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2010-2

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DISTRICT COURT
CLERK OF THE COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER)
OF THE ASSIGNMENT OF) ADMINISTRATIVE
PROBATE CASES IN THE) ORDER 2010-2
EIGHTH JUDICIAL DISTRICT COURT)
_____)

**ADMINISTRATIVE ORDER REGARDING THE
ASSIGNMENT OF PROBATE CASES**

WHEREAS, for several years, the chief judge of the Eighth Judicial District Court has managed the probate cases filed in the Eighth Judicial District Court and supervised the Probate Commissioner. EDCR 1.30 (b)(3) provides that the chief judge shall share and direct responsibility for hearing the probate cases.

WHEREAS, the Nevada Supreme Court issued a decision in *Landreth v. Malik*, 125 Nev. Adv. Op 61 on December 24, 2009. In that decision, the Nevada Supreme Court concluded that NRS 3.223 prescribes the jurisdiction of the family court, and since that case involved a matter not enumerated in NRS 3.223, the family court lacked subject matter jurisdiction to enter judgment in that case. The chief judge of the Eighth Judicial District Court was appointed to the family division in 1999, has been a district judge in the family division since 1999. The chief judge was selected by the district judges of the Eighth Judicial District Court, and was approved as chief judge by the Nevada Supreme Court in 2008.

WHEREAS, the *Landreth v. Malik* decision raises questions about whether the chief

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JAN 14 2010
CLERK OF THE COURT

T. ARTHUR RITCHIE, JR.
DISTRICT JUDGE

FAMILY DIVISION, DEPT. H
LAS VEGAS, NEVADA 89155

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judge of the district court, who was appointed and elected to the family division, has jurisdiction to continue to hear probate matters.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(5) provides that the chief judge make regular and special assignments of all judges, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(18) provides that the chief judge assure that court duties are timely and orderly performed.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(18)(iv) provides, in part, that to facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

WHEREAS, the assignment of the management of the probate cases filed in the Eighth Judicial District Court and the supervision of the Probate Commissioner to a district judge who serves in the civil/ criminal division is necessary in light of the *Landreth v. Malik* decision and is an efficient management decision for the court and the court's justice partners.

Therefore,

IT IS HEREBY ORDERED that the Honorable Elissa F. Cadish, District Court, Department 6, shall manage the probate cases filed in the Eighth Judicial District Court and supervise the Probate Commissioner for the Eighth Judicial District Court.

IT IS FURTHER ORDERED that the effective date of this assignment was January 11, 2010, and shall continue until modified or rescinded by a subsequent Administrative Order.

DATED this 13 day of January, 2010.



CHIEF JUDGE