes notice to that attorney.

(c) A case which has been dismissed pursuant to this rule will be reinstated at the written request of a party or the party's attorney if the request is filed within 30 days of the date of service of written notice of the entry of the dismissal.

PART III. CRIMINAL PRACTICE

Rule 3.01. Scope of rules. The rules in Part III govern the practice and procedure in all criminal proceedings except in juvenile cases expressly provided for in Title 5 of NRS.

Rule 3.10. Consolidation and reassignment.

(a) When an indictment or information is filed against a defendant who has other criminal cases pending in the court, the new case may be assigned directly to the department wherein a case against that defendant is already pending.

(b) Unless objected to by one of the judges concerned, criminal cases, writs or motions may be consolidated or reassigned to any criminal department for trial, settlement or other resolution.

Rule 3.20. Motions.

(a) Unless otherwise provided by law or by these rules, all motions must be served and filed not less than 15 days before the date set for trial. The court will only consider late motions based upon an affidavit demonstrating good cause and it may decline to consider any motion filed in violation of this rule.

(b) Except as provided in Rules 3.24 and 3.28, each motion must contain a notice of hearing setting the matter for hearing not less than 10 days from the date the motion is served and filed. A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(c) Within 7 days after the service of the motion, the opposing party must serve and file written opposition thereto. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion is meritorious and a consent to granting of the same.

(d) Unless otherwise allowed by the court, all motions to increase or decrease bail must be in writing, supported by an affidavit of the movant or the movant's attorney, and contain a notice of hearing setting the matter for hearing not less than 2 full judicial days from the date the motion is served and filed. The opponent to the motion may respond orally in open court.

(e) Either the prosecutor or the defendant may place a matter on calendar by oral request to the clerk of the court made not later than 11:00 a.m. on the day preceding the date of the hearing. Such requests are to be used only to bring to the attention of the court a matter of an emergency nature or to place a case on calendar when the matter is to be resolved, such as by entry of a guilty plea or for dismissal. An oral request to the clerk to place a case on the calendar for the hearing of any other matter is improper.

Rule 3.24. Discovery motions.

(a) Any defendant seeking a court order for discovery pursuant to the provisions of NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the time of initial arraignment. The relief granted for all oral motions for discovery will be as follows:

(1) That the State of Nevada furnish copies of all written or recorded statements or confessions made by the defendant which are within the possession, custody or control of the State, the existence of which is known or by the exercise of due diligence may become known to the district attorney.

(2) That the State of Nevada furnish copies of all results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case which are within the possession, custody or control of the State, the existence of which is known or by the exercise of due diligence may become known to the district attorney.

(3) That the State of Nevada permit the defense to inspect and copy or photograph books, papers, documents, tangible objects, buildings, places, or copies or portions thereof, which are within the possession, custody or control of the State, provided that the said items are material to the preparation of the defendant's case at trial and constitute a reasonable request.

(b) Pursuant to NRS 174.255, the court may condition a discovery order upon a requirement that the defendant permit the State to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within the defendant's possession, custody or control provided the said items are material to the preparation of the State's case at trial and constitute a reasonable request.

Rule 3.28. Motions in limine. All motions in limine to exclude or admit evidence must be in writing and noticed for hearing not later than calendar call, or if no calendar call was set by the court, no later than 7 days before trial. The court may refuse to consider any oral motion in limine and any motion in limine which was not timely filed.

Rule 3.40. Writs of habeas corpus.

(a) Each petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's jurisdiction to proceed to the trial of a criminal charge must contain a notice of hearing setting the matter for hearing 14 days from the date the petition is filed and served. In the event the judge to whom the case is assigned is not scheduled to hear motions on the 14th day following the service and filing of the petition, the notice must designate the next day when the judge has scheduled the hearing of motions.

(b) Any other petition for writ of habeas corpus, including those alleging a delay in any of the proceedings before the magistrate or a denial of the petitioner's right to a speedy trial, must contain a notice of hearing setting the matter for hearing not less than 1 full judicial day from the date the writ is filed and served.

(c) All points and authorities in support of the petition for writ of habeas corpus must be served and filed at the time of the filing of the petition. The prosecutor must serve and file a return and a response to the petitioner's points and authorities within 10 days from the receipt of a petition for a writ of habeas corpus based on alleged want of probable cause or otherwise challenging the court's jurisdiction to proceed to the trial of a criminal charge. The prosecutor may serve and file a return and a response to the petitioner's points and authorities in open court at the time noticed for the hearing on any other writ of habeas corpus.

(d) The court reporter who takes down all the testimony and proceedings of the preliminary hearing must, within 15 days after the defendant has been held to answer in the district court, complete the certification and filing of the preliminary hearing transcript.

(e) Ex parte applications for extensions of the 21-day period of limitation for filing writs of habeas corpus will only be entertained in the event that the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the defendant's initial appearance. Such ex parte applications must be accompanied by an affidavit of the defendant's attorney that counsel has examined the file in the Office of the Clerk of the Court and that the transcript of the preliminary hearing or of the proceedings before the grand jury has not been filed within the 14-day period of limitation. Applications for extensions of time to file writs of habeas corpus must be for not more than 14 days. Further extensions of time will be granted only in extraordinary cases.

Rule 3.44. Stay orders. An ex parte application for a stay of proceedings before a magistrate may only be made with the written consent of the State of Nevada. Any other application for a stay of proceedings before a magistrate may only be made after reasonable oral notice to the State.

Rule 3.50. Extending time.

(a) When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; but it may not extend the time for taking any action under Rule 3.40, except to the extent and under the conditions stated therein.

(b) Ex parte motions to extend time may not be granted except upon an affidavit or certificate of counsel demonstrating circumstances claimed to constitute good cause and justify enlargement of time.

Rule 3.60. Shortening time. Ex parte motions to shorten time may not be granted except upon an affidavit or certificate of counsel describing the circumstances claimed to constitute good cause and justify

shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. In no event may the notice of the hearing of a motion be shortened to less than 1 full judicial day.

Rule 3.70. Papers which may not be filed. Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to that attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Rule 3.80. Release from custody; bail reduction.

(a) When an individual is arrested on probable cause or on an arrest warrant, any district judge may, on an emergency basis only, unilaterally, without contact with a prosecutor, grant a release upon the individual's own recognizance pursuant to NRS 178.4851 and 178.4853 or reduce the amount of bail below the standard bail, provided that the arrest is for a misdemeanor, gross misdemeanor, non-violent felony, or some combination thereof. Before the court may grant an own recognizance release or bail reduction, the court must be satisfied that the individual arrested will likely appear in court at the next scheduled appearance date and does not present a threat in the interim if released. Once the individual arrested makes an initial court appearance, all issues regarding custodial status shall be addressed by the judge assigned the case or any other judge specifically designated or authorized by the assigned judge. A judge designated or authorized by the assigned judge, or by court rule, may release an individual from a bench warrant for a misdemeanor, gross misdemeanor or non-violent felony, or some combination thereof.

(b) When an individual is arrested on probably cause for a violent felony offense or on a bench warrant for a violent felony offense issued by the district court, justice court, or municipal court, a district judge shall not grant an own recognizance release or reduce the amount of bail established unless the judge provides an opportunity pursuant to NRS 178.486 for the prosecution to take a position thereon by telephone or in person, either in chambers or in open court. A district court judge may unilaterally increase bail for an individual arrested for a violent felony if the court is satisfied that the individual arrested will not likely appear in court at the next scheduled appearance date or presents a threat to the community in the interim if released.

(c) Between the time of an individual's arrest on probably cause, a bench warrant, or an arrest warrant and his or her subsequent court appearance, ex parte contact between the court and any person interested in the litigation regarding the individual's custodial status shall be allowed.

[Added effective May 23, 2003.]

PART IV. PROBATE; GUARDIANSHIPS; CONSERVATORSHIPS; TRUSTS AND THE ADMINISTRATION OF ESTATES

Rule 4.01. Scope of rules. The rules of Part IV govern the practice and procedure of all proceedings under Title 12 of NRS.

Rule 4.10. Calendars. Subject to change by order of the chief judge, the probate calendar will be heard every Friday at 9:30 a.m. If a legal holiday falls on a Friday the probate calendar for that week will be heard at such time as set by the probate judge.

Rule 4.14. Approved matters.

(a) Under the supervision of the probate judge, the probate commissioner must prepare an approved list each week of probate matters which can be heard without further testimony or appearance.

(b) In order to be on the approved list, the following must be strictly observed:

(1) All petitions must be verified.

(2) Death certificates, if available, must be attached to the initial petition as an exhibit.

(3) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(4) The original order to be signed by the judge, together with any copies to be conformed, must be delivered to the probate commissioner not later than 4:00 p.m. on Tuesday of the week the matter is to be heard. Without a showing to the court of good cause, proposed orders not submitted within the time provided for in this rule will, on the noticed Friday, be continued for 1 week, or longer at the request of counsel, to enable compliance.

Rule 4.16. Contested matters and referrals to probate commissioner.

(a) The probate judge may hear whichever contested matters the judge shall select, and schedule them at the convenience of the judge's calendar. The judge alone may also refer contested matters pertaining to the probate calendar to a master appointed by the judge for hearing and report. All other contested matters pertaining to the probate calendar will be assigned on a random basis to a civil trial judge, other than a trial judge serving in the family division. The judge to whom a matter is assigned may, upon resolution of the contested matter, return the case to the probate calendar, or continue with the case if further contested matters are expected.

(b) In any civil action in which the capacity or standing of a party to represent a decedent or an estate is in question, the judge may refer the matter to the probate commissioner for determination of standing or capacity. The commissioner shall conduct a review of all necessary documents, conduct hearings as needed, prepare and file a written report containing findings, conclusions and a recommendation for resolution. The probate commissioner may direct counsel to prepare the commissioner's report including the findings and recommendation in accordance with Rules 7.21 and 7.23. The probate commissioner or the commissioner's designee shall forthwith serve a copy of the report on all parties. The report is deemed received 3 days after the probate commissioner or the commissioner's designee places a copy in the attorney's file in the clerk's office or 3 days after mailing to a party or a party's attorney. Within 10 days after being served with a copy, any party may serve and file specific written objections to the recommendations with a courtesy copy delivered to the office of the probate commissioner. No points and authorities from any party or oral argument are permitted without leave of court.

Rule 4.20. Continuances.

(a) At the call of the calendar, if a matter is not ready for hearing or approved, it may be continued from week to week for not more than 3 weeks. After the third continuance, it will be ordered off calendar unless a motion for further continuance is granted by the court. If a continuance is requested, the probate commissioner must be notified not later than 4:00 p.m. on Wednesday of the week the matter is to be heard. A later request will be considered only by the court upon a showing of good cause.

(b) When a petition for probate of a will is called for hearing, and any person appears and orally objects by declaring a desire to file a written contest, the court will continue the hearing with the understanding that if a contest is not actually on file at the new hearing date, the hearing will proceed.

(c) At the call of the calendar, if objection or exception is taken to any matter on the approved list, and petitioner or petitioner's counsel is not present, the court may continue the matter to allow the filing of written objections or exceptions and giving notice thereof to petitioner. Such continuance must be made, and petitioner or petitioner's counsel notified, in any case wherein the court proposes to effect a substantial change in the relief prayed for.

Rule 4.30. Consolidations with the lowest number.

(a) Whenever it appears that two or more petitions with different numbers have been filed with reference to the same decedent, incompetent, conservatee or minor, the court may on its own motion consolidate all of the matters with the matter bearing the lowest number.

(b) Where a complete consolidation of proceedings is ordered, the clerk, unless otherwise ordered by the court, must file such consolidated proceeding and all subsequent papers relating thereto under the number assigned to the case which was filed first.

Rule 4.40. Petitions for probate of wills and/or codicils.

(a) When a petition for probate of a will and/or a codicil is filed and the original of the document being offered for probate is not already filed with the clerk, it must be filed concurrently with the petition. If the will is holographic, a typewritten copy of the document must also accompany the petition. The caption must clearly indicate the nature of the petition filed; *e.g.*, Petition for Probate of Will and Letters Testamentary; Petition for Probate of Will and Letters of Administration with Will Annexed; Petition for Letters of Administration.

(b) In addition to filing the original documents with the clerk, copies of any documents offered for probate must be attached to the petition for examination by the probate commissioner.

Rule 4.42. Additional bond. It is the duty of an estate, conservatorship or trust representative and/or counsel, if counsel becomes aware of facts causing the need therefor, to petition the court for an ex parte order increasing the bond to the total appraised value of personal property on hand plus 1 year's estimated annual income from real and personal property. In any accounting where a bond has been posted, there must be included therein a separate paragraph setting forth the total bond(s) posted, the appraised value of personal property on hand plus the estimated annual income from real and personal property and a statement of any additional bond thereby required.

Rule 4.44. Contents of probate orders. All orders or decrees in probate, conservatorship or trust matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the petition. Probate, conservatorship or trust orders should be so drawn that their general effect may be determined without reference to the petition on which they are based. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court. The name, address and signature of the submitting attorney must appear on all orders.

Rule 4.50. Proceedings on overbids on real property. In the event there is an overbid made in court on the confirmation for sale of real property the court will inquire of the estate representative or its attorney as to the efforts to notify the original bidder concerning the date for hearing on the petition for said confirmation and the necessity of the bidder's presence at court to protect the original bid. The court may continue the hearing for appropriate notice if it finds the original bidder was not properly notified, and might desire to protect his bid.

Rule 4.52. Encumbrances. Encumbrances of any kind on real and personal property must be set forth in any inventory.

Rule 4.60. Content of accounting. All accounts filed in probate proceedings, including guardianship and trust accounts, must contain a summary or recapitulation showing:

(1) Amount of appraisement, if first account. If subsequent account, amount chargeable from prior account.

(2) Amount of receipts excluding capital items.

(3) Gains on sales or other disposition of assets, if any.

(4) Amount of disbursements.

(5) Losses on sales or other disposition of assets, if any.

(6) Amount of property on hand.

Rule 4.80. Closing of estate where summary administration has been ordered.

(a) Upon the filing of a final account and petition for distribution of an estate in which summary administration has been ordered by the court, notice of hearing of said account and petition, together with notice of the amount agreed as attorney's fees, is required to be given to the persons entitled thereto.

(b) The notice of said hearing must be given in accordance with the requirements of NRS 155.010, but need not be published.

PART V. FAMILY DIVISION MATTERS; GUARDIANSHIPS

Rule 5.01. Scope of rules.

(a) The rules in Part V govern the practice and procedure in all family division matters, except paternity, juvenile, and reciprocal support act cases which may be governed by different rules or statutes. Whether or not the court prescribes any rules for these divisions of family court, the court, with the approval of the supreme court, has the inherent power to prescribe rules and policies for the conduct of proceedings in those cases. Part V also governs matters of child custody, visitation and child support in paternity cases once paternity has been established.

(b) Support cases prosecuted by a public agency shall be governed by the procedures set forth in the Nevada Revised Statutes and any federal law. Objections to a decision of a hearing master's report shall be heard by the judge assigned to that case in accordance with Rule 5.42.

(c) Rules 5.91 through 5.995 govern practice and procedure in all guardianship proceedings under Title 13 of the Nevada Revised Statutes.

[Amended effective August 21, 2000.]

Rule 5.02. Hearings may be private.

(a) In any contested action for divorce, annulment, separate maintenance, breach of contract or partition based upon a meretricious relationship, custody of children or spousal support, the court must, upon demand of either party, direct that the trial or hearing(s) on any issue(s) of fact joined therein be private and upon such direction, all persons shall be excluded from the court or chambers wherein the action is heard, except officers of the court, the parties, their witnesses while testifying, and counsel.

(b) In appropriate cases when a party has demanded that the trial or hearing be private, the court may nevertheless permit an expert witness either called by the court or by a party to remain in the courtroom to observe and hear other relevant portions of the proceedings, including the testimony of other witnesses, when the court has determined that such action would promote the interests of justice or the best interest of a child.

[Amended effective August 21, 2000.]

Rule 5.03. Confidentiality, best interests of children. Absent a written order of the court to the contrary, all lawyers, litigants, witnesses or other parties privy to matters being heard by the family division are prohibited from:

(a) Discussing the issues, proceedings, pleadings, or papers on file with the court with the minor children of the litigants;

(b) Allowing any minor child to review the record of the proceedings before the court, whether in the form of transcripts, audio cassettes or audio-visual tapes; or

(c) Leaving such materials in a place where it is likely or foreseeable that a child will access those materials.

[Amended effective August 21, 2000.]

Rule 5.04. Standards of conduct. All lawyers and pro se litigants involved in matters before the family division should aspire to compliance with the American Academy of Matrimonial Lawyer's standards of conduct, the Bounds of Advocacy (1991 Edition).

Rule 5.05. Filing of case required before application for judicial order. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein.

[Amended effective August 21, 2000.]

Rule 5.06. Minor children; appearance at courthouse. Unless authorized in advance by a judge, master, commissioner, Family Mediation Center (FMC) specialist or Court Appointed Special Advocate (CASA) representative, no minor child of the parties shall be brought to the courthouse for any court hearing, trial, CASA or FMC appointment which concerns that child or the child's parents. In exceptional cases, the judge, master or commissioner may interview minor children in chambers outside the presence of counsel and the parties. Minor children will not be permitted to testify in open court unless the judge, master, or commissioner determines that the probative value of the child's testimony substantially outweighs the potential harm to the child. The court may impose sanctions for a willful violation of this rule by either a litigant or counsel.

[Amended effective August 21, 2000.]

Rule 5.07. Seminar for separating parents.

(a) All parties in all domestic relations actions under Chapters 125, 125A, and 126 of the Nevada Revised Statutes, where the interests of a child under the age of 18 years are involved, shall successfully complete the seminar for separating parents approved by the family division of the court.

(b) The seminar shall be successfully completed within 45 days of service of the initial complaint or petition upon the defendant.

(c) No action shall proceed to final hearing or order until there has been compliance with this rule; provided, however, that non-compliance by a parent who enters no appearance shall not delay the final hearing. The trial judge hearing the matter may take other appropriate action to compel attendance, including but not limited to action for contempt.

(d) For good cause shown, the assigned trial judge may waive the requirement of completion of this program in individual cases.

Rule 5.10. Uncontested family division matters. Unless permitted by statute or ordered by the court, uncontested matters including, but not limited to, divorces, annulments, separate maintenance, and

termination of parental rights actions, except termination rights actions heard by the juvenile judge, will be heard on any day and time that the assigned judge is hearing uncontested matters. A request that the court hear one of these cases must be made to the clerk not later than 2 judicial days before the day on which the case is to be heard. All relevant papers must be filed with the clerk at or before the time the request for the uncontested setting is made. If a department to which a case has been assigned is unexpectedly absent on the date for which an uncontested hearing is set, uncontested family matters may be heard by any other department.
[Amended effective August 21, 2000.]

Rule 5.11. Law and motion; oral argument; requirement to attempt resolution.

(a) Before any family division motion is heard by the court, the movant must attempt to contact and communicate with the other party's counsel, or that party if unrepresented, in an attempt to resolve the issue or issues in dispute without the necessity of court intervention. Failure to comply with this provision may result in sanctions being imposed against the movant and an award of attorney's fees and costs to the non-movant if the issues would have, in the opinion of the court, been resolved if the movant had attempted to resolve the issues prior to the hearing.
At the time of filing, the motion or countermotion will be calendared for a date and time on the court's law and motion calendar. Under the date and time of hearing on a motion or countermotion will be typed "ORAL ARGUMENT REQUESTED: Yes..... No....." The movant will check either Yes or No to indicate whether or not oral argument is requested.

(b) If the movant has set a motion or countermotion for hearing and the non-movant does not file an opposition or response in a timely manner pursuant to these rules, the movant may file a Request for Submission on a form approved by the court. A proposed order will be submitted therewith. The Request for Submission must state the date and time of the hearing previously set and must request the same be vacated. Upon receiving the Request for Submission, the judge assigned the case will sign the proposed order unless it is clearly erroneous, if the court lacks jurisdiction to do so, or the court determines the interests of justice or the best interest of the parties' child(ren) would not be promoted by granting the request. The proposed order must set forth the previously set date and time of oral argument and vacate the same.

(c) If the respondent files a timely response, opposition or defense to the motion or countermotion pursuant to these rules, the movant may file a timely reply to the same pursuant to these rules. No additional papers may be filed by or on behalf of either party without leave of the court.

(d) Whether a case is set for oral argument or not, the family division motions must comply with the requirements of all of the applicable rules of the Eighth Judicial District Court, including, but not limited to, Rule 2.20, to the extent they are not inconsistent with any requirement of Rule 5 in which case the requirement of Rule 5 will prevail.

(e) The court may issue its decision on the papers without oral argument as provided by Rule 2.23. In its discretion, the court may permit oral argument on motions not related to the custody of or visitation with a child. The court may issue its decision in open court at the commencement of the hearing, in open court after oral argument, or issue its decision at a later time.
[Amended effective August 21, 2000.]

Rule 5.12. Expert testimony and reports.

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a therapist, counselor, psychologist or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties or pursuant to the procedure prescribed by N.R.C.P. 35.

(b) When it appears an expert medical, psychiatric or psychological evaluation is necessary for the parties or their child(ren), the parties are encouraged to stipulate to retention of one expert. Upon request of either party, or on its own initiative, the court may appoint a neutral expert if the parties cannot agree on one provider. The parties are responsible for all fees.
[Added effective August 21, 2000.]

Rule 5.13. Child interview and outsource evaluation reports.

(a) A written child interview report or outsource evaluation report prepared by the Family Mediation Center or an outsource evaluator shall be delivered to the judge in chambers. Only the parties and their attorneys are entitled to read the written reports, which are confidential except as provided by court order of the judge.

(b) Only a licensed attorney may retain possession of a written report outside the court. An

attorney retaining a copy of a written report may not make copies of the report or disclose its contents to anyone without advance permission of the judge. If an attorney retaining a copy of a written report leaves the case, the attorney may not give the written report to the client. The attorney must either turn the written report over to another licensed attorney who has appeared as successor counsel for that party or return the written report to the judge or hearing master who ordered the report.

(c) No copy of a written report, or any party thereof, may be made an exhibit to, or a part of, the open court file except by the judge. No child who is the subject of a written report may see a copy of the report or be advised of its contents by anyone. No party may reproduce a copy of a written report or any part thereof or share the contents of a written report with any other person. A written report may be received as direct evidence of the facts contained therein that are within the personal knowledge of the specialist who prepared the report.

(d) If a party is proceeding in the proper person, that party may not retain a copy of a written report. That party is entitled to read a written report in the judge's courtroom or chambers or at such other place designated by the judge.

(e) Any confidential exhibits attached to a written report may not be distributed to anyone without an order of the court. Such exhibits may be viewed, upon request of counsel or a party proceeding in proper person, in the judge's courtroom or chambers or such other place designated by the judge. Statements of a child may only be viewed upon order of the court.

(f) The original written report and any confidential exhibits must be returned to the clerk and sealed in a separate file or kept by the judge in chambers subject to the direction of the judge who is assigned the case. This separate file many not be viewed by or released to anyone except a judicial officer or an employee of a judicial officer without an order from the court.
[Added effective October 28, 2003]

Rule 5.20. Preliminary injunctions and temporary restraining orders.

(a) Rule 2.10 governs all requests for temporary restraining orders and preliminary injunctions except for orders or injunctions issued under Rule 5.21 (residences), 5.22 (domestic violence) or 5.85 (joint preliminary injunction).

(b) Any evidence received upon an application for a preliminary injunction which would be admissible at the trial on the merits or any hearing to resolve parent-child issues becomes part of the record on the trial or hearing and need not be repeated at the trial or hearing.

(c) A motion for a temporary restraining order or preliminary injunction must be supported by an affidavit upon personal knowledge setting forth in detail the facts in justification of such relief.

(d) Ex parte motions for restraining orders granting temporary relief on matters involving property, custody, visitation and support of children, spousal support or any other issue not governed by Rule 5.21, 5.22 or 5.85 will be considered only in cases of extreme emergency.

(e) Ex parte motions must be supported by an affidavit upon personal knowledge describing in detail the facts constituting the urgency and a certification in writing by the moving parties' attorney of the efforts, if any, which have been made to give notice to the adverse party and the reasons supporting the claim that notice should not be required.

(f) Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; state why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 30 days, as the court fixes, unless within such time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents to an extension for a longer period. The reasons for the extension shall be entered of record.

(g) In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set for hearing at the earliest possible time. When the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if the party does not do so, the court shall dissolve the temporary restraining order.

(h) On 10 days' notice to the party who obtained the temporary restraining order, without notice, or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move for its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(i) Form and scope of injunction or restraining order:

(1) Every order granting an injunction and every restraining order shall set forth with specificity the reasons for its issuance, and shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained. The order is binding on

the parties to the action, their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(2) No temporary restraining order may be granted unless coupled with an order fixing the time for hearing a motion for preliminary injunction.

(3) Orders granting a preliminary injunction or temporary restraining orders must fix the time within which the restraining order, if any, and all pleadings, affidavits and briefs in support of the restraining order and the motion for preliminary injunction must be served on the adverse party, and the time for filing of the adverse party's opposition, counter-affidavits and briefs.

[Amended effective August 21, 2000.]

Rule 5.21. Temporary restraining orders regarding residence.

(a) Except as provided in paragraph (c), if both parties to a domestic relations matter are living in the community residence at the time the order is requested, or if the other party is in sole possession of the community residence at such time, a motion by a party for immediate temporary exclusive possession of the community residence or for a preliminary injunction requesting the same relief will only be considered after notice to the other party. The motion must be supported by an affidavit upon personal knowledge setting forth in detail the facts in justification of such motion.

(b) If the other party is not living in the community residence at the time a party makes a request for exclusive possession of that residence, an appropriate ex parte restraining order will be considered by the court, subject to modification upon motion noticed as required in paragraph (a) of this rule. Such application must be supported by an affidavit upon personal knowledge setting forth in detail the facts in justification of such motion

(c) Ex parte motions for restraining orders granting temporary exclusive possession of the community residence where both parties are residing therein will be considered only in cases of extreme emergency, supported by an affidavit setting forth in detail facts establishing the existence of an emergency to the satisfaction of the judge or referee. In applying for an ex parte restraining order, no party or attorney shall request another party to be removed from his or her usual residence if the property or interest therein is the separate property of the other party, nor may any person be required to leave any premises where he or she is residing unless given sufficient time (at least 12 hours) from the service of said order to remove his or her wearing apparel and personal effects therefrom.

Rule 5.22. Domestic violence; protection orders.

(a) This rule governs all requests for temporary and extended protection orders against domestic violence under NRS 33.017 et seq.

(b) The standard of proof for the issuance of a temporary (TPO) or extended protection order pursuant to NRS 33.020(1) is "to the satisfaction of the court." This contemplates a lesser standard than a preponderance of the evidence and is equivalent to a reasonable cause or probable cause standard.

(c) Due to the exigent nature of the TPO, the application and order for the extension of the TPO must be served no later than 24 hours prior to the scheduled hearing date.

(d) An application requesting an extended protection order must be based upon an affidavit setting forth specific facts within the affiant's personal knowledge which justify the issuance of such an order.

(e) If the application for an extended protection order contains a request for spousal or child support, the applicant must file a financial affidavit on a form approved by the court.

(f) No extended protection order may be renewed beyond the statutory maximum period nor may a new extended protection order be granted based upon the filing of a new application which does not contain a new and distinct factual basis for the issuance of an order.

(g) The court may appoint one or more full-time or part-time family division masters and alternates to serve as domestic violence commissioners. Interim orders signed by the domestic violence commissioner are effective upon issuance subject to approval by the assigned district court judge. A duly-appointed domestic violence commissioner has the authority to:

(1) Review applications for temporary and extended protection orders against domestic violence.

(2) Schedule and hold contempt hearings for alleged violations of temporary and extended protection orders; recommend a finding of contempt; and recommend the appropriate sanction subject to approval by the assigned district court judge.

(3) Recommend a sanction upon a finding of contempt in the presence of the court subject to approval of the assigned district court judge.

(4) Issue, extend, modify, or dissolve protection orders against domestic violence under NRS 33.030.

(5) Perform other duties as directed by the assigned district court judge.

(h) A Family Division Master or domestic violence alternate shall have the power to issue TPO's against domestic violence pursuant to NRS 33.020(5). However, any emergency temporary protection order issued by telephone by a Family Division Master or domestic violence alternate, under this section, must be set for hearing within one week of issuance by the Family Division Master or domestic violence alternate on the court's calendar.

(i) The interim orders, modifications or dissolutions, and recommendations pursuant to decision by the domestic violence commissioner shall be in full force and effect until further order of the assigned district court judge irrespective of any post decision motion which may be filed between the rendering of the decision and further order of the court.

(j) In determining whether or not to issue an ex parte TPO pursuant to NRS 33.020, the assigned district court judge or the domestic violence commissioner may take steps to verify the written information provided by the applicant. This verification may include contacting Child Protective Services to determine whether a case is under investigation by that agency and involving either party. Child Protective Services or other agencies may be requested to attend the protection order hearing. Prior domestic violence history of either party may also be researched using criminal justice resources.

(k) When a TPO case and a domestic case have been filed, the domestic violence commissioner will hear the extended protection order matter and related issues, unless a motion has been filed in the domestic case. After a motion is filed and heard by the assigned judge of record, all subsequent protection order filings and all other issues will be heard by that judge until final determination of the domestic case. After the final resolution of the domestic case, the judge of record will determine whether to hear any subsequent protection order filings.

If a domestic case is active, an interim order made by the domestic violence commissioner, other than the protection order determination, will remain in effect for 60 days subject to approval by the assigned judge of record. If there has not been a domestic case filed, **any** interim order may remain in effect for the life of the protection order unless a subsequent modification is made by the assigned judge.

Exception: When a motion is filed in a domestic case **after** the initial TPO has been granted and a hearing has already been set in the TPO court, the domestic violence commissioner may make interim orders on "emergency" matters at the time set for the extended protection order hearing.

Exception: The domestic violence commissioner must bring all TPO cases to the attention of the assigned judge of record before taking any action. The assigned judge may then decide to hear **any** temporary protection order or extended protection order matter. The assigned judge may also direct that the domestic violence commissioner hear any temporary protection order or extended protection order matter and related issues, if there has been little or no recent activity in the domestic case.

(l) The assigned district court judge or domestic violence commissioner may, pursuant to its discretion, waive the requirements of Rule 5.02 sua sponte or at the request of either party.

(m) A party may object to the domestic violence commissioner's recommendation, in whole or in part, by filing a written objection within 10 days after the decision in the matter.

(1) If the objecting party was not present at the hearing, the 10 day objection period will begin upon the written or personal service of the extended protection order on that party.

(2) The domestic violence commissioner's recommendation would remain in effect until the objection is heard. A copy of the written objection must be served on the other party. If the other party's address is confidential, service may be made on the protection order office for service on the other party. At the hearing on the objection, the assigned district court judge will review the matter and set aside only those recommendations that are found to be "clearly erroneous."

(n) The applicant may be ordered to pay all costs and fees incurred by the adverse party if by clear and convincing evidence it is proven that the applicant knowingly filed a false or intentionally misleading affidavit.

[Amended effective August 21, 2000.]

Rule 5.23. Reserved.

Rule 5.24. Reserved.

Rule 5.25. Motions; contents; responses and replies.

(a) Rule 2.20 applies to motions and responses filed in the family division.

(b) Factual contentions involved in any family matter must be presented to the judge or master as provided in Rule 2.21.

(c) Visitation issues raised in a paternity case may be considered at the paternity hearing immediately following a recommendation of paternity. Any custody dispute, or visitation dispute arising after the hearing when paternity is established, must be brought by written motion and randomly assigned for hearing by a trial judge designated to hear such matters. Paternity cases brought by private parties with the assistance of private counsel or in proper person will be randomly assigned to a trial judge upon being filed and thereafter all issues in the proceedings, including the establishment of paternity, will be the responsibility of the assigned trial judge.

(d) A courtesy copy of all pleadings and papers shall be delivered to the court by dropping the copies into the departmental drop box provided by the court on the same date the document is filed.

(e) Subject to the provisions of Rule 5.11, family motions may be set for hearing before a judge Monday through Thursday at 10:00 a.m. or 11:00 a.m. subject to time availability. Family motions may also be set for hearing at other times at the discretion of the judge.

(f) If all the trial judges in this district are disqualified from hearing a case, a notice of motion must state: "Please take notice that the undersigned will bring the above motion on for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator."

[Amended effective August 21, 2000.]

Rule 5.26. Affidavits on motions. Affidavits in family division motions must comply with Rule 2.21.

[Amended effective August 21, 2000.]

Rule 5.27. Motions; appearance of counsel and stipulations for extension of time. Rule 2.22 applies to vacating hearings, continuing hearings, removing motions from the court calendar, and stipulations to vacate or continue hearings in the family division.

[Amended effective August 21, 2000.]

Rule 5.28. Withdrawal of attorney in limited services ("unbundled services") contract.

(a) An attorney who contracts with a client to limit the scope of representation shall state that limitation in the first paragraph of the first paper or pleading filed on behalf of that client. Additionally, if the attorney appears at a hearing on behalf of a client pursuant to a limited scope contract, the attorney shall notify the court of that limitation at the beginning of that hearing.

(b) An attorney who contracts with a client to limit the scope of representation shall be permitted to withdraw from representation before the court by filing a Substitution of Attorney with the clerk's office. The Substitution of Attorney shall state that the attorney is withdrawing from the case because the attorney was hired to perform a limited service, that service has been completed, and shall include a copy of the limited services retainer agreement between the attorney and the client. The Substitution of Attorney shall also state that the client will be representing himself or herself in proper person unless another attorney agrees to represent the client and shall contain the client's address, or last known address, and telephone number at which the client may be served with notice of further proceedings taken in the case. The attorney must serve a copy of the Substitution of Attorney upon the client and all other parties to the action or their attorneys.

[Added effective August 21, 2000.]

Rule 5.29. Rehearing of motions. Rule 2.24 applies to rehearing of motions in the family division.

[Amended effective August 21, 2000.]

Rule 5.30. Extending time. Rule 2.25 applies to motions for extension of time in the family division.

[Amended effective August 21, 2000.]

Rule 5.31. Shortening time. Rule 2.26 applies to motions to shorten time in the family division.

[Amended effective August 21, 2000.]

Rule 5.32. Motions for support; fees and allowances; affidavit of financial condition required.

(a) Any motion for fees and allowances, temporary spousal support, child support, exclusive possession of a community residence, or any other matter involving the issue of money to be paid by a party must be accompanied by an affidavit of financial condition describing the financial condition and needs of the movant. The affidavit of financial condition must be prepared on a form approved by the court. An incomplete affidavit or the absence of the affidavit of financial condition may be construed as an

admission that the motion is not meritorious and as cause for its denial. Attorney's fees and other sanctions may be awarded for an untimely, fraudulent, or incomplete filing.

(b) Any party opposing a motion for fees and allowances, temporary spousal support, child support, exclusive possession of the community residence, or any other matter involving the issue of money to be paid by a party must also submit an affidavit of financial condition describing the financial condition of that party at the time of the filing of the opposition or no later than 2 days before the date of hearing, whichever is earlier. The affidavit of financial condition must be prepared on a form approved by the court. The failure of a party opposing such motion to file an affidavit of financial condition may be construed as an admission that the opposing party has the resources to pay the amount requested by the moving party or has the resources to permit the other party to have exclusive possession of the marital residence. Attorney's fees and other sanctions may be awarded for an untimely, fraudulent or incomplete filing.

(c) Income of a successor spouse of a party must be listed in that party's affidavit of financial condition in the "other income" section of the affidavit. If any party resides with an adult person other than a spouse, that party's affidavit of financial condition must reflect the extent to which the cohabitant contributes to that party's expenses.

(d) An affidavit of financial condition may only be filed in open court with leave of the judge upon a showing of excusable delay.

Rule 5.33. Motions for judgment due to arrearages in periodic payments; schedule of arrearages required. In any case where a party alleges the other party is in arrears in payment of periodic child support, spousal support or any other periodic payment and requests relief by motion, that party shall file with the motion a schedule showing when each periodic payment was due and how much was paid, if any, on the due date, in addition to complying with the other requirements of these rules, including, but not limited to, Rule 5.32. The schedule of arrearages must be prepared on a form approved by the court.
[Amended effective August 21, 2000.]

Rule 5.34. Notice of and compliance with order. Rule 2.28 applies to notice of and compliance with orders in the family division.
[Amended effective August 21, 2000.]

Rule 5.35. Amended pleadings. Rule 2.30 applies to amendment of pleadings in the family division.
[Amended effective August 21, 2000.]

Rule 5.36. Exemptions from mandatory pre-trial discovery requirements. Rule 2.31 applies to exemptions from mandatory pre-trial discovery requirements in the family division.
[Amended effective August 21, 2000.]

Rule 5.37. Discovery disputes; conferences; motions; stays. Rule 2.34 applies to discovery disputes, discovery conferences and related matters in the family division.
[Amended effective August 21, 2000.]

Rule 5.38. Responding to discovery requests. Rule 2.40 applies to responses to discovery requests in the family division.
[Amended effective August 21, 2000.]

Rule 5.39. Contested child custody cases: NRS 125A declaration. In any case where custody of a minor child of the parties is at issue and the minor child has resided outside the State of Nevada within the last 5 years, each party is required to file a declaration pursuant to NRS 125A.120, on a form approved by the court, setting forth the names and present addresses of the persons with whom the child has lived during that period. The declaration must be filed with the moving papers of each party before the contested issue of child custody is heard by the judge.
[Amended effective August 21, 2000.]

Rule 5.40. Motions in limine. Rule 2.47 applies to motions in limine in the family division.
[Amended effective August 21, 2000.]

Rule 5.41. Reserved.

Rule 5.42. Lead case designation for department assignment. In order to comply with the legislative mandate that multiple cases between the same parties be assigned to the same judicial department the following procedures will be implemented by the family division.

(a) "Same Parties" shall be found when the same two persons in any domestic case or sub-type have an action against one another, regardless of their respective party designation (e.g., plaintiff or defendant; applicant or respondent; joint petitioner, etc.) and their natural or adopted children.

(b) Pursuant to NRS 3.025(3), any and all actions involving the same family shall be assigned to the same judicial department in the following manner:

(1) If there have been no previous matters filed in any department between the parties, the case will be randomly assigned.

(2) In the event that no cases exist prior to implementation of NRS 3.025, the first case filed will dictate the judicial department to which all following matters will be assigned. This case will be considered the "lead case" if it is a divorce action or any other type of case over which the family division has original and exclusive jurisdiction excluding case types identified in Rule 5.42(4), with the exception of temporary protection orders and child support actions. Temporary protection orders and child support actions will only be considered eligible to be the lead case when they have previously been heard by an elected judge.

(3) In the event that prior cases between the same parties exist at the time of the implementation by the clerk's office of NRS 3.025 assignment procedure the following consistent method will determine which judicial department shall be the responsible department for that family.

(A) Open Domestic Case: Where a new case is initiated by either party, and an open domestic case is assigned to any judicial department, all previous and new cases (open, closed or dismissed within 6 months of the new case) will be assigned to the judicial department with the open case. The open case shall constitute the "lead case." Where more than one open case exists, the open case filed first in time shall be designated the "lead case."

(B) Previous or Closed Domestic Case: When a new case is initiated by either party, and all prior cases have been closed or dismissed within 6 months of the new case, the "lead case" case will be determined by the judicial department assigned to the case filed first in time. All cases will be linked to the "lead case" and assigned to that judicial department.

(4) The following exceptions will apply:

(A) Cases filed pursuant to Chapter 62 of the Nevada Revised Statutes. Said cases will be directly assigned to the juvenile judicial department.

(B) Cases filed pursuant to Chapter 432B of the Nevada Revised Statutes. Since these matters are not "same family" status, the state having filed a complaint against one or both of the parties on behalf of the children, these cases will continue to be directly assigned to the juvenile judicial department.

(C) Cases filed pursuant to Chapter 159 of the Nevada Revised Statutes: Guardianship actions will be directly assigned to the judicial department handling guardianship cases and thereafter to the appropriate judicial department if a previous case exists or opens during the life of the guardianship as set forth pursuant to Rule 5.99.

(D) Cases dismissed for more than 6 months.

(5) Cases filed pursuant to Chapter 130 and/or Chapter 425 of the Nevada Revised Statutes will be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department. The hearings will continue to be scheduled before the family support masters. The masters will be tracked to specific judicial departments. Any objections or hearings required to be held before a district court will be heard by the assigned judicial department.

(6) Applications for temporary protective orders will be randomly assigned to a judicial department unless a case involving the same parties has already been assigned to a specific judicial department. The hearings will continue to be scheduled before the domestic violence commissioner. Any objections or hearings required to be held before a district court will be heard by the assigned judicial department.

(c) Any conflicting issues between the departments regarding case assignments will be resolved by the presiding judge or the chief judge.

[Amended effective November 8, 2006.]

Rule 5.43. Scheduling orders; exemptions. Rule 2.55 applies to exemptions from scheduling orders in the family division.
[Amended effective August 21, 2000.]

Rule 5.44. Trial setting. Rule 2.60 applies to the setting of trials in the family division.
[Amended effective August 21, 2000.]

Rule 5.45. Notice of trial setting. Rule 2.65 applies to notice of trial setting in the family division.
[Amended effective August 21, 2000.]

Rule 5.46. Stipulations for dismissal. Rule 2.75 applies to stipulations for dismissal in the family division.
[Amended effective August 21, 2000.]

Rule 5.47. Subpoenas for foreign deposition. Rule 2.80 applies to subpoenas for foreign depositions in the family division.
[Amended effective August 21, 2000.]

Rule 5.69. Court appointed special advocate.

(a) Under appropriate circumstances, the judge or master may appoint a court appointed special advocate (CASA) as an advocate for any minor child. When an advocate is appointed, the CASA Office shall supervise the advocate's activities.

(b) The CASA Office is divided into two program areas: juvenile and family.

(1) Juvenile services focus on the permanency planning needs of minor children who have been declared to be wards of the State of Nevada and adults involved with those children, ascertaining the children's concerns, desires and needs with regard to issues before the court.

(2) Family services focus on the best interest of minor children who are the subject of a custody dispute and adults involved with those children and on ascertaining the children's concerns, desires and needs with regard to the issues before the court.

(c) A judge or master may refer a case to the CASA Office for any of the above services or combination of services or for other specialized services as may be set forth in the Office's scope of services. A form order, approved by the court, may be used for these referrals.

(d) Services will be conducted by an advocate under the procedures adopted by the CASA Office.

(e) If the pleadings or papers filed with the court contain allegations of domestic violence by one spouse against another spouse, then any referral to CASA must contain an order that the Office implement its domestic violence protocol in the handling of the case.

(f) The judge or master may continue any matter for the purpose of obtaining CASA services.

(g) In family adjudication matters any written report prepared by the advocate shall be delivered to the judge or master in chambers. Only the parties and their attorneys are entitled to read the written report. Written reports are confidential, except as provided by order of the judge or master.
Only a licensed attorney may retain possession of a written report outside the court. Any attorney retaining a copy of a written report may neither make copies of it nor disclose its contents to anyone without advance permission of the judge or master. If an attorney retaining a copy of a written report leaves the case, the attorney may not give the copy to the client. The attorney must either turn the written report over to another licensed attorney who has appeared as successor counsel for that party or return the copy to the judge or master who ordered the written report.

(h) No copy of the written report, or any part thereof, may be made an exhibit to, or a part of, any file. No child who is the subject of the written report may see a copy of the written report or be advised of its contents by anyone. No party may reproduce a copy of a written report or any part thereof except the recommendations section, if any, or share the contents of the written report with any other person. The written report may be received as direct evidence of the facts contained therein which are within the personal knowledge of the advocate who prepared the report.

(i) If a party is in proper person that party may not retain a copy of a written report. That party is entitled to read the written report in the judge's or master's courtroom or chambers or at such other place designated by the judge or master.

(j) Any confidential exhibits attached to a report may not be distributed to anyone without an order of the court but may be viewed, upon request of counsel or the party in the event the party is in proper person, in the judge's or master's courtroom or chamber or such other place designated by the judge or master. Statements of a child may not be viewed without an order of the court.

(k) All original written reports and confidential exhibits must be returned to the clerk and sealed in a separate file or kept by the master or judge in chambers subject to the direction of the judge or master who assigned the case. This separate file may not be viewed by or released to anyone except a judicial officer or an employee of a judicial officer without an order from the court.

(l) In juvenile adjudication matters, any written report prepared by the advocate shall be filed with the clerk and shall be covered by all aspects of the confidentiality rules pertinent to juvenile adjudication court files.

(m) The CASA Office may formulate guidelines, procedures and policies relevant to the scope of services offered by CASA, subject to approval by the family division administrator and the family division judges.

[Amended effective August 21, 2000.]

Rule 5.70. Mandatory Mediation Program.

(a) Pursuant to NRS 3.475 the Eighth Judicial District Court, Family Division, has established a court-connected mandatory mediation program through the Family Mediation Center (FMC). All parties filing an answer for domestic contested child custody, access or visitation disputes must attend mediation prior to the hearing or trial of their matter. The mediation process will function independent of any other court proceedings. In the event there are issues of child abuse or domestic violence involved, or if one party is living out of state, a waiver excluding mandatory mediation may be filed. For good cause shown, the assigned trial judge may waive the requirement of mandatory mediation in individual cases. Parties may participate in mediation through the private sector by submitting a "Private Mediator Form" available in the county clerk's office.

(b) When a party should file for mediation:

(1) Upon notice of the filing of a contested answer, the plaintiff must, within 10 days, absent good cause, file a Stipulation and Order for Mediation or a FMC Request and Order for Mediation.

(2) If a Motion for Custody and Complaint for Divorce are filed simultaneously, the moving party must also complete a Request and Order for Mediation. The non-moving party may at any time upon service of the answer and/or after the non-moving party has been served with the Complaint and/or Motion, prepare and file the FMC Request and Order for Mediation.

(3) The Court may at any time, upon its own motion, refer the parties to mediation.

(c) Parties can access mediation through the court-connected program by:

(1) Stipulation and Order for Mediation. If both parties mutually agree to attend mediation, the attorneys or the parties may request mediation by stipulation and order. If the parties are represented by an attorney, then it is the responsibility of the attorney to prepare the Stipulation and Order for Mediation. If neither party is being represented, then the Plaintiff must prepare the Stipulation and Order.

(A) The moving party shall complete a "Stipulation and Order for Mediation." The completed stipulation and order for mediation must include address information and telephone numbers for both parties.

(B) The completed order is routed to the court assigned to the case for judicial signature by the moving party or their attorney.

(C) The signed order is filed in the clerk's office by the party or their attorney, and a copy is forwarded to FMC for appointment scheduling by the party or their attorney.

(2) Request and Order for Mediation. Where a stipulation between parties cannot be obtained, either party, or an attorney, may initiate the mediation process pursuant to the above time lines. This process also includes post-divorce issues in which the parties have a valid, custody order and only one party wishes to access mediation prior to motioning the court.

(A) Either party or attorney completes a "FMC Request and Order for Mediation," available at the county clerk's office. The completed order must include address information and telephone numbers for both parties.

(B) The completed order is routed to the court assigned to the case for judicial signature by the moving party or their attorney.

(C) The signed order is filed in the clerk's office and a copy is forwarded to FMC for appointment scheduling by the party or their attorney.

(3) Court Order for Mediation. Where either party has not initiated mediation services prior to a court appearance, regarding contested custody issues, the court signs an order in open court, filed by the court clerk, directing the parties to FMC to begin the mediation process.

(A) Parties present order for services to FMC and appointments are scheduled.

(d) Parties or counsel, by agreement, may select a private mediator.

(1) If a private mediator is selected, a "Private Mediation Form" must be filed with the court. The notice shall include the name of the mediator and the date set for the first mediation conference.

(2) The parties shall contract directly with the private mediator and be responsible for payment of fees and scheduling for mediation service.

(3) The mediator has a right to withdraw from any case.

(4) Private mediators shall provide written proof to the court that the parties have attended mediation. This report shall indicate that the parties successfully mediated a full or partial parenting agreement, or that they reached an impasse.

(e) Mediation shall be held in private, and all communications, verbal or written, shall be confidential and shall not be disclosed, even upon waiver of the privilege by either or both parties, except where the mediator is required to report any information which falls within the scope of the child abuse reporting requirements.

(f) FMC shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(g) A party who believes a case is inappropriate for referral to mediation may seek an exemption from mediation.

(1) The party seeking an exemption must file a motion with the court.

(2) The motion should be filed with the initial pleading of the moving party.

(3) The motion may be filed at a later time if new information is obtained supporting a motion.

(h) A party may have a third person present for support before and after meetings with the mediator; however, the support person may not be present during mediation sessions.

(i) Upon order to FMC, a mediation appointment, which includes both parties, shall be scheduled, unless exempted by NRS 3.475.

(1) Counsel for the parties shall be provided an opportunity to confer with the mediator prior to the mediation conference and shall be excluded thereafter, where, in the discretion of the mediator, exclusion of counsel is deemed appropriate or necessary, by the mediator.

(2) If an interpreter is required to conduct the mediation process, it is the responsibility of the party needing the interpreter to pay for and/or provide one. A family member should not be used as the interpreter without the consent of the other party and opposing counsel. The interpreter's role shall be strictly limited to that of interpreting, not offering opinions or suggestions.

(j) Outcome of mediation services shall be reported to the court as follows:

(1) If the mediation is successful in resolving any of the custody, access or visitation issues, a written agreement shall be submitted to the court.

(2) In the event that agreement is not reached, the mediator shall notify the court in writing that mediation has been concluded and an agreement was not reached.

(3) If one or both parties fail to appear at any mediation conference, the mediator shall report the identity of each person who failed to appear to the court. The court may, thereafter, take whatever action it deems necessary or appropriate, including imposing sanctions.

(4) A partial parenting agreement outlining any unresolved issues may be submitted. The partial parenting agreement may include options A and B, which will describe each parent's desired outcome, to be determined by the court.

(k) If both parties agree to remediate after initially mediating through FMC, mediation can again be offered by FMC. The previous parenting agreement must have been signed by a judge. Any outstanding fees must be paid in full before services are initiated.

(l) The FMC mediator or private mediator shall not conduct an evaluation of the parties after mediation or as part of the mediation process. Additionally, the FMC mediator or private mediator shall not provide written or verbal recommendations as part of the mediation process.

(m) The Family Division may adopt and approve forms which private practitioners are required to use. Upon notification, the court has the discretion to modify, amend, or supplement the existing forms or add new forms.

(n) FMC fees may be assessed to parties referred to mediation based upon a sliding fee scale. The minimum fee for each party shall be $50.00 and the maximum fee for each party shall be $200.00. Parties who are receiving public assistance shall receive a fee waiver for mediation services upon verification of benefits. Nonpayment of these fees may subject the party to the issuance of an order to show cause why the party should not be held in contempt.

(o) FMC mediators shall have the following minimum qualifications:

(1) Law Degree or Masters Degree in psychology, social work, marriage and family therapy, counseling or related behavioral science.

(2) Sixty hours child custody and divorce mediation training including a minimum of 4 hours of domestic violence training, sponsored by the Association of Family and Conciliation Courts or approved by the Academy of Family Mediators.

(3) Three years experience in the domestic relations arena conducting child custody mediation.

(p) FMC mediators must complete 15 hours continuing education each calendar year. The areas of training may include, but are not limited to the following: mediation models, theory, and techniques; the nature of conflict and its resolution; family law; the legal process, and case law relevant to the performance of mediation; substance abuse; recent research applicable to the profession; family life cycles: divorce, family reorganization, and remarriage; child development; crisis intervention; interviewing skills; domestic violence, including child abuse, spousal abuse, and child neglect, and the possibility of danger in the mediation session; parent education; sensitivity to individual, gender, racial, and cultural diversity and socioeconomic status; family systems theory; the development of parenting plans, parental alienation syndrome and the role of parenting plans in the family's transition.

(q) FMC mediators shall adhere to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association and Society of Professionals in Dispute Resolution.

[Replaced; effective September 27, 1998; amended effective August 21, 2000.]

Rule 5.80. Filing fee to reopen cases. Pursuant to applicable law, a fee of $25 is payable to the county clerk upon the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to NRS chapters 125, 125B, or 125C and on the filing of any answer or response to such a motion or other paper, excluding motions filed solely to adjust the amount of child support set forth in a final order and motions for reconsideration or for a new trial that are filed within 10 days after a final judgement or decree has been issued. At the time of filing the motion or other paper to reopen the case, a completed Fee Information sheet shall also be filed.

[Added effective May 21, 2003.]

Rule 5.81. Resolution of parent-child issues.

(a) Unless otherwise directed by the court, all contested family matters involving minor children must be submitted to the judge prior to the setting of a trial date. A request that the judge consider these issues is made by the filing of a motion to resolve parent-child issues. The judge may refer contested child custody or visitation cases to the Family Mediation Center (FMC) for mediation. Any referral to FMC by the judge must be returned to the judge when completed by FMC unless otherwise directed by the judge.

(b) Once a judge has resolved parent-child issues the same issues may not be raised by the parties without complying with Rule 5.29.

[Amended effective August 21, 2000.]

Rule 5.85. Joint preliminary injunction.

(a) At any time prior to the entry of a decree of divorce or final judgment and upon the request of either party in a family relations proceeding, a preliminary injunction will be issued by the clerk against both parties to the action enjoining them and their officers, agents, servants, employees or a person in active concert or participation with them from:

(1) Transferring, encumbering, concealing, selling or otherwise disposing of any of the joint, common or community property of the parties or any property which is the subject of a claim of community interest, except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court.

(2) Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party or any child, step-child or any other relative of the parties.

(3) Removing any child of the parties then residing in the State of Nevada with an intent or effect to deprive the court of jurisdiction as to the child without the prior written consent of all the parties or the permission of the court.

(b) The joint preliminary injunction will be automatically effective against the party requesting it at the time it is issued and effective upon all other parties upon service. The injunction is enforceable by all remedies provided by law including contempt.

(c) Once issued, the joint preliminary injunction will remain in effect until a decree of divorce or final judgment is entered or until modified or dissolved by the court.

[Amended effective August 21, 2000.]

Rule 5.86. Reserved.

Rule 5.87. Meetings of counsel before calendar call or final pre-trial conference; pre-trial memorandum.

(a) Prior to any calendar call, the designated trial attorneys for all the parties must meet together to exchange their exhibits and list of witnesses, and arrive at stipulations and agreements, all for the purpose of simplifying the issues to be tried. The plaintiff must designate the time and place of the meeting which must be within Clark County, unless the parties agree otherwise. At this conference between counsel, and the court if the court decides to be involved in the pre-trial conference, all exhibits must be exchanged and examined and counsel must also exchange a list of the names and addresses of all witnesses, including experts, to be called at the trial. Each attorney must then prepare a pre-trial memorandum which must be served on the opposing party and filed not less than 10 days before the scheduled calendar call.

(b) The pre-trial memorandum must be as concise as possible and must state the date the conference between the parties was held, state the persons present, and include in numerical order the following items:

(1) A brief statement of the facts of the case, including:

(A) The names and ages of the parties.

(B) The date of the marriage.

(C) Whether any issues have been resolved and the details of the resolution.

(D) The names, birth dates and ages of any children.

(2) If child custody is still unresolved, proposed provisions for custody and visitation.

(3) If child support is still unresolved, the amount of support which is requested and the factors that the court should consider in awarding support.

(4) If spousal support is requested, whether the support is permanent or rehabilitative, the amount of support requested, the duration for which support is requested, and the factors that the court should consider in awarding support.

(5) A brief statement of contested legal and factual issues regarding the distribution of property and debts.

(6) If a request is being made for attorney's fees and costs, the amount of the fees and costs incurred to date.

(7) Any proposed amendments to the pleadings.

(8) A list of all exhibits, including exhibits which may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party. If no objection is stated, it will be presumed that counsel has no objection to the introduction into evidence of these exhibits.

(9) A list of the witnesses (including experts), other than a resident witness, which each party intends to call, and the address of each witness. Failure to list a witness, including impeachment witnesses, may result in the court's precluding the party from calling that witness.

(10) If spousal or child support is at issue, a current Affidavit of Financial Condition.

(11) A list of substantial property and all secured and unsecured indebtedness in accordance with the asset and debt schedule forms provided by the court.

(12) An estimate of the time required for trial.

(13) Any other matter which counsel desires to bring to the attention of the court at the calendar call conference.

(c) When a party is not represented by an attorney the party must comply with this rule. Should the designated trial attorney or any party in proper person fail to comply, a judgment of dismissal or default or other appropriate judgment may be entered or other sanctions imposed.
[Amended effective August 21, 2000.]

Rule 5.88. Final pre-trial conference. Rule 2.68 applies to final pre-trial conferences in the family division.
[Amended effective August 21, 2000.]

Rule 5.90. Dismissal of cases; closing cases; reactivation procedure; preparation of documents; issuance of decision by court.

(a) A family case which has been pending for more than 1 year and in which no action has been taken for more than 6 months may be dismissed, on the court's own initiative, without prejudice.

(b) A case shall be designated closed by the clerk of the court if:

(1) There has been no substantial activity in the case within 31 days of the notice of entry of decree or judgment;

(2) There has been no substantial activity in a post-dispositional case within 31 days of notice of entry of a final order;

(3) There has been an involuntary dismissal without prejudice as set forth in these rules or the Nevada Rules of Civil Procedure; or

(4) Upon order of the court.

(c) Written notice of the entry of a dismissal or order of the court pursuant to this rule must be given to each party who has appeared in the action, or to the attorney for that party. Placing a copy of the notice in the attorney's folder maintained in the Office of the Clerk of the Court constitutes notice to that attorney.

(d) A family division case which has been dismissed pursuant to this rule will be reactivated at the written request of a party or the party's attorney if the request is filed within 30 days of the date of service of written notice of the entry of the dismissal.

(e) Once trial, motion or other hearing is completed, the court will designate an attorney or litigant to prepare the necessary documents for the court's review and signature, including, but not limited to, proposed findings of fact and conclusions of law, decree, judgment, or order within 10 days of the completion of the trial, motion or other hearing, which results in a final decision by the court. If a case is taken under submission and additional information or documentation is requested, it must be supplied within the time allotted by the court. The court shall render its decision after receipt of the requested information or documentation.

(f) The court may issue an order to show cause for failure of a party, or attorney if represented, to prepare and submit the proposed findings of fact, conclusions of law, decree, judgment, or order within the time allotted by the court. If good cause is not shown for the delay, the non-compliant litigant or attorney, or both, may be sanctioned by the court.

(g) The court may either sign the proposed findings of fact, conclusions of law, judgment or order, or return them to the preparer with instructions for revision.

(h) Absent a written waiver of the notice of entry of final order, decree or judgment, by all the parties to the action, the party who obtains the final order, decree or judgment shall serve notice of its entry on the other parties within 10 days of the filing with the clerk of court.

(i) The court may issue an order to show cause for failure of a party or attorney to prepare and submit the notice of entry of final order, decree or judgment. If good cause is not shown for the delay, the non-compliant litigant or attorney, or both, may be sanctioned by the court.
[Amended effective August 21, 2000.]

Rule 5.91. Guardianship calendars. Subject to change by order of the presiding judge, the guardianship calendar will be heard every Wednesday at 9:00 a.m. If a legal holiday falls on a Wednesday the guardianship calendar for that week will be heard at such time as set by the guardianship judge or commissioner.
[Amended effective August 21, 2000.]

Rule 5.92. Approved guardianship matters.

(a) Under the supervision of the presiding judge, the guardianship commissioner must prepare an approved list each week of guardianship matters which can be heard without further testimony or appearance.

(b) In order to be on the approved list, the following must be strictly observed:

(1) All petitions must be verified.

(2) Where a bond is required, the petition must set forth with particularity the personal property of the estate together with the estimated amount of annual income from all sources.

(3) Where a blocked account is requested in lieu of a bond or in conjunction with a bond, the petition must set forth with particularity the personal property of the estate that shall be blocked from access together with the personal property, if any, that will be covered by the bond.

(4) The original order to be signed by the judge, together with any copies to be conformed, must be delivered to the guardianship commissioner not later than 5:00 p.m. on Friday the week before the matter is to be heard. Without a showing to the court of good cause, proposed orders not submitted within the time provided for in this rule will, upon the noticed Wednesday, be continued for 1 week, or longer at the request of counsel, to enable compliance.

[Amended effective August 21, 2000.]

Rule 5.93. Contested guardianship matters. The guardianship judge may hear whichever contested matters the judge shall select, and schedule them at the convenience of the judge's calendar. The judge alone may also refer contested matters to the guardianship commissioner or another master appointed by the judge, for hearing and report. All other contested matters will be assigned to a trial judge serving in the family division on a random basis. The assigned judge may, upon resolution of the contested matter, return the case to the guardianship calendar, or continue with the case if further contested matters are expected.
[Amended effective August 21, 2000.]

Rule 5.94. Continuances.

(a) At the call of the calendar, if a matter is not ready for hearing or approved, it may be continued from week to week for not more than 3 weeks. After the third continuance, it will be ordered off calendar unless a motion for further continuance is granted by the court. If a continuance is requested, the guardianship commissioner must be notified not later than 5:00 p.m. on Friday the week before the matter is to be heard. A later request will be considered by the court only upon a showing of good cause.

(b) When a petition for guardianship is called for hearing, and any person appears and orally declares a desire to file a written objection, the court will continue the hearing with the understanding that if an objection is not actually on file at the new hearing date, the hearing will proceed.

(c) At the call of the calendar, if objection is taken to any matter on the approved list, and petitioner or petitioner's counsel is not present, the court may continue the matter to allow the filing of written objections and the giving of notice thereof to petitioner. Such continuance must be made, and petitioner or petitioner's counsel notified, in any case in which the court proposes to effect a substantial change in the relief prayed for.
[Amended effective August 21, 2000.]

Rule 5.95. Consolidations with the lowest number.

(a) Whenever it appears that two or more guardianship petitions with different numbers have been filed with reference to the same proposed ward or wards, the court may on its own motion consolidate all of the matters with the matter bearing the lowest number, unless the court specifically determines a higher case number shall be the surviving case.

(b) Where a complete consolidation of proceedings is ordered, the clerk, unless otherwise ordered by the court, must file such consolidated proceeding and all subsequent papers relating thereto under the number assigned to the case which the judge designates as the surviving case.
[Amended effective August 21, 2000.]

Rule 5.96. Additional guardianship bond. It is the duty of a guardianship representative and/or counsel, if counsel becomes aware of facts causing the need therefor, to petition the court for an ex parte order increasing the bond to the total appraised value of personal property on hand plus 1 year's estimated annual income from real and personal property. In any accounting where a bond has been posted, there must be included therein a separate paragraph setting forth the total bond(s) posted, the appraised value of personal property on hand plus the estimated annual income from real and personal property and a statement of any additional bond thereby required.

Rule 5.97. Contents of guardianship orders. All orders or decrees in guardianship matters shall set forth completely all matters actually passed on by the court and shall not merely refer to corresponding provisions of the petition. Guardianship orders should be so drawn that their general effect may be

determined without reference to the petition on which they are based. Orders must not be drawn so that only the signature of the court, or the date and signature, appear on a page, nor may any matter appear after the signature of the court. The name, address and signature of the submitting attorney must appear on all orders.

Rule 5.98. Content of guardianship accounting.

(a) All accounts filed in guardianship proceedings, including trust accounts, must contain a summary or recapitulation showing:

(1) Amount of appraisement, if first account. If subsequent account, amount chargeable from prior account.

(2) Amount of receipts excluding capital items.

(3) Gains on sales or other disposition of assets, if any.

(4) Amount of disbursements.

(5) Losses on sales or other disposition of assets, if any.

(6) Amount of property on hand.

(b) An accounting may be rejected by the court if a recapitulation is not submitted with the accounting. If an accounting is rejected, it must be amended and the appropriate notice of hearing submitted to the court.

[Amended effective August 21, 2000.]

Rule 5.99. Guardianship case management.

(a) The presiding judge shall reassign guardianship cases and related domestic cases in an effort to provide consistency as follows.

(1) If a guardianship case involves a minor:

(A) and is over the person, the case shall be reassigned, upon coming on calendar, to the department to which any prior dissolution of marriage or child custody case has been assigned;

(B) and is over the estate, the case shall remain assigned to the guardianship judge;

(C) and is over the person and the estate, the case shall be reassigned, upon coming on calendar, to the department to which any prior dissolution of marriage or child custody case has been assigned if the estate is in summary administration or the size of the estate is or will likely remain below $5,000.00. Otherwise, the case shall remain assigned to the guardianship judge.

(2) If a guardianship case involves an adult:

(A) and is over the person, estate, or person and estate, the case shall remain assigned to the guardianship judge unless there is a pre-existing actively litigated domestic case involving the proposed ward or ward. If there is a pre-existing actively litigated domestic case, the guardianship shall be reassigned to the department to which the actively litigated domestic case has been assigned;

(i) At the conclusion of a domestic case, the guardianship case shall be reassigned from the department to the guardianship judge.

(B) and is over the person, estate, or person and estate, the case shall remain assigned to the guardianship judge if the guardianship pre-existed the filing of the domestic case. The domestic case that is filed subsequent to the guardianship, unless good cause is shown, will be assigned or reassigned to the guardianship judge.

(3) This rule does not affect the filing of peremptory challenges.

[Added effective August 21, 2000.]

Rule 5.995. Ex parte petition of minor. If both parents are known to the petitioner, and paternity has been determined or a custodial arrangement has been made by a court order, both parents must consent in writing to the guardianship. If either parent fails to consent in writing to the guardianship, then a citation must be issued and the matter set for hearing.

[Added effective August 21, 2000.]

PART VI. JURY COMMISSIONER

Rule 6.01. Designation of jury commissioner. Pursuant to the provisions of NRS 6.045, the court must designate a jury commissioner. The jury commissioner is directly responsible to the district court through the district court administrator.

Rule 6.10. Jury sources. In locating qualified jurors within Clark County as required by NRS 6.045, the jury commissioner must utilize the list of licensed drivers as provided by the State of Nevada Department of Motor Vehicles and Public Safety and such other lists as may be authorized by the chief judge.

Rule 6.30. Notice to court administrator of prospective juror's failure to appear. If any prospective juror summoned fails to appear, the jury commissioner must immediately notify the court administrator of that person's failure to appear and the department to which that person was assigned.

Rule 6.32. Trial juror's period of service. Each person lawfully summoned as a trial juror must serve for a period established by the court.

Rule 6.40. Duty of jury commissioner on appearance of prospective jurors. When prospective jurors appear before the jury commissioner pursuant to summons, the jury commissioner must assign prospective jurors to each department of the court as the jury commissioner and the court administrator deem necessary.

Rule 6.42. Reassignment of prospective jurors. Prospective jurors assigned for service in a department of the court whose services subsequently are not required must return to the jury commissioner for possible further assignment on that day.

Rule 6.44. Completion of trial juror's duties. When a trial juror has completed the juror's duties in the department to which the juror was assigned, the district judge must direct the juror to return to the jury commissioner.

Rule 6.50. Court administrator may excuse jurors. A person summoned for jury service may be excused by the court administrator because of major continuing health problems, full-time student status, child care problems or severe economic hardship.

Rule 6.70. Limitation and construction of Part VI. Part VI must be limited to trial juries and jurors, and must be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice.

PART VII. GENERAL PROVISIONS

Rule 7.01. Scope of rules. Unless otherwise stated, the rules in Part VII are applicable to all actions and proceedings commenced in the Eighth Judicial District Court.

Rule 7.02. Drop box filing.

(a) Papers eligible for filing. All papers and pleadings which conform to these rules may be filed in the drop box located in the courthouse, with the exception of filings which require the payment of filing fees. Filings which require the payment of filing fees must be made directly with the County Clerk's Office.

(b) Procedure. Papers may be filed in the drop box during all hours the courthouse is open. Papers must be date and time stamped prior to being placed in the drop box. Drop box filings shall be deemed filed as of the date and time noted on the paper or pleading. If a drop box filing has not been date and time stamped, the paper or pleading shall be deemed filed at the time it is date and time stamped by the County Clerk.

[Added; effective December 21, 1999.]

Rule 7.10. Applications to other than assigned judge.

(a) Except as provided in these rules or in an emergency, no judge except the judge having charge of the cause or proceeding may enter any order therein. If the matter is of an emergency nature and both the judge to whom the case is assigned and the judge's designee are absent or otherwise unavailable, applications must be made to the chief judge, or in a case assigned to the family division, the presiding judge.

(b) When any district judge has begun a trial or hearing of any cause, proceeding or motion, or made any ruling, order or decision therein, no other judge may do any act or thing in or about such cause, proceeding or motion, unless upon the request of the judge who has begun the trial or hearing of such cause, proceeding or motion.

(c) Any order of an absent judge which is signed by another judge must conform to the minutes of the court. In such case, the order will be deemed to be the order of the original judge making the ruling, order or decision, rather than the judge signing the same.

(d) When an order of an emergency nature is entered by the chief or presiding judge or an order of an absent judge assigned on the judge's behalf, it may be enforced or reconsidered by the judge to whom the case is assigned.

(e) Any order of a senior judge or visiting judge may be enforced or modified by any other senior or visiting judge.

Rule 7.12. Multiple application prohibited. When an application or a petition for any writ or order shall have been made to a judge and is pending or has been denied by such judge, the same application, petition or motion may not again be made to the same or another district judge, except in accordance with any applicable statute and upon the consent in writing of the judge to whom the application, petition or motion was first made.

Rule 7.14. Applications for orders in chambers. Notwithstanding any other provision of these rules, an application for an order to a judge in chambers may be made by an attorney. Litigants in proper person, "runners," and friends or employees of litigants must leave proposed orders with the clerk of the court or in the court's lock box. All proposed orders must be promptly delivered by the clerk to the appropriate judge in chambers.

Rule 7.20. Form of papers presented for filing; exhibits; documents; legal citations.

(a) All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8 1/2 x 11 inches in size. All papers must be typewritten or prepared by some other duplication process that will produce clear and permanent copies equally legible to printing. All print size shall be not smaller than size 12-pitch font for pleadings and papers created on a computer or 10 pica for pleadings and papers created on a typewriter. All or part of a pleading or paper may be legibly printed by hand at the discretion of the court. Carbon or photocopies may not be filed, except as provided in paragraphs (d) and (f) of this rule. Only one side of the paper may be used.

All papers presented for filing, receiving or lodging with the clerk shall be pre-punched with 2 holes, centered 2 3/4 inches apart 1/2 to 5/8 inches from the top edge of the paper. All original papers shall be stamped ORIGINAL between the punched holes.

The lines on each page must be double-spaced, except that descriptions of real property may be single-spaced. All quotations of more than 50 words must be indented and single-spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin.

(b) No original pleading or paper may be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court.

(c) The following information shall appear upon the first page of every paper presented for filing, single-spaced:

(1) The document code (list of document codes available at the County Clerk's Office), the name, Nevada State Bar identification number, address and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; and whether such attorney appears for the plaintiff, defendant, or other party, or the name, address, and telephone number of a party appearing in proper person, shall be set forth to the left of center of the page beginning at line 1. The space to the right of center shall be reserved for the filing marks of the clerk.

CODE
NAME

BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE NUMBER
ATTORNEY FOR:

(2) The title of the court shall appear at the center of the page at line 5 below the information required by paragraph (1), as follows:

DISTRICT COURT
CLARK COUNTY, NEVADA

(3) Below the title of the court shall appear in the space to the left of center, line 8, the name of the action or proceeding, *e.g.*:

JOHN DOE,
Plaintiff,
vs.
RICHARD ROE,
Defendant.

}

(4) In the space to the right of center at line 10, shall appear the case number, the department number and/or letter, and the Docket as follows:

Case No. A 999999
Dept. No. I or A
Docket J

(5) The title of the pleading, motion or other document must be typed or printed center on the page directly below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, *e.g.* Plaintiff's Motion to Compel Answers to Interrogatories; Defendant's Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe's Motion for Summary Judgment against Defendant Roe.
For the convenience of the court and the parties, the same title used on the papers must appear on all calendars at the time of the hearing.

(Example)

CODE
NAME
BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE NUMBER
ATTORNEY FOR:

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHN DOE,

Plaintiff,
vs.
RICHARD ROE,
Defendant.

}

Case No. A 000000
Dept. No. II or A
Docket J

MOTION, ORDER, REPLY,
JUDGMENT, ETC.

Date of Hearing:
Time of Hearing:

(6) If the paper to be filed is a response, reply or other document related to a matter which has already been set for hearing but not yet heard, the time and date of the hearing shall appear immediately below the title of the paper.

(d) All exhibits attached to pleadings or papers must be 8 1/2 inches x 11 inches in size. Exhibits which are smaller must be affixed to a blank sheet of paper of the appropriate size. Exhibits which are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches or must be folded so as to measure 8 1/2 x 11 inches in size. All exhibits attached to pleadings or papers must clearly show the exhibit number at the bottom or on the right side. Plaintiffs must use numerical designations and defendants must use alphabetical designations. Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(e) When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court and year of decision must be given.

(f) The clerk must not accept for filing any pleadings or documents which do not comply with this rule, but for good cause shown, the court may permit the filing of noncomplying pleadings and documents. Paragraph (a), except as to the size of paper, and paragraph (c) of this rule do not apply to printed forms furnished by the clerk, the district attorney or the public defender.
[Amended; effective October 28, 2003.]

Rule 7.21. Preparation of order, judgment or decree. The counsel obtaining any order, judgment or decree must furnish the form of the same to the clerk or judge in charge of the court within 10 days after counsel is notified of the ruling, unless additional time is allowed by the court.

Rule 7.22. Nunc pro tunc orders.

(a) If, through any inadvertence, an order or decree fails to state the order actually made by the court, and such inadvertence is brought to the attention of the court by petition, or on its own motion, the court may make a nunc pro tunc order correcting the mistake.

(b) The nunc pro tunc order must be in the form of an amended order, and must bear the caption "Amended Order of . . . ." The body of the amended order must be identical to the order being changed, except for the change itself, and conclude with the language substantially as follows: "This is a nunc pro tunc order correcting the prior order of . . . dated . . . ."
The form of the amended order must be accompanied by a verified petition, or affidavit of counsel, specifying the change and the reasons therefor. If the order sought to be amended is of many pages in length, the court may consider a document captioned "Amendment to Order of . . . ." which addresses the change alone, together with a sufficient recitation to identify that change, and conclude with language substantially as follows: "This is a nunc pro tunc order correcting the prior order of . . . dated . . . ." The form of amendment to the order must be accompanied by a verified petition, or an affidavit of counsel, specifying the reasons therefor.

(c) The original order is not to be physically changed, but is to be used in connection with the nunc pro tunc order correcting it. To prevent further errors, a complete clause or sentence should be stricken, even if the amendment is intended to correct only one word or a single figure.

Rule 7.23. Designation of papers by parties. Every document presented to a judge for signature, including orders, findings, conclusions and judgments, and every paper presented for filing, must bear the signature, name, office address and telephone number of counsel or, if unrepresented, the party presenting or filing the same. This requirement may be met by including the information at the end of the document.

Rule 7.24. Filing orders. Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment or decree for any reason, including the nonpayment of attorney's fees.

Rule 7.25. Orders extending time; notice to opposing party. No order, made on ex parte application, granting or extending the time to file any paper or do any act is valid for any purpose in case of objection, unless a copy thereof is served upon the opposing party not later than the end of the next judicial day.

Rule 7.26. Serving orders and other papers; courtesy copies for the court.

(a) If service of an order or other paper is to be made on a party represented by an attorney, the service must be made on the attorney unless service on the party is ordered by the court. Service on the attorney or on a party must be made by:
    (1) delivering a copy or by mailing it to the last known address; or
    (2) if no address is known, by leaving it with the clerk of the court; or
    (3) facsimile transmission; or
    (4) electronic transmission through the Court’s electronic filing system if the system provides for electronic service.

(b) Delivery of a copy with this rules means:
    (1) by handing it to the attorney or to the party; or
    (2) by leaving it at the attorney’s or party’s office with a clerk or other person in charge thereof; or
    (3) if the office is closed or the person to be served has no office, by leaving it at the attorney’s or party’s dwelling house or usual place of abode with some person of suitable age and discretion residing therein; or
    (4) by telephonic facsimile communication device if the attorney maintains such a device at the attorney’s office and the device is operating at the time service is made; or
    (5) by means of electronic mail when the attorney or party has provided the e-mail address to the court’s electronic filing system for that case; or
    (6) by United States mail.

(c) Proof of service may be made by:
    (1) certificate of an attorney or of the attorney’s employee; or
    (2) by written admission, affidavit, or other proof satisfactory to the court.
    (3) When service is made by facsimile communication and the original order or other paper is filed with the clerk of the court, a copy of a Transmit Confirmation Report or comparable evidence of service must be attached to or

included within the filed document. Service by fax after 5:00 p.m. will be deemed delivered on the next judicial day.

(4) When service is made by the court's electronic filing system by e-mail, the e-mail will contain a link to the file stamped document. This e-mail will be sent to the e-mail address of each party being served. All names and e-mail addresses will be listed in the body of the e-mail.

(d) The court administrator shall maintain suitable boxes in an appropriate location for each department of the court in which courtesy copies of motions, affidavits, points and authorities, or other papers may be deposited. Attorneys are requested to leave courtesy copies of any paper filed within 5 days of a hearing at which the paper may be considered. The boxes must also be used to deliver courtesy copies of any other filed material which a party whishes the court to receive in advance of a trial or hearing. Courtesy copies must indicate the date of any hearing to which they pertain.

[Amended effective April 11, 2006.]

Rule 7.27. Filing of civil trial memoranda. Unless otherwise ordered by the court, an attorney may elect to submit to the court in any civil case, a trial memoranda of points and authorities prior to the commencement of trial by delivering one unfiled copy to the court, without serving opposing counsel or filing the same, provided that the original trial memoranda of points and authorities must be filed and a copy must be served upon opposing counsel at or before the close of trial.

Rule 7.28. Custody and withdrawal of papers, records and exhibits.

(a) The Clerk of the Court has custody of the records and papers of the court. The clerk may not permit any original record, paper or exhibit to be taken from the court, judge's chambers or from the clerk's office, except at the direction of the court or as provided by statute or these rules.

(b) Papers, records or exhibits belonging to the files of the court may be temporarily withdrawn from the office and custody of the clerk for a limited time upon the special order of the judge, specifying the record, paper or exhibit, and limiting the time the same may be retained. A receipt must be given for any paper, record or exhibit so withdrawn from the files.

(c) Models, diagrams and exhibits of material forming part of the evidence taken in a case may be withdrawn by order of the court in the following manner:

(1) By stipulation of the parties.

(2) By motion made after notice to the adverse party.

(3) After a judgment is final, by the party introducing the same in evidence, unless the model, diagram or exhibit is obtained from the adverse party. If any model, diagram or exhibit is withdrawn under this paragraph, the party or attorney who withdraws it shall file an affidavit with the clerk to the effect that the person who withdraws it is the owner of or lawfully entitled to the possession of the model, diagram or exhibit. Withdrawal of any model, diagram or exhibit must be on court order on such terms and conditions as the court may impose, and a receipt therefor shall be filed with the clerk.

Rule 7.30. Motions to continue trial settings.

(a) Any party may, for good cause, move the court for an order continuing the day set for trial of any cause. A motion for continuance of a trial must be supported by affidavit except where it appears to the court that the moving party did not have the time to prepare an affidavit, in which case counsel for the moving party need only be sworn and orally testify to the same factual matters as required for an affidavit. Counter-affidavits may be used in opposition to the motion.

(b) If a motion for continuance is made on the ground that a witness is or will be absent at the time of trial, the affidavit must state:

(1) The name of the witness, the witness' usual home address, present location, if known, and the length of time that the witness has been absent.

(2) What diligence has been used to procure attendance of the witness or secure the witness' deposition, and the causes of the failure to procure the same.

(3) What the affiant has been informed and believes will be the testimony of the absent witness, and whether the same facts can be proven by witnesses, other than parties to the suit, whose attendance or depositions might have been obtained.

(4) The date the affiant first learned that the attendance or deposition of the absent witness could not be obtained.

(5) That the application is made in good faith and not merely for delay.

(c) Except in criminal matters, if a motion for continuance is filed within 30 days before the date of the trial, the motion must contain a certificate of counsel for the movant that counsel has provided counsel's client with a copy of the motion and supporting documents. The court will not consider any motion filed in violation of this paragraph and any false certification will result in appropriate sanctions imposed pursuant to Rule 7.60.

(d) No continuance may be granted unless the contents of the affidavit conform to this rule, except where the continuance is applied for in a mining case upon the special ground provided by NRS 16.020.

(e) No amendments or additions to affidavits for continuance will be allowed at the hearing on the motion and the court may grant or deny the motion without further argument.

(f) Trial settings may not be vacated by stipulation, but only by order of the court. The party moving for the continuance of a trial may obtain an order shortening the time for the hearing of the motion for continuance. Except in an emergency, the party requesting a continuance shall give all opposing parties at least 3 days' notice of the time set for hearing the motion. The hearing of the motion shall be set not less than 1 day before the trial.

(g) When application is made to a judge, master or commissioner to postpone a motion, trial or other proceeding, the payment of costs (including but not limited to the expenses incurred by the party) and attorney fees may be imposed as a condition of granting the postponement.

Rule 7.40. Appearances; substitutions; withdrawal or change of attorney.

(a) When a party has appeared by counsel, the party cannot thereafter appear on the party's own behalf in the case without the consent of the court. Counsel who has appeared for any party must represent that party in the case and shall be recognized by the court and by all parties as having control of the case. The court in its discretion may hear a party in open court although the party is represented by counsel.

(b) Counsel in any case may be changed only:

(1) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, which must be filed with the court and served upon all parties or their attorneys who have appeared in the action, or

(2) When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion, and

(i) If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys, or

(ii) If the application is made by the client, the client must state in the application the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, and the telephone number, or last known telephone number, at which the client may be reached and must serve a copy of the application upon the client's attorney and all other parties to the action or their attorneys.

(c) No application for withdrawal or substitution may be granted if a delay of the trial or of the hearing of any other matter in the case would result.

[Amended effective August 21, 2000.]

Rule 7.42. Appearances in proper person; entry of appearance.

(a) Unless appearing by an attorney regularly admitted to practice law in Nevada and in good standing, no entry of appearance or pleading purporting to be signed by any party to an action may be recognized or given any force or effect by any district court unless the same is signed by the party, with the signer’s address and telephone number, if any. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit.

(b) A corporation may not appear in proper person.

[As amended, effective October 13, 2005.]

Rule 7.44. Presence of local counsel required.

(a) Unless otherwise allowed by the court, no attorney who is not a resident of Nevada and has not been admitted to the State Bar of Nevada may appear as counsel in any cause pending in this district without the presence of associated Nevada counsel.

(b) If foreign counsel is associated, all pleadings, motions and other papers must be signed by Nevada counsel, who shall be responsible to the court for their content. Nevada counsel must be present during oral arguments and must be responsible to the court for all matters presented.

Rule 7.50. Stipulations to be in writing or to be entered in court minutes. No agreement or stipulation between the parties or their attorneys will be effective unless the same shall, by consent, be entered in the minutes in the form of an order, or unless the same is in writing subscribed by the party against whom the same shall be alleged, or by the party's attorney.

Rule 7.60. Sanctions.

(a) If without just excuse or because of failure to give reasonable attention to the matter, no appearance is made on behalf of a party on the call of a calendar, at the time set for the hearing of any matter, at a pre-trial conference, or on the date of trial, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or party of costs, in such amount as the court may fix, to the clerk or to the adverse party.

(2) Payment by the delinquent attorney or party of the reasonable expenses, including attorney's fees, to any aggrieved party.

(3) Dismissal of the complaint, cross-claim, counter-claim or motion or the striking of the answer and entry of judgment by default, or the granting of the motion.

(4) Any other action it deems appropriate, including, without limitation, imposition of fines.

(b) The court may, after notice and an opportunity to be heard, impose upon an attorney or a party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of fines, costs or attorney's fees when an attorney or a party without just cause:

(1) Presents to the court a motion or an opposition to a motion which is obviously frivolous, unnecessary or unwarranted.

(2) Fails to prepare for a presentation.

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously.

(4) Fails or refuses to comply with these rules.

(5) Fails or refuses to comply with any order of a judge of the court.

Rule 7.70. Voir dire examination. The judge must conduct the voir dire examination of the jurors. Except as required by Rule 2.68, proposed voir dire questions by the parties or their attorneys must be submitted to the court in chambers not later than 4:00 p.m. on the judicial day before the day the trial begins. Upon request of counsel, the trial judge may permit counsel to supplement the judge's examination by oral and direct questioning of any of the prospective jurors. The scope of such additional questions or supplemental examination must be within reasonable limits prescribed by the trial judge in the judge's sound discretion. The following areas of inquiry are not properly within the scope of voir dire examination by counsel:

(a) Questions already asked and answered.

(b) Questions touching on anticipated instructions on the law.

(c) Questions touching on the verdict a juror would return when based upon hypothetical facts.

(d) Questions that are in substance arguments of the case.

Rule 7.72. Courtroom conduct and attire. Proceedings in court should be conducted with dignity and decorum. All persons appearing in open court must be properly attired as befits the dignity of the court. All male attorneys must wear full length trousers, coat and tie; female attorneys must wear suitable dresses or pantsuits.

Rule 7.74. Communication with law clerks. No attorney may argue to or attempt to influence a law clerk on the merits of a contested matter pending before the judge or judicial officer to whom that law clerk is assigned.

Rule 7.76. Attorney as surety. No attorney may be accepted as security for costs, or as surety on any appearance, appeal or other bond or surety given in any case in which the attorney is counsel.

Rule 7.80. Court interpreters.

(a) Counsel must notify the court interpreter's office of a request for interpreter not less than 48 hours before the hearing or trial is scheduled. In criminal cases when the defendant has been declared an indigent, and in civil cases when a determination of indigency has been made pursuant to NRS 12.015, there may be no charge for available court interpreters. In all other cases, the party requesting the interpreter must pay the following fees to the clerk in advance for the services of a court interpreter:

$42 for the first hour;
$60 for a half day;
$120 for a full day.

In exceptional cases, the fee schedule may be waived, increased or decreased, at the discretion of the court. When it is necessary to employ interpreters from outside Clark County, actual and necessary expenses shall also be paid by the party requesting the interpreter.

(b) An interpreter qualified for and appointed to a case must appear at all subsequent court proceedings unless relieved as interpreter of record by the court.

Rule 7.82. Court reporters not provided. Court reporters are neither provided nor compensated by the court for hearings before commissioners, masters or referees. Any party desiring to have a matter reported must arrange in advance for a certified court reporter at the party's own expense.

Rule 7.85. Transfer of certain cases to district court from justice's court under NRS 66.070**; grounds for dismissal of action.**

(a) The plaintiff must cause the papers in a case certified to this court under the provisions of NRS 66.070 to be filed in the office of the clerk of this court within 15 days from the day upon which the order of the justice of the peace is made directing the transfer of the case.

(b) If the papers are not so filed the case must be dismissed:

(1) Upon filing a certificate from the justice of the peace to the effect that the justice of the peace has certified the papers as required by NRS 66.070, but that the same have not been ordered up, or the proper costs paid; or

(2) If it shall appear that such papers are not filed in this court by reason of the neglect of the plaintiff to pay the fees of the clerk for filing the same.

Rule 7.90. Effective date. These rules take effect January 1, 2001. They govern all proceedings in actions brought after that date and all further proceedings in actions pending on that date, unless in the opinion of the court their application in a particular pending action would not be feasible or would work an injustice, in which event the former procedure applies. The rules of practice for the Eighth Judicial District Court of the State of Nevada approved by the Supreme Court of Nevada on July 1, 1997, are hereby superseded and repealed, effective January 1, 2001.

[As amended, effective January 1, 2001.]

PART VIII. ELECTRONIC FILING AND SERVICE

Rule 8.01. Definitions of words and terms.

(a) “E-Filing System” means the system approved by the Eighth Judicial District Court (hereinafter referred to as “Court”) for filing and service of pleadings, motions, and other documents via the Internet through the Court-authorized service provider.

(b) “E-Document” means an electronic document which is usually text created by a computer but an E-Document also includes an image scanned or converted to a graphical or image format.

(c) “E-Filing” means an electronic transmission of documents to and from the Clerk of the Court.

(d) “E-Mail” means a system for sending and receiving messages over a computer network.

(e) “E-Service” means the electronic transmission of an E-Document (or Notification of a Filing) to all designated parties at their electronic mail address via the E-Filing system.

(f) "E-Filer" means a party filing a document with the Court in electronic form.

(g) "Service Provider" means the venor that is under contract with the Court to provide the E-Filing system that can be accessed through the Internet at an Internet address as determined by the Service Provider.

(h) "Registered User" means a person or firm who has executed a Subscriber Agreement with the service provider and received the system-generated user ID and password.

(i) "Public Access Terminals" means a computer provided by the Clerk's Office for a registered user to access the E-Filing System.

Rule 8.02. Use of the E-Filing System

(a) The judge to whom a case is assigned may order all parties to file and service all documents using the E-Filing System in any class action, a consolidated action, or a group of actions, a coordinated action, or an action at is deemed complex under NRCP 16.1(f). Cases may be placed in the E-Filing System at any time after obtaining a case number and the initial filing of the action. The judge to who the case is assigned also the discretion of mandating that any particular case be taken out of the E-Filing System at any time.

(b) The Court may electronically file any notice, order, minute order, judgment, or other document prepared by the Court.

(c) A document that the Court or a party files electronically under these rules has the same legal effect as a document filed in paper form.

(d) Filing a document electronically does not alter any filing deadline.

When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or other means, a Court may allow a party to file the document in paper form. It shall be the responsibility of the participating parties to serve, pursuant to NRCP 5, proper person litigants who cannot register in the E-Filing System.

Rule 8.03. Time of filing.

A document that is E-Filed shall be deemed to have been received by the Clerk of the Court on the date and time of its transmittal. If the filing is subsequently accepted by the Clerk, then the document shall have the same file stamped date and tilme as when it was transmitted.

Rule 8.04 Services provided by the E-Filing System.

(a) When a document is E-Filed, the Service Provider must promptly confirm the receipt of the filing by E-Mail to the E-Filer or provide a link for the E-Filer to access the confirmation. The confirmation will include the following:

(1) Case Number and Case Caption;
(2) Date and time the Service Provider received the filing (time at the Clark County Clerk's Office) ;
(3) Document Title;
(4) Document Code;
(5) Service Provider Document Identifier;
(6) Who filed the document; and
(7) The page count as provided by the filer.

(b) The E-Filing System will add the image of the Clerk's file stamp in the appropriate place on the E-Document.

(c) If the document complies with the Court's filing requirements and is accepted by the Clerk, the Service Provider will send an E-Mail to all addresses listed in the Service List for that particular case. This E-Mail will contain the following information:

(1) Case Number and Case Caption;

(2) Date and time the Service Provider received the filing (time at the Clark County Clerks Office);
(3) Document Title;
(4) Document Code;
(5) Service Provider Document Identifier;
(6) Who filed the document;
(7) Page count as provided by the filer;
(8) A resource locator that provides access to the filed document; and
(9) A list of all E-Mail addresses served as of the date and time of the filing.

Rule 8.05. Electronic service of pleadings and other documents.
(a) Documents in the E-Filing System will be served through E-Service. An E-Filed document accepted by the Clerk will be electronically served on all parties registered in that case through the E-Filing System.
(b) If the E-Mail message contains notification of the filing, it will contain a resource locator (valid for 60 days from the date of the transmission of the E-Mail message) that will provide access to the E-Document through the Internet for printing or viewing.
(c) The E-Mail message will contain the name and address of all intended recipients of the E-Service notification.
(d) The electronic service of a pleading or other document shall be considered as valid and effective service on all participants and shall have the same legal effect as an original paper document. For purposes of NRCP 5, E-Service does not constitute service by mail.
Proof of Electronic Service must state that the date and time of the electronic service is in place of The date and place of deposit in the mail.

Rule 8.06. Service on parties; time to respond or act.
(a) Except as otherwise provided in paragraph (b) of this rule, notwithstanding any prior Order of this Court, whenever a party has the right or is required to do some act or file same within the prescribed response period after the service of a notice or other paper, other than process, and the notice or paper is electronically served upon the party, three calendar days must be added to the prescribed periond.
The three calendar days provided for in paragraph (b) of this rule shall not apply to criminal proceedings due to the necessity of getting matters on the calendar as quickly as possible as provided for in EDCR 3.20.
This extension shall not extend the time for filing:
a motion for a new trial;
a motion to vacate judgement pursuant to NRCP 59; or
(3) a notice of appeal.
(d) Electronic service is complete at the time of acceptance of the document by the Clerk.

Rule 8.07. Requirements for signature on documents.
(a) Every pleading, document, and instrument filed in the E-Filing System shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and State Bar of Nevada number of the signing attorney.
(b)

(b) Typographical signatures shall be treated as personal signatures for all purposes under the Nevada Revised Statutes. A typographical signature shall be as follows:

/s/ John L. Smith
JOHN L. SMITH

(c) When a document to be filed electronically requires a signature of a notary public, the document is signed by the notary public if, before filing, the notary public has signed a printed form of the document.
(d) Signatures of notaries and notary stamps may be typed and E-Filed to satisfy signature requirements once the filing party has possession of the original signatures.

(e) When a document to be filed electronically requires a signature under penalty of perjury, the document is deemed signed by the declarant if, before filing, the declarant has signed a printed form of the document.

(f) By electronically filing the document, the electronic filer indicates compliance with the above section of this rule and the original, signed document is available for review and copying at the request of the Court of any party.

(g) A document that requires the signatures of opposing parties, such as a stipulation, may be electronically filed by typing the names of each signing party, but the filer is required to first obtain the original signatures of all opposing parties on a written form of the document.

(h) A party is not required to use a digital signature on an electronically filed document.

(i) At any time after the document is filed, any other party may serve a demand for production of the Original signed document. The demand must be served on all other parties, but need not be filed with the Court.

(j) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.

(k) All documents which bear a judge's signature shall be scanned and E-Filed so the judge's original signature will be shown thereon.

Rule 8.08. Maintenance of original documents.

(a) Unless otherwise ordered by the Court, an original paper form of all documents filed electronically, including original signatures, shall be maintained by the filing party for a period of two years after the final resolution of the action, including the final resolution of all appeals. The document shall be made available, upon reasonable notice, for inspection by other counsel or the Court.

Rule 8.09. Conventional filing of documents.

(a) Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court.

(1) Documents filed under seal. A motion to file a document under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form.

(2) Exhibits and real objects. Exhibits to declarations that are real objects (i.e., construction materials, core samples, etc.) or other documents (i.e., plans, manuals, etc.), which otherwise may not be comprehensibly viewed in an electronic format, may be filed and served conventionally in paper form.

Rule 8.10. Technical problems that preclude electronic filing.

Both the Court and the E-Filing Service Provider must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing.

When technical problems with either the Court's system and/or the Service Provider 's system preclude the Court from accepting electronic filings on a particular court day, the Court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day.

This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.

Rule 8.11. Electronic filing providers.

The Court may contract with one or more electronic service providers to furnish and maintain an electronic filing system for the Court. The Court shall require parties who wish to electronically file documents with the Court to do so by transmitting their documents to such a provider.

The Court's contract with an electronic filing provider may allow the provider to charge electronic filers a reasonable fee in addition to the Court's filing fee. The contract may also allow the electronic filing provider to make other reasonable requirements for use of the electronic filing system.

Any contract between the Court and an electronic filing provider must acknowledge that the Court is the owner of the contents of the filing system and has the exclusive right to control its use.

Rule 8.12. Electronic mailing addresses. Electronic filers must furnish one or more electronic mail addresses that the Court and the Service Provider will use to send notice of receipt and confirmation of filing.

Rule 8.13. Payment of filing fees.
The Court may permit the use of credit cards or debit cards for the payment of filing fees associated with electronic filing. A Court may also authorize other methods of payment. Eligible persons may seek a waiver of Court fees and costs, as provided in NRS 12.015.

Rule 8.14. Endorsement.
The Court's endorsement of a document electronically filed must contain the following: "Electronically Filed/Date and Time/ Name of Clerk." This endorsement has the same force and effect as a manually affixed endorsement stamp of the Clerk of the Court.

Rule 8.15. Voluntary E-Filing.
The Clerk may provide a means for attorneys to voluntarily E-File when the Court has not placed a case into the Electronic Filing and Service Program. This voluntary program may support both E-Filing with the Court and E-Service. Rules 8.04 and 8.12 are not applicable when using the Voluntary E-Filing program. If this filing is accepted, the Clerk shall print the document and have it added to the physical file for that case.

Rule 8.16. Court fees.
Any instrument requiring payment of a filing fee to the Clerk of the District Court can be filed electronically lin the same manner as any other E-File document. If a filing fee is required, the filing party shall immediately send to the Clerk of the District Court, a photocopy of the face sheet of the filing indicating thereon the filing ID#, plus a check for filing fee(s) in the proper amount in accordance with the current Clark county District Court Schedule of Fees. Statutory filing fees must be tendered to the Clerk immediately following an electronic filing and must in any event be postmarked no later than the next business day following the electronic filing. If a filing fee is due on any ex parte application, it must be received by the Clerk no later than 24 hours following an electronic filing.