

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF ASSIGNMENT OF
CASES IN THE FAMILY DIVISION OF
THE EIGHTH JUDICIAL DISTRICT
COURT

ADKT 0474

FILED

APR 18 2012

TRACHE K. LINDEMAN
CLERK OF SUPREME COURT
BY ~~CHIEF DEPUTY CLERK~~

ORDER AMENDING RULE 5.42 OF THE EIGHTH JUDICIAL
DISTRICT COURT RULES

WHEREAS, on January 24, 2012, 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

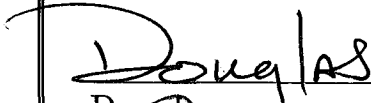
IT IS HEREBY ORDERED that EDCR 5.42 is amended as set forth in Exhibit A.

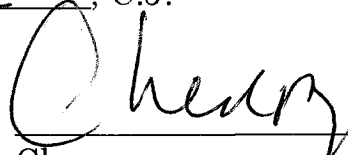
IT IS FURTHER ORDERED that the amendments shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the State Bar of Nevada's official publication. The clerk shall publish this order by disseminating copies of it to 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

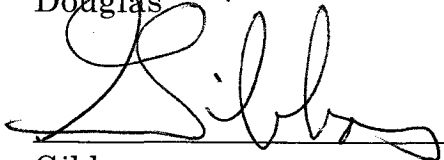
publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rules.

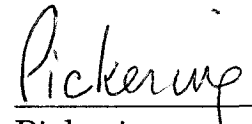
It is so ORDERED.

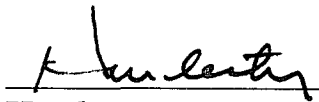

Saitta, C.J.

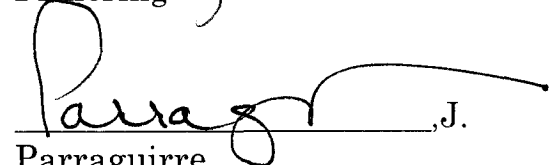

Douglas, J.


Cherry, J.


Gibbons, J.


Pickering, J.


Hardesty, J.


Parraguirre, J.

cc: All Judges of the Eighth Judicial District Court
Eighth Judicial District Court Administrator
Eighth Judicial District Court Clerk
Administrative Office of the Courts

AMENDMENT TO THE LOCAL RULES OF PRACTICE FOR
THE EIGHTH JUDICIAL DISTRICT COURT

Rule 5.42. [~~Lead case designation for department assignment~~]
Departmental assignment procedure. In order to comply with the legislative mandate that multiple cases [~~between~~] involving the same parties be assigned to the same judicial department, the following procedures [~~will~~] shall 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~~] are parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family division, regardless of their respective party designation (e.g., plaintiff or defendant; applicant or respondent; joint petitioner, etc.) [~~and their natural or adopted children~~] or a child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family division.

(b) Upon the filing of any action, the Clerk's Office shall utilize the information provided on the Mandatory Family Court Cover Sheet to search the parties and child(ren)'s names to determine whether prior cases involving the same parties exist and assign cases pursuant to this rule.

(c) Pursuant to the mandates of NRS 3.025(3), any and all [~~actions~~] new cases involving the same [~~family~~] parties 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,~~] If prior cases involving the same parties do not exist, then 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.] If any prior case(s) involving the same parties has/have previously been filed, the new case shall be assigned to the judicial department assigned to the case filed first in time.~~

~~(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)~~(3) The following exceptions ~~[will]~~ shall apply:

(A) Cases filed pursuant to Chapter 62 of the Nevada Revised Statutes. Said cases ~~[will]~~ shall 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]~~ cases do not involve the "same parties" (the state having filed a complaint against one or both of the parties on behalf of the [children] children), these cases ~~[will]~~ shall continue to be directly assigned to the juvenile judicial department.

(C) Cases filed pursuant to Chapter 159 of the Nevada Revised Statutes: ~~[Guardianship]~~ adult guardianship actions ~~[will]~~ shall be directly assigned to the judicial department handling guardianship cases ~~[and thereafter]~~. Thereafter, said cases shall be assigned 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)~~(d) Cases filed pursuant to Chapter 130 and/or Chapter 425 of the Nevada Revised Statutes ~~[will]~~ shall be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to EDCR 5.42(c). The hearings ~~[will]~~ shall 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)]~~(e) 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 pursuant to EDCR 5.42(c). The hearings ~~[will]~~ shall continue to be scheduled before the domestic violence ~~[commissioner]~~ commissioners. Any objections or hearings required to be held before a district court judge will be heard by the assigned judicial department.

(f) Notwithstanding the provisions of this rule, if any judicial department takes action on a case, including, but not limited to, signing an order or holding a hearing, except those cases heard pursuant to EDCR 5.10, then that case (and any existing cases involving the same parties) shall be assigned to the judicial department that took such action.

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

(g) Conflicts regarding judicial department assignments pursuant to this rule shall be resolved by the presiding judge or the chief judge consistent with the mandates of NRS 3.025(3).