

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF ESTABLISHING  
NEW TIME FRAMES TO ASSIST WITH  
CASEFLOW MANAGEMENT AND  
REVISE THE FORECLOSURE  
MEDIATION PROGRAM'S NAME AND  
ENCOURAGE PARTICIPATION IN  
THE EIGHTH JUDICIAL DISTRICT  
COURT'S SETTLEMENT  
CONFERENCE PROGRAM AND THE  
REDUCTION OF TIME WITH  
RESPECT TO JUDGES DISMISSING A  
MATTER FOR LACK OF  
PROSECUTION AND THE  
STREAMLING OF VOUNTARY  
DISMISSALS AND MODIFICATIONS  
TO THE APPROPRIATE AND  
REASONABLE FEES FOR THE  
SERVICES OF A COURT  
INTERPRETER.

ADKT No. 469

**FILED**

NOV 15 2011

TRACIE K. LINDSEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER AMENDING RULES 1.90, 2.14, 2.34, 2.90, AND 7.80 AND  
ADOPTING RULE 2.91 OF THE EIGHTH JUDICIAL DISTRICT  
COURT RULES


WHEREAS, on September 22, 2011, the Honorable Jennifer P. Togliatti and the Honorable Valorie J. Vega, Judges of the Eighth Judicial District Court, filed a petition in this court seeking amendment of the Eighth Judicial District Court Rules; and

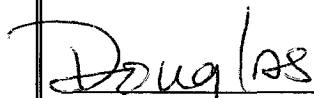
WHEREAS, this court has concluded that amendment of the rules is warranted, accordingly

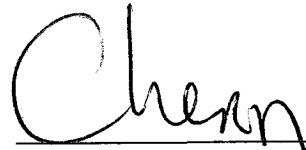
IT IS HEREBY ORDERED that Rules 1.90, 2.14, 2.34, 2.90, and 7.80 of the Eighth Judicial District Court Rules are amended and Rule 2.91 is adopted as set forth in Exhibit A.


IT IS FURTHER ORDERED that the amendments shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the State Bar of Nevada's official publication. The clerk shall publish this order by disseminating copies of it 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 that she has accomplished the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rules.

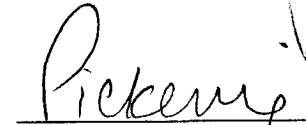
Dated this 15<sup>th</sup> day of November, 2011.

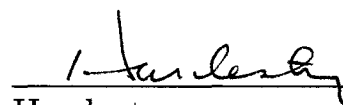
, C.J.  
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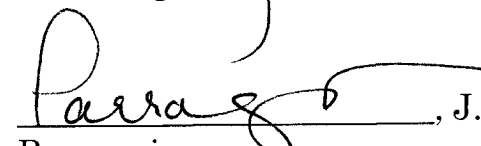
, J.  
Douglas

, J.  
Cherry

, J.  
Gibbons

, J.  
Pickering

, J.  
Hardesty

, J.  
Parraguirre

cc: Constance Akridge, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Laura Gould, Admissions Director, State Bar of Nevada  
All District Court Judges  
All District Court Clerks  
Administrative Office of the Courts

**EXHIBIT A**  
**AMENDMENTS TO RULES 1.90, 2.14, 2.34, 2.90, 7.80 AND**  
**ADOPTION OF RULE 2.91 OF THE EIGHTH JUDICIAL**  
**DISTRICT COURT RULES**

**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.] NRCP 41(e)**.

(2) Time limits for discovery commissioner. Except in complex litigation as defined in **[N.R.C.P.] NRCP 16.1(f)**, the discovery commissioner shall ensure that pretrial discovery is completed within 18 months from the filing of 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~~] 12 months 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 and at least 5 dates consistent with the settlement program on which the parties are requesting that a settlement conference be scheduled when all counsel plus those persons with settlement authority are available to attend at 10:30 a.m. Tuesday through Friday.

(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 12 months from the date of the discovery cut-off 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 caseload 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~~] 12 months 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~~] 12 months 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.

**Rule 2.14. Petitions for Judicial Review pursuant to the Foreclosure Mediation Rules State of Nevada Foreclosure Mediation Program.**

(a) A Petitioner seeking Judicial Review under authority of NRS 107 must first file and then serve a memorandum of points and authorities, if desired, in support of the Petition for Judicial Review within 30 days of the date of the mediator's statement.

(b) Within three (3) judicial days of filing the Petition, Petitioner must file a Request for Transmission of the Record and serve it on the Administrator of the State of Nevada Foreclosure Mediation Program.

(c) The Petitioner shall promptly serve the Petition by certified mail in accordance with Foreclosure Mediation Rule 5(7)(f) and NRCP 5(b)(2)(B).

(d) Following the filing of the Petition for Judicial Review, if the Court determines that good cause is shown for the issuance of

sanctions, it may issue an order scheduling an evidentiary hearing to show cause why the Respondent should not be sanctioned as provided for in NRS Chapter 107 and the Foreclosure Mediation Rules adopted by the Supreme Court.

(e) The Respondent must serve an Answer and file a memorandum of points and authorities, if desired, in opposition to the Petition for Judicial Review within 10 judicial days after service of Petitioner's points and authorities.

(f) Petitioner may serve and file reply points and authorities, if desired, not later than 5 judicial days after service of Respondent's opposition.

(g) After Petitioner's time to reply has expired, if an evidentiary hearing has not already been scheduled, either party may serve and file a notice of hearing with Master Calendar in the Office of the County Clerk 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 5 judicial days from the date the notice is served and filed.

(h) 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.

(i) Upon completion of the evidentiary hearing, the court shall issue its Decision including findings of fact and conclusions of law, within 5 judicial days.

(j) Continuances or extensions may be granted upon stipulation and order or upon motion with a finding of good cause shown.

(k) The statement of the Mediator in connection with these proceedings is admissible without the necessity of any additional foundation or testimony of the Mediator.

(l) EDCRs 2.21 through 2.28, inclusive, apply to the hearing of Petitions for Judicial Review.

**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) The commissioner may shorten or extend any of the times provided for in Rule 2.20 on any discovery motion.

(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 the 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 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.

(h) If when counsel meet and confer pursuant to NRCP 16.1, they discover that the parties would benefit from participating in a settlement conference, that information along with 5 dates consistent with the settlement program on which it can be held should be included in the case conference report prepared pursuant to NRCP 16.1(c). The discovery commissioner will then pass said information on to the department managing the settlement conference program which department will contact counsel to get the case so scheduled.

**Rule 2.90. Dismissal for lack of prosecution.**

(a) Any civil case which has been pending for more than **[2 years]** 12 months 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.

**Rule 2.91. Voluntary dismissal processing.** In order to assist the court with its caseload management requirements, any voluntary dismissal that is prepared pursuant to NRC 41(a)(1) which resolves all pending claims and renders the case ripe for closure shall be delivered to the chambers of the assigned department prior to filing. An individual in the assigned department will then affix the blue ink statistical case closure stamp to it, check the appropriate voluntary dismissal box on it, and place their initials next to the stamp's lower right-hand corner. Thereafter, the document can be filed.

**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~~] any reasonable fees as may be set by the chief judge to the clerk in advance for the services of a court interpreter:

\$35/hour for non-certified interpreters in Spanish;  
\$50/hour for certified interpreters in Spanish; and  
\$50/hour with a 2-hour minimum for interpreters in languages  
other than Spanish.

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.