

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF EIGHTH JUDICIAL
DISTRICT COURT RULES.

ADKT No. 436

FILED

DEC 04 2009

TRACEY A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER AMENDING EIGHTH JUDICIAL DISTRICT COURT RULES

WHEREAS, on June 12, 2009, the Honorable Judge T. Arthur Ritchie, Chief Judge of the Eighth Judicial District Court, and the Honorable Valorie J. Vega, Chairperson of the Rules committee of the Eighth Judicial District Court, filed a petition in this court seeking to amend Eighth District Court Rules 2.34, 2.50, and 7.80 and to adopt new Rules 1.76 and 2.49; and

WHEREAS, this court has considered the petition and concludes that the proposed amendments are warranted; accordingly,

IT IS HEREBY ORDERED that Rules 2.34, 2.50, and 7.80 of the Eighth Judicial District Court Rules shall be amended and Rules 1.76 and 2.49 shall be adopted and shall read as set forth in Exhibit A; and

IT IS FURTHER ORDERED that these 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 official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and

dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 4th day of December, 2009.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

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

EXHIBIT A
AMENDMENTS TO EIGHTH JUDICIAL DISTRICT
COURT RULES

* * *

Rule 1.76. Deposit of jurors' fees for civil trials.

(a) As an exception to NRCP 38, allowable thereunder and pursuant to NRCP 83, the clerk shall not collect any deposits from the party demanding a civil trial by jury as otherwise would be required by said sections of the Nevada Rules of Civil Procedure.

(b) All jurors' fees and expenses shall be determined subsequent to the conclusion of the civil trial and thereafter collected accordingly.

* * *

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]~~ 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.

* * * * *

Rule 2.49. Assignment of matters to specialty dockets.

(a) "Specialty dockets" shall include:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS 40.600 et seq.:

(2) "Business matters" as defined under EDCR 1.61:

and

(3) Any other specialty dockets that may be established by the chief judge to handle complex matters.

(b) Assignment of specialty dockets.

(1) Unless otherwise provided in these rules, specialty dockets shall be divided among those civil judges designated by the chief judge to hear the particular specialty docket.

(2) Any party in a case may file a request in the pleadings or noticed motion that a case be assigned to a specialty docket. A request may be made by a plaintiff or petitioner in the caption of the initial complaint or petition by identifying the category that provides the basis for assignment to a specialty docket. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned to a specialty docket by the clerk's office. If the request is made by a party in the caption of its initial appearance or response, other than by the plaintiff/petitioner, then the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(3) A civil judge to whom a matter is assigned may refer the matter to a specialty docket for determination as to whether the matter should be handled on the specialty docket. Upon referral, the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(4) The assigned judge shall decide whether a case should be handled on the specialty docket, and that decision shall not

be appealable nor reviewable by way of writ. Any matter not deemed appropriate to be handled on the specialty docket shall be randomly reassigned if it was originally assigned to the specialty docket. If a case was submitted to the assigned judge to determine whether it should be handled on the specialty docket and the assigned judge rules that it is not, that case will be remanded to the department of origin.

* * * * *

Rule 2.50. [~~Consolidation~~] Consolidated and coordinated cases.

~~[(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.]~~

(a) Consolidated cases.

(1) 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.

(2) Documents filed subsequent to the consolidation shall list only the caption and case number of the lowest-numbered case.

(3) Each document will include on the certificate of service the following additional information: "This document applies to Case No. _____" and will list all applicable case numbers and parties.

(4) The clerk shall file documents only in the lowest case number so listed.

(b) Coordinated cases.

(1) Motions for the handling of two or more cases in a coordinated fashion or for consolidation for less than all purposes must be heard by the judge assigned to the case first commenced. If coordination is granted, the coordinated case will be heard before the judge ordering coordination.

(2) Documents filed subsequent to the coordination 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.

(c) Regardless of any other provision in these rules, the chief judge shall have the authority to order the consolidation or coordination of any cases pending in the district.

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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.]~~

\$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.