

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE RULES OF
PRACTICE FOR THE ELEVENTH
JUDICIAL DISTRICT COURT AND
APPROVAL OF PROPOSED RULES OF
PRACTICE FOR THE ELEVENTH
JUDICIAL DISTRICT COURT.

ADKT 0578

FILED

AUG 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER APPROVING RULES OF PRACTICE FOR
THE ELEVENTH JUDICIAL DISTRICT COURT*

WHEREAS, on April 20, 2021, Jim C. Shirley, District Judge, Eleventh Judicial District Court filed a petition in this court seeking approval of rules of practice for the Eleventh Judicial District Court. An amended petition was filed on June 22, 2021; accordingly,

IT IS HEREBY ORDERED that the proposed Rules of Practice for the Eleventh Judicial District Court rules shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of the proposed Rules of Practice for the Eleventh Judicial District Court shall be effective 60 days after 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 rules.

Dated this 24TH day of August, 2021.

1 Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: Hon. Jim C. Shirley, District Judge
Eleventh District Court Clerk
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Elko County Bar Association
Ann Morgan, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

EXHIBIT A

**ADOPTION OF THE RULES OF PRACTICE FOR THE ELEVENTH
JUDICIAL DISTRICT COURT OF NEVADA**

RULES OF PRACTICE

FOR THE

**ELEVENTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA**

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1. GENERAL ADMINISTRATION

Rule 1.1. Name, citation, and application.

(a) *Name and citation.* These are the “Eleventh Judicial District Court Rules.” They will be cited as “11JDCR.” The word “rule” without further identification means one of the Eleventh Judicial District Court Rules.

(b) *Applicability.* The Eleventh Judicial District Court Rules govern the procedure and administration of cases in the Eleventh Judicial District Court of Nevada. These rules are intended to be supplemental to the District Court Rules of the State of Nevada (DCR) promulgated by the Nevada Supreme Court. The DCR shall be applied whenever consistent with these local rules. To the extent that these local rules are inconsistent with the DCR, these rules shall be applied instead of the DCR. DCR 5.

(c) *Self-represented parties.* Self-represented parties are required to follow all law applicable to their case, including these rules.

(d) *Amendments.* In order to allow flexibility in the administration of the Eleventh Judicial District Court, these rules may be supplemented by a “Standing Order Supplementing Local Rules” signed by the judge. The standing order shall be available for review in the office of the court.

Rule 1.2. Construction.

(a) *Other laws.* These rules will be interpreted, applied, and enforced to avoid inconsistency with any governing statutes and rules.

(b) *Liberal construction.* These rules will be liberally construed to promote the fair and efficient administration of justice by the court, and to secure the just, speedy, and inexpensive determination of every action.

(c) *No limiting of discretion.* These rules are not intended to and will not limit the discretion of the court. The court on its own initiative or on motion may change, suspend, or waive any of these rules in the interests of justice.

(d) *Headings.* Rule and subdivision headings in these rules will not affect the scope, meaning, or intent of any provision in the rules.

(e) *Tense, gender, and number.* The past, present, and future tense will each include the others. The masculine, feminine, and neuter genders will each include the others. The singular and plural forms will each include the other.

Rule 1.3. Definitions.

(a) “Case” includes all actions and proceedings of every kind.

(b) “Civil action” means all actions other than criminal, family, guardianship, and juvenile cases.

(c) “Court” means the Eleventh Judicial District Court of Nevada.

(d) “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate court action to avoid irreparable harm to a party or child of a party.

(e) “Guardianship cases” means those cases governed by the Nevada Revised Statutes (NRS) Chapters 159 and 159A.

(f) “Indian child” means an unmarried person under the age of 18 who is either a member of a federally recognized Indian tribe, or eligible for

membership in a federally recognized Indian tribe and the biological child of a member of an Indian tribe.

(g) “Juvenile cases” are cases covered under NRS Title 5 and NRS Chapter 432B.

(h) “Judicial clerk” means the court clerk, deputy clerks, and the clerk’s staff.

(i) “Juvenile court” means the district judge who is assigned to serve as a judge of the juvenile court pursuant to NRS 62B.010. The term includes a master who is performing an act on behalf of the juvenile court if:

(1) The juvenile court delegates authority to the juvenile court master to perform the act in accordance with statutes and the Constitution of the State of Nevada; and

(2) The master performs the act within the limits of the authority so delegated.

(j) A “motion” includes all requests for an order, other than initial pleadings, regardless of the title a party puts on the paper.

(k) “Papers” are all documents filed with the court, other than pleadings.

(l) “Party” means the person who files a legal action or the person’s legal representative, or a person named in a pleading as the person against whom a claim in the pleading is made or that person’s legal representative.

(m) “Person” includes natural persons, corporations, firms, associations, and all other entities.

(n) “Pleading” is defined by Rule 7 of the Nevada Rules of Civil Procedure (NRCP). An initial pleading petition is also a pleading.

(o) A “related case” is one in which:

(1) Both actions involve one or more of the same parties on both sides of the case, or a person or entity that has or had a business relationship with a party, for example, a stockholder, partner, creditor, debtor; and both actions include the same or a similar claim;

(2) Both actions involve the same property, transaction, or event;

(3) Both actions involve similar questions of fact and law and their assignment to the same judge is likely to effect a substantial savings of judicial effort, either because the same result would follow in both actions or otherwise; or

(4) For any other reason, it would result in substantial duplication of labor if the actions were heard by different judges.

(p) “Service” means providing a copy of a pleading or paper to another party or person. A summons and complaint are served as set out in NRCP 4, 4.1, 4.2, 4.3, and 4.4. Pleadings and papers filed after an original complaint and summons are served as set out in NRCP 5.

Rule 1.4. Organization of the court.

(a) *Eleventh Judicial District.* The Eleventh Judicial District is comprised of Lander, Mineral, and Pershing Counties.

(b) *Masters.* The court has established and appointed certain masters as provided in 11JDCR 8.1.

(c) *Court Administrator.* The Court Administrator shall be selected by the court and is responsible for the administration of the rules, policies, and

directives of the district court. In addition to the duties prescribed below, the Court Administrator shall be denominated the court clerk and shall perform all the statutory and other duties assigned to that office. The Court Administrator shall:

- (1) Supervise officers and employees of the court;
- (2) Supervise the office of the court clerk and the processing of all pleadings and papers related to court business and the court clerks;
- (3) Plan, organize, and direct the budgetary and fiscal operations of the court;
- (4) Plan for, organize, hire, train, and supervise all personnel deemed necessary to adequately conduct the operations of the court;
- (5) Monitor a system of internal controls that includes payroll, purchasing, accounts payable, accounts receivable, information systems, and inventory along with all other fiscal aspects of the court, including administration and jury services;
- (6) Expedite movement of the court calendars and coordinate and monitor automated case management systems;
- (7) Supervise preparation and submission of reports and activities of the court to state, regional, and local authorities as required;
- (8) Determine statistics to be gathered for the statewide uniform system of judicial records and manage the flow of information through and about the court;
- (9) Direct research, evaluation, and monitoring and propose new and revised policies as necessary to improve court operations;

(10) Coordinate the calendars and activities of judges visiting from other jurisdictions and of hearing officers or masters assigned for specific purposes;

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

(12) Handle public information and serve as a liaison with other government executive legislative and judicial agencies in the community as assigned by the court; and

(13) Perform such other functions and duties as may be assigned by the court.

(d) *Hours for court clerk's office and for physical filing.* The court clerk's office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The hours for filing physical documents are 8:30 a.m. to 4:30 p.m., Monday through Friday. Electronic filing is available 24 hours a day, 7 days a week.

Rule 1.5. Courtroom conduct and attire.

(a) *Conduct.* Proceedings in court should be conducted with fitting dignity and decorum. Persons in the courtroom may not chew gum, eat, or use a cell phone while court is in session.

(b) *Attire.*

(1) *Attorneys.* Appropriate dress for attorneys includes professional attire such as suits, jackets, ties, dress shirts, dress shoes, slacks,

dresses, and dress slacks. Tank or halter tops, shorts, soiled or unkempt clothing, and casual exercise apparel are not allowed.

(2) *Persons other than attorneys.* Persons other than attorneys in the courtroom (e.g., witnesses, litigants, jurors) may not dress in an inappropriate manner so as to be distracting to others of usual sensibilities. Tank or halter tops, shorts, and soiled or unkempt clothing are not allowed.

(3) *Law enforcement personnel.* Law enforcement personnel may elect to wear uniforms.

Rule 1.6. Notice of related cases.

(a) *Notice.* Parties in family, guardianship, or juvenile cases must file and serve a notice informing the court of any and all related cases in this court known to the party at the time the party files the first pleading or paper.

(b) *Notice content.* The notice will state:

(1) The title and case number of each related action; and

(2) A brief statement of the relationship between the parties and issues in the cases.

(c) *Closed or inactive related cases.* Notice of related actions must be filed even if the related action is closed or inactive.

Rule 1.7. Attorney conduct. Attorneys will:

(a) Be patient, dignified, respectful, and courteous to the judge, court staff, litigants, jurors, witnesses, lawyers, and others with whom the attorneys deal in an official capacity.

(b) Conduct themselves in a civil and professional manner in and around the courthouse, the courtroom, and in the preparation of all pleadings and papers.

(c) Be on time for all conferences, hearings, and trials.

(d) Be prepared to participate fully in all conferences, hearings, and trials.

(e) Not contact the judicial assistant, law clerk, or other judicial staff for legal advice, for advice on how to proceed in any matter, or to request clarification concerning any order or other act by the court.

Rule 1.8 Appearances; substitutions; withdrawal or dismissal of attorneys.

(a) *Appearance.* When an attorney has filed a pleading or paper in the court for a party or otherwise appeared in the court representing the party, that attorney is the party's attorney of record until the attorney is released by order of the court upon motion or the attorney withdraws or is changed under Nevada Supreme Court Rules (SCR) 46-48 and this rule.

(b) *Consent or application.* A consent to withdrawal of counsel or an application to substitute the party in the place of the attorney of record, and the proposed order substituting the party in the place of the attorney of record, must include the party's current or last known physical and mailing address, telephone and cellular number, and email address.

(c) *Represented party must act only through attorney.* A party who has an attorney of record may act only through its attorney. A party who has an

attorney of record cannot file a pleading or paper without the attorney's signature except to notify the court that the party will, from the date the notice is filed and served, represent itself, and proceed without an attorney. The court may in its discretion hear a party in open court even though the party is represented by an attorney.

(d) *Substitution.* Substitution of attorneys by stipulation requires leave of the court, and the stipulation must be signed by the attorneys and the represented party. The parties must submit to the court a proposed order for the substitution. An attorney substituting into a case accepts all dates and deadlines then in effect under any statute, rule, or order.

(e) *Withdrawal of counsel while case is pending.* While a case is pending, any withdrawal of an attorney of record requires leave of the court. The attorney seeking to withdraw must file an affidavit that includes the 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, together with all other known addresses and phone numbers where the client might be contacted. The withdrawing attorney must also submit to the court a proposed order signed by all parties, including the client of the withdrawing attorney.

(f) *Withdrawal of counsel after completion of case.* After judgment or final determination, an attorney may withdraw as attorney of record at any time upon the attorney's filing a withdrawal, with or without the client's consent and without a court order. But an attorney representing a defendant in a criminal case may withdraw only after time for appeal has passed. An attorney seeking withdrawal must file a Notice of Withdrawal and serve it

upon all parties or their attorneys who have appeared in the action. The notice must include the last known address at which the client may be served with notice of further proceedings taken in the case. Failure to include the information required by this subsection nullifies ab initio the Notice of Withdrawal, and the attorney will remain the attorney of record.

(g) *Discharge of counsel by client.* Discharge of an attorney of record by the client requires leave of the court. The client or attorney must file a motion and affidavit to have the dismissal approved by the court. The motion must be served upon all parties. The client must include in the affidavit the address at which the client may be served with notice of further proceedings taken in the case in the event the application for dismissal is granted, together with all other addresses and phone numbers where the client might be contacted.

(h) *Change of attorney not sufficient for delaying deadlines.* Discharge, withdrawal, substitution, or retaining an attorney will not alone be reason for delay of any deadline, hearing, or trial.

(i) *Good cause required if change of attorney causes delay.* Except for good cause shown, no withdrawal or substitution will be approved if delay of discovery, any hearing, trial, or any other matter would result. The failure of the client to compensate counsel generally does not constitute good cause. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must include a request for specific relief from discovery deadlines, the hearing, trial, or any other matter.

(j) *Withdrawal of attorney in limited services (“unbundled services”) contract.*

(1) An attorney who contracts with a client to limit the scope of

representation shall:

(A) State the limitation in the first paragraph of the first paper or pleading filed on behalf of that client; and

(B) Notify the court of that limitation at the beginning of each hearing in which the attorney appears for that client.

(2) Unless otherwise ordered by the court, to withdraw from representation of a client in limited services, an attorney shall:

(A) File a Notice of Withdrawal of Attorney specifying the limited services that were to be completed, reciting that those services were completed, and identifying either the name of the successor counsel or the address and telephone number of the client in proper person. The attorney must serve a copy of the notice upon the client and all other parties to the action; and

(B) Complete all services required by the court before filing the Notice of Withdrawal.

(3) Except by specific order of the court, no counsel shall be permitted to withdraw within 21 days prior to a scheduled trial or evidentiary hearing.

(4) Any Notice of Withdrawal that is filed without compliance with this rule shall be ineffective for any purpose.

Rule 1.9. Contact information. Attorneys and self-represented parties must keep a current physical and mailing address, telephone number, email address, and facsimile number (if the attorney or the party has facsimile capability) on file with the court and served upon all parties. A notice of change

of any contact information must be filed and served on all parties within 7 days of the change. If an attorney or a self-represented party fails to timely file a notice of change of contact information, service made to the address on record will be deemed good service unless otherwise ordered upon a showing of good cause.

Rule 1.10. Ex parte communications.

(a) *Definition.* “Ex parte communication” is any communication from any person made, directly or indirectly, to the judge outside the presence of the parties or their lawyers, that relates to a pending or impending matter, and which might reasonably result in a party gaining some advantage in the litigation.

(b) *Not allowed; exceptions.* No person will initiate, make, have, or cause an ex parte communication concerning a pending or impending matter with a judge, judicial assistant, law clerk, or other person subject to the judge’s control or direction. The prohibition on ex parte communications does not apply:

- (1) When the communication is specifically permitted by law;
- (2) When circumstances require the communication to address an emergency; or
- (3) When the communication is with a law clerk and about purely procedural issues, but no attorney or party may argue to or attempt to influence a law clerk regarding the merits of a contested matter pending before the court.

(c) *Notice to other parties.* Even when ex parte communication is

specifically permitted by law or because of an emergency, the party or attorney attempting or making the ex parte communication must, as soon as reasonably possible, give notice of the ex parte communication to all parties, and attempt to include all parties in any hearing or further communications with the judge. The party or attorney seeking ex parte communication must certify and present specific facts showing the efforts made to include opposing parties in the ex parte communication and further communications with the judge, and the efforts made to provide notice of the ex parte communication to opposing counsel or self-represented parties, whether by personal service, telephone, cell phone, messages, email, or other means, and the result of those efforts.

Rule 1.11. Official court reporter; record of the court.

(a) *Official court reporter, attendance required.* The official court reporter must be certified in the State of Nevada and, pursuant to statutory requirements, shall attend all civil trials when requested by the parties who agree to pay for the services pursuant to the NRCP. The official court reporter is to be available for all criminal proceedings held in the Eleventh Judicial District. The court reporter shall make a verbatim record via machine shorthand of all oral communications made during such trials or hearings in the presence of the presiding judge, including communications by all parties, counsel, witnesses, jurors, and the judge. The official court reporter shall make a verbatim record via stenographic means of all oral communications made during court proceedings in the presence of the presiding district court judge, including communications by all parties, counsel, witnesses, jurors, and the

judge.

(b) *District court reporter, attendance not required.* At the discretion of the presiding district court judge, civil, juvenile, or probate hearings may be electronically recorded in lieu of stenographic means. When recording is by electronic means, a deputy clerk of the court must be present during the hearing and must be operating a fully functional electronic recording machine that is electronically recording all oral communications made in the presence of the presiding judge, including communications of the parties, counsel, witnesses, jurors, and the judge. The recordings are to be preserved in a digital format. Electronic recordings are governed by the November 16, 2018, Administrative Order or subsequent amendments thereto.

(c) *Official transcripts.* The court reporter's certified transcript shall be the official record of all proceedings. If a court reporter has not reported a court proceeding, a transcript or partial transcript prepared from the electronic recording of the proceeding becomes the official transcript of the proceeding for all purposes if it is prepared by the official district court reporter pursuant to the November 16, 2018, Administrative Order or subsequent amendments thereto.

(1) *Real-time transcripts.* A real-time transcript is not an official transcript as defined under subsection (c) of this rule. Real-time transcripts may be used for interpretive purposes, but cannot be cited or used as an official transcript until finalized and filed with the court clerk.

(2) *Electronic recording.* An electronic recording is not an official record as defined under subsection (c) of this rule and cannot be cited or used as an official transcript until transcribed and formatted by the official court

reporter and filed with the court clerk.

(d) *Use of official transcripts.* In all cases where a party desires to place into evidence a transcript or partial transcript of a court proceeding, or disclose the contents of a transcript during the examination of a witness, the transcript must be an official transcript as provided in subsection (c) of this rule.

(e) *Obtaining transcripts.* When a transcript has been requested, the official court reporter shall prepare and provide an estimate of the costs associated with the preparation of the transcript of the proceedings to the requesting party. Costs will only include the statutory charge for each transcript page. The transcript will not be produced until a deposit has been received pursuant to statutory requirements. The statutory timelines will apply once the transcript request and deposit have been received by the official court reporter.

(f) *Request for official transcript.* A request for an official transcript of a court proceeding under this rule must be in writing, submitted to the official court reporter pursuant to the statutory requirements, and provide the following information: (1) the date of request, (2) the date of the proceeding (3) the county the proceedings were held in, and (4) the requested completion date.

(g) *Notification of transcript's estimated completion date; deposit.* The official court reporter shall notify the party requesting the transcript of the estimated date of completion of the transcript. Unless other arrangements are made with the approval of the district court reporter, a deposit based on the estimated costs shall be paid in full before delivery of the transcript to the party requesting it. Compliance with statutory deadlines for the preparation of transcripts of proceedings for an appeal takes precedence over the preparation

of transcripts made for any other purpose.

(h) *Absence of official court reporter.* Anticipated absence of the official court reporter will be handled at the discretion of the presiding district court judge. In situations where the official court reporter is not available due to an anticipated or unanticipated absence, including a vacancy in a court reporter position that has not been filled, the presiding district judge may:

(1) Allow the official court reporter to find a certified court reporter to cover proceedings by suspending application of subsection (a) of this rule; and

(2) Order the recording of any or all proceedings listed in subsection (b) to be by an electronic recording in accordance with subsection (b).

(i) *Office location and attendance.* The official court reporter shall be available during regular office hours when court is in session. The presiding district court judge may authorize the official court reporter to work from an alternate location during regular office hours, provided the official court reporter is available to report criminal proceedings either in person or via telephonic/audio-visual means within a reasonable time.

Rule 1.12. Interpreters. The court provides interpreters for criminal hearings. A party who needs an interpreter in noncriminal cases must file a written request for an interpreter not less than 7 days before any hearing or trial.

Rule 1.13. Sanctions.

(a) *No limiting of discretion.* None of the Eleventh Judicial District Court Rules will limit the court's discretion in imposing sanctions.

(b) *Process.* If a party or an attorney fails, refuses, or neglects to comply with any applicable law, rule, or order of the court, the court may, after notice and an opportunity to be heard, impose any reasonable sanctions allowed by law, including but not limited to the following:

(1) Hold the disobedient party or attorney in civil or criminal contempt of court;

(2) Continue any hearing or trial until the disobedient party or attorney has complied with the requirements imposed and require the disobedient party to pay the other party's expenses, including reasonable attorney fees incurred in preparing for and attending such hearing;

(3) Set the case for immediate hearing or trial;

(4) Decline to set a hearing or trial;

(5) Impose a financial sanction;

(6) Refuse to allow the disobedient party or attorney to support or oppose designated claims or defenses, or prohibit the party or attorney from introducing certain evidence and making certain arguments;

(7) Dismiss one or more claims or strike one or more defenses of the disobedient party, with or without prejudice;

(8) Strike in whole or in part any portion of any pleading or paper;

(9) Make a complaint to the State Bar of Nevada against an attorney;

(10) Award attorney fees, costs, or both;

- (11) Set aside any order;
- (12) Enter the default of the disobedient party;
- (13) Order the party to perform community service; and
- (14) Impose other sanctions, conditions, or remedies in its discretion.

Rule 1.14. Forms.

- (a) The court may adopt, approve, and modify court pleading forms.
- (b) The court may require the use of certain forms.
- (c) Forms available on the Eleventh Judicial District Court of Nevada's website and forms found on the Nevada Appellate Courts' website are approved and recommended for use in this court.

Rule 1.15. E-Filing Rules.

- (a) *Short title.* 11JDCR 1.15 may be cited as "E-Filing Rules."
- (b) *Definitions.*

(1) "Electronic Filing Service Provider" (EFSP) means the service provided by the court for e-filing and e-service of documents via the internet. The service may be accessed at <http://www.go.tybera.net.nv> or, once it is available, in person at the courthouse using a public access terminal at the court clerk's office.

(2) "Public access terminal" means a publicly accessible computer provided by the court for the purposes of allowing e-filing and viewing of public

court records. The public access terminal shall be located in the Court Clerk's office at the courthouse and made available during normal business hours.

(3) "Electronic filing" (e-file) means the electronic transmission of documents to the court, and from the court, for the purposes of filing. Electronic filing may occur at a public access terminal or may occur at a remote computer with internet access.

(4) "Electronic service" (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.

(5) "Clerk of the court" (clerk) means the clerk of the court or any deputy court clerk.

(6) "Nonconforming documents" include documents that do not comply with the E-Filing Rules and/or Part 3 of the Eleventh Judicial District Court Rules.

(7) "PDF" means an electronic file that is saved in a portable document format.

(c) *Official court records.*

(1) *Electronic documents.* For documents that have been electronically filed or converted, the electronic documents are the official court record, and electronic documents have the same force and effect as documents filed by paper means.

(2) *Form of record.* The clerk shall maintain the official court record of a case in electronic format in combination with traditional paper formats consistent with Rule 4 of the Nevada Electronic Filing and Conversion

Rules (NEFCR). Documents submitted by paper means will be converted to electronic format and made part of the electronic record. Once a document is electronically filed or converted, the electronic document is the official court record, and the court must maintain the document in electronic form. If exhibits are submitted, the clerk will maintain the exhibits by paper means or, where appropriate as determined by the clerk, by electronic means.

(3) *Retention of original documents after conversion.* The court clerk shall keep a paper format copy of the initial complaint, petition, or other case initiation document and any final order(s).

(4) *Exceptions to document destruction.* The following documents may not be destroyed by the court after conversion to electronic format, unless otherwise permitted by statute, court rule, or court order:

(A) Original wills;

(B) Original deeds;

(C) Original contracts;

(D) Court evidentiary exhibits (*see* NRS 3.305, NRS 3.307, and the Protocol for Storage, Retention, and Destruction of Evidence); and

(E) Any document or item designated in writing by a court to be inappropriate for destruction because the document or item has evidentiary, historic, or other intrinsic value.

(5) *Confidential documents.* The court clerk is authorized to maintain as confidential documents that meet the criteria established by rule or law for being maintained as confidential. If a document is filed as “confidential,” in the “Special Filing Instructions for the clerk” section of the E-Flex electronic filing system, the clerk, under the direction of the court, will

verify that designation and after review may modify the designation of any document incorrectly identified as “confidential.” Once the designation as “confidential” is confirmed, the document will be filed under seal and will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by law, court rule, or court order allowing the parties to access the sealed files.

(6) *Sealing court records.* If a document is requested to be sealed, the clerk will determine the validity of the sealing request and approve the sealing if proper.

(7) *Rejection of confidential designation.* If the clerk determines that a document does not meet the criteria to be filed under seal, the clerk shall notify the party. If after receiving notice that the proposed confidential document may not meet the requirements to be sealed, the party may file a written motion, in accordance with SRCR 3, requesting sealing which that shows good cause to seal the document. Good cause requires a valid statutory or other legal basis.

(6) *Electronic case file.* The clerk may maintain the original and official case file in electronic format.

(7) *Originals.* Originals of any hand-signed exhibit, affidavit, verification, or similar document that are e-filed with the court must be maintained by the filer until proceedings are finalized. Finalization occurs when a final order is entered and rights to appeal have been exhausted.

(d) *Scope of e-filing rules.*

(1) *Effective date.* The E-Filing Rules shall take effect on either July 1, 2021, or upon approval of the EFSP software by the Administrative

Office of the Courts, whichever occurs later. As of the effective date of this rule, except as expressly provided herein, the Eleventh Judicial District Court will commence requiring electronic filing and service of pleadings and other documents designated in this rule in all cases.

(2) *Mandatory participation unless exempted.* Unless specifically exempted under these rules or by order of the court, all parties or their attorneys are mandated to participate in electronic filing and service. Unless exempted, all parties or their attorneys shall register for electronic filing with the EFSP and designate a primary email address to which electronic service shall be rendered. Unless specifically exempted, all attorneys are required to participate in electronic filing and service on behalf of their clients.

(3) *Clerk to perform duties.* The court and the clerk may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these E-Filing Rules.

(4) *Goal of E-Filing Rules.* The primary goal of these rules is to ensure that all parties, either through their attorney, or through the party if the party is self-represented, receive service and other notifications from the court via electronic communication (i.e., email).

(5) *Protected information.* The use of information contained in a document filed electronically or information accessed through the electronic filing system must be compliant with state and federal law.

(e) *Registration for E-Flex.*

(1) *Mandatory.* The Eleventh Judicial District Court has established and approves the use of an electronic filing system, consistent with the technical standards established by the NEFCR. After the system is fully

functioning, a public access terminal is installed, and these rules are operational, the court shall not accept or file any pleadings or instrument in paper form unless specifically provided for in these E-Filing Rules. Unless exempted under these rules, a self-represented party shall e-file a document either:

(A) By registering to use the EFSP; or

(B) In person, by electronically filing through the public access terminal. Parties filing in person shall be responsible for furnishing the pleading or record on a flash drive.

(2) *Authorized users.* For the purposes of accessing the EFSP over the internet, the following users are authorized to register as EFSP users:

(A) Licensed attorneys and the staff identified as authorized users by the attorney, including, but not limited to, paralegals and secretaries;

(B) Judges and masters and their staff;

(C) Court administrative staff, including technical support staff;

(D) The clerk and the clerk's staff;

(E) Self-represented litigants;

(F) If the capability becomes operational, such other public users, including media representatives; and

(G) If the capability becomes operational, individuals who are not authorized to access the EFSP over the internet may obtain access using the court's public access terminal located in the courthouse to e-file their pleadings and access publicly e-filed documents.

(f) *Exemption from E-Flex.* A party may seek to be exempted from the E-Flex filing requirements. Such exemptions are discouraged, and a party or attorney must make a thorough application to the court to be granted such an exemption. The following describes the exemptions and the effects of an exemption:

(1) *Service of process by E-Flex system.* A self-represented litigant may file an Application for Electronic Service Exemption form. Exemptions will be approved only if one of the following is demonstrated with particularity:

(A) The applicant does not have access to a computer with internet access or does not have an internet email address;

(B) Mandatory electronic filing service would cause undue hardship or significant prejudice to the applicant; or

(C) Other reasons specified by the applicant that establish good cause.

(2) *E-filing.* A self-represented litigant may apply to be exempted from filing through the E-Flex system. This request may be simultaneously filed with a request to exempt the litigant from service of process through the E-Flex system. Exemptions will be approved only if one of the following reasons is demonstrated with particularity:

(A) The party does not have a computer;

(B) The party does not have internet service;

(C) The party does not have the ability to e-file;

(D) The party lacks the financial resources; or

(E) Any of the justifications set forth in the exemption from service requirements set forth above.

(3) *Prisoners.* Any prisoner housed at the Nevada Department of Corrections (NDOC) is qualified automatically for such an exemption, unless the court and the prison where the prisoner is incarcerated have agreed to a program for electronic filing.

(4) *Attorneys.* It is anticipated that attorneys will electronically file their documents and receive service of process for the documents through E-Flex unless granted a specific order that exempts their office from the use of the electronic filing system. An attorney must file an appropriate motion setting forth the grounds for the request. In addition, the attorney must demonstrate that the attorney has limited resources, that the attorney is unable to meet the requirements for electronic filing but is able to identify a date to become compliant, and that the attorney's client(s) cannot pay the per-filing costs of participation.

(5) *Effect of exemption.*

(A) A party or attorney who is exempted from e-filing service by this rule will not be served electronically, and the E-Flex electronic filing system shall not serve the opposing party through the system. Service must be effected through a paper format under the NRCP. If exempted from service, the party shall serve all parties, and all service upon the party shall be accomplished by the means established by the NRCP for paper filings.

(B) If all of the parties or their attorneys are using electronic filing and electronic service, then all parties are governed by the E-Filing Rules. If at least one party is not using electronic filing and electronic services, then the party using electronic filing and electronic services is governed by the

E-Filing Rules and the party not using the electronic filing and electronic services must follow the rules governing paper filing.

(6) *Exemption applies to all cases involving party or attorney.* If a party or attorney is registered for electronic filing in a separate case, the party or attorney will not qualify for an exemption unless the exemption is applied to all cases in which the party or attorney participates.

(g) *Requirements for documents.*

(1) *Requirements for e-filing.* All pleadings and papers presented for electronic filing, with the exception of exhibits, must be:

(A) In a portrait orientation;

(B) Rotated right-side up; and

(C) With the exception of proposed orders and documents that require court signature, all filings should be submitted in a PDF format that is not larger than 30 megabytes.

(2) *Proposed orders.* Proposed orders and documents requiring court signature should be submitted in Word document format with no signature and date line for the judge. If not submitted in this format, a proposed order will be rejected.

(3) *Exhibits.* Exhibits must be:

(A) In PDF format but may be in either portrait or landscape orientation; and

(B) Filed as a separate document linked to the main document.

(4) *Legibility.* All documents presented for electronic filing must be legible.

(h) *Documents specifically exempted from e-filing requirements.* Certain documents cannot be e-filed. The following is a nonexhaustive list of documents that must be filed in paper format:

(1) Trial exhibits.

(2) A document or image that is barred from electronic storage, including, but not limited to, sexually explicit images of a minor.

(3) Unless otherwise ordered by the court, any document submitted for in camera inspection.

(4) Any document or exhibit that cannot be scanned or otherwise converted to PDF.

(5) Upon a showing of good cause, a document that would otherwise be required to be filed through the electronic filing system.

(i) *Documents exempt from E-Flex service requirements.* The following documents must be served in paper format:

(1) The initial complaint or petition or case initiation document;

(2) A interpleading document or document that brings in a third party that was not part of the original case; or

(3) Any document that the court orders to be served in a paper format.

(j) *Process for e-filing documents.* A filer may begin electronically filing by accessing the E-Flex system at go.tybera.net/nv. There, the filer may request an account to electronically file with the Eleventh Judicial District Court. On the main webpage at go.tybera.net/nv, there are instructional videos

to assist a filer in the process. The filer may also contact a court clerk for assistance.

(k) *E-filing review.*

(1) *Review.* After a document is submitted for filing in the E-Flex system, the clerk of the court shall review the document to determine whether it has been submitted appropriately.

(2) *Rejection.* Subject to providing notice to the filing party, the clerk is authorized to reject for filing the following nonconforming documents:

(A) A document that does not have a district court case number, except case-initiating documents or a case that has a wrong case number;

(B) A document that does not have an affirmation required by statute;

(C) Exhibits not properly submitted;

(D) A document that is submitted in the wrong case;

(E) An unsigned pleading;

(F) An unsigned order that is not submitted as a proposed order; or

(G) Any document that is not legible or does not comply with these E-Filing Rules.

(3) *Process following rejection.* If the clerk rejects a nonconforming document, the clerk shall notify the party attempting to make the filing of the reasons for rejecting the document using the “note to filer” section of Court Review.

(4) *Objection to court.* If the clerk and the party are unable to agree upon the corrections, the party attempting to file may submit an objection to the court within 2 business days after the initial notice of the rejection was served via email upon the filing party and if the clerk has extended the time for resubmission time in subsection 3 above.

(5) *Date of filing when document rejected.* When a document is submitted, the E-Flex electronic filing system inserts a date stamp for the day on which the document is submitted. If the document is approved for filing during the review process at a date later than the submitted date, the e-filing stamp will reflect the day that the document was submitted to the E-Flex electronic filing system and not the date the document was approved for filing.

(6) *Rejection for failure to pay filing fees.* The clerk shall reject any e-document that is submitted without payment of a requisite statutory fee, unless the appropriate in forma pauperis application is submitted simultaneously with the filing of the document. The clerk shall notify the party using the “note to filer” section of Court Review

(1) *Service of process.*

(1) *Participants.* By participating in the E-Flex system and not seeking an exemption to the service provisions set forth herein to the E-Flex system, a self-represented party or attorney representing a party consents to service by electronic means. Service is deemed effectuated by the E-Flex system sending the pleading or other document to the self-represented party or attorney at the email address given to the court.

(2) *Exemptions.* Service shall be accomplished by paper means in the following cases:

(A) In cases where an attorney or self-represented party has failed to designate an email address for service;

(B) Where the party being served is exempted by court order or by these rules;

(C) Where the document cannot be e-filed;

(D) Where service is upon a party who has not appeared in the lawsuit; or

(E) Where service is upon a third party who has not designated a service contact.

(3) *Court notification.* When the filer submits, and again when the document is accepted for filing, the E-Flex system sends an email to the email address of the filer who submitted the document through the E-Flex electronic filing system. The email contains a hyperlink to access the document or documents that have been filed electronically.

(4) *Completion and time of electronic service.* Electronic service is complete when the electronic filing system sends the email to the parties in the action.

(5) *Service of discovery documents.* Discovery requests and responses must be served by paper format, not through the E-Flex system. The party requesting or responding to discovery is responsible for accomplishing service in any manner permitted by the applicable Nevada Rules of Civil Procedure and for filing a proof of service with the court for the following documents:

(A) A document required to be filed in a paper format under these rules;

(B) A document that cannot be served electronically on a party who is listed in the action; and

(C) A civil protective order or criminal no contact order.

(m) *NEFCR govern.*

(1) Unless provided otherwise herein, the NEFCR govern.

(2) Mailbox rule. The 3 additional days to respond to a paper served by mail or electronic means provided under NRCP 6(d) shall not apply to computation of time to respond to papers served via the E-Flex electronic filing system (*see* NEFCR 9(f)(2)).

(3) Service. All electronic service shall occur in conformity with and be governed by NEFCR 9.

2. MEDIATION

Rule 2.1. Court Annexed Mediation Program. If the court adopts a mediation program, the following applies:

(a) The court will adopt the provisions set forth in the Court Annexed Mediation Program under the Nevada Mediation Rules (NMR) needed to carry out the program.

(b) The mediation coordinator appointed by the court will manage the program.

3. PLEADINGS AND PAPERS

Rule 3.1. Form of pleadings and papers.

(a) *Paper size and fastening.* Pleadings and papers presented for filing will be on 8.5-by-11-inch paper—not less than 16-pound weight—that is flat, unfolded, and stapled together in the top left corner, unless there are 100 or more pages, including exhibits. In that case, the pages must be securely fastened at the top with a two-prong fastener inserted into two holes centered on the page, 2.75 inches apart and 0.5 inches to 1 inch from the top edge of the page.

(b) *Margins.* Margins must be at least 1 inch on all four edges of the page.

(c) *Double-spaced.* Lines of typewritten text will be double-spaced and, except for the title page, begin at least 1.5 inches from the top of the page. The double-space requirement does not apply to exhibits, footnotes, quotations, legal descriptions of real property, identification of counsel, caption, the title of the court, and the name of the case.

(d) *Font.* All text shall be Times New Roman and will be a size that is either not more than ten characters per lineal inch or not less than 12 points for proportional spaced fonts or equivalent.

(e) *Handwritten pleadings and papers.* Self-represented parties may submit handwritten pleadings and papers. All handwriting must be legible.

(f) *Interlineations; strikethroughs.* Interlineations and strikethroughs are acceptable if initialed by the filer.

(g) *Quotations*. All quotations of 50 words or more will be double-indented and single-spaced.

(h) *Page numbering*. All pages of every pleading or paper, except the first page, will be numbered consecutively with the page number centered one inch from the bottom of the page.

(i) *Line numbering*. Each line of every page must be numbered in the left margin.

(j) *One side of the page*. All pages, including exhibits, must be printed on only one side of the page.

(k) *Color*. All pleadings and papers will be on white paper.

(l) *Photocopies*. Photocopies may not be filed, except as provided in 11JDCR 3.30.

Rule 3.2. Caption, court title, case name, and name of the pleading or paper.

(a) *Identification of person filing*. The name, address, telephone number, facsimile number, and email address of the person filing the pleading or paper will be set forth under the signature of the party. Attorneys will include their Nevada State Bar number. Attorneys will identify the party they represent in the last line of the filing person's information.

(b) *Case Number*. The case number shall be listed on line 1 unless it is the initial pleading that opens a new case.

(c) *Court title and case caption*. The title of the court will appear at the center of the first page. The venue—Lander County, Mineral County, or

Pershing County—will be stated below the title of the court.

(d) *Affirmation*. Starting at line 2, the first page of a pleading or paper must, following NRS 239B.030(4), contain an affirmation stating that the document does not contain any person's social security number. The affirmation will be times new roman, 10-point italics font. If the document does contain a person's social security number, the affirmation must be attached as the last page of the document presented for filing and must indicate the specific state or federal law requiring inclusion of the number. The affirmation may also be the last sentence before the signature line on the document. An affirmation must be included on each document presented for filing and before any attached exhibits.

(d) *Form*. The first page of a pleading or paper will be in substantially the following form:

Case No.

Pursuant to NRS 239B.030, the undersigned affirms that
this document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA IN
AND FOR THE COUNTY OF [LANDER/MINERAL/PERSHING]

Party Name,

Plaintiff;

v.

**Document's Title [e.g., Motion
for Attorney's Fees]**

Party Name,

Defendant.

(f) *Reference to parties.* The actual names of the parties, or descriptive terms such as “the employee,” “the injured worker,” etc., will be used rather than “plaintiff,” “defendant,” etc.

Rule 3.3. Signatures.

(a) *Paper-filed documents.* Original handwritten signatures on paper filed documents are required. An unsigned document will not be accepted.

(b) *Electronic signatures.*

(1) The court has approved the use of electronic signatures consistent with the technical standards established by NEFCR 11. Electronic signatures (e.g., /s/) are permissible on electronically filed documents submitted from the e-filer’s E-Flex account. *See* NEFCR 11.

(2) Electronically filed documents requiring signatures of opposing parties, such as a stipulation, must contain the handwritten signatures of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically filed in a format that accurately reproduces the original signatures and document contents. NEFCR 11(c).

(3) To file a notice of appearance and an initial pleading, a self-represented party’s signature must be notarized, or the signature must be

immediately below the following declaration: “I declare under penalty of perjury that the foregoing is true and correct.” A self-represented party must also print his name below his signature.

(4) In criminal cases, electronic signatures are acceptable on filed documents requiring signatures of all parties, such as a stipulation.

Rule 3.4. Filing.

(a) *Originals.* If filed in a paper format as allowed by these rules, the original pleadings and papers (the hard copy of the pleading or paper with the original signature) may be presented to the judicial clerk for filing.

(b) *Copies.*

(1) If a pleading or paper has multiple case numbers, a separate original must be presented for each case. Pleadings or papers may not be filed with multiple case numbers.

(2) If a person who files a pleading or paper wants a file-stamped copy, he must submit an additional copy of the pleading or paper, and if filing by mail, a self-addressed, postage-paid envelope. Persons who have been granted leave to proceed without paying fees and costs need not submit a self-addressed, postage-paid envelope.

(c) *Filing by facsimile.* Unless ordered by the court, filing by facsimile is not allowed.

(d) *Electronic filing.* The court has established and approves the use of an electronic filing system, consistent with the technical standards established by the NEFCR. All pleadings and papers presented for electronic filing must

comply with the E-Filing Rules.

(e) *Order of pleadings or papers.* Pleadings or papers presented for filing should be in the following order:

- (1) Pleadings or papers, including filer's signature;
- (2) Certificate of service; and
- (3) Index of exhibits followed by the exhibits, if any.

(f) *File as separate documents.* Pleadings or papers must be filed as separate documents for each type of relief requested or each purpose of the pleading or paper, unless pleaded in the alternative.

(g) *Defective pleadings or papers.* The court shall not accept for filing any pleadings or papers that do not comply with this rule unless the court finds good cause to accept any such pleadings or papers.

Rule 3.5. Copies of all pleadings to all parties.

(a) *Copies to counsel of record.* In all cases having more than one party represented by separate counsel of record, each party must furnish to one counsel of record for each party copies of all pleadings served upon any party.

(b) *Foreign counsel of record.* The foregoing shall apply to Nevada counsel of record as well as to counsel who have pro hac vice admission by the court.

Rule 3.6. Duplicates required. A party filing any paper pleading or document—including any proposed order—with the court in a nonelectronic format must provide the court with:

(a) The original pleading or paper, together with a copy of the pleading or paper;

(b) A self-addressed envelope of sufficient size to hold the copy of the pleading or paper; and

(c) Sufficient postage for mailing the copy of the pleading to the filing party.

If the party is e-filing, this rule does not apply.

Rule 3.7. Proof of service. A proof of service will contain:

(a) The exact name of the document being served;

(b) The manner of service—e.g., mailed or hand-delivered;

(c) If service mailed, the name and mailing address of the person served; if hand-delivered, the name and location of the person served;

(d) The date of service; and

(e) The signature and printed name of the person making the service, and if hand-delivered, the relationship between the party having the pleading or paper served and the person serving the document.

Rule 3.8. Filing under seal.

(a) *Documents that will be filed under seal.* The following documents will be filed under seal and will not be accessible to the public:

- (1) Financial declarations;
- (2) Applications to waive filing fees or costs;
- (3) CASA reports;
- (4) Custodial evaluations;
- (5) Guardianship Confidential Identification Information forms and photo identification;
- (6) Medical reports and records, including without limitation, substance abuse evaluations, mental health evaluations, psychosexual evaluations;
- (7) Motions for court funds to pay indigent criminal defendant investigative expenses, expert fees, or other costs or fees and any resulting order(s);
- (8) Tax documents;
- (9) Documents identified by any statute, rule, or order as confidential and nonpublic, presumptively confidential and nonpublic, or for which automatic sealing is provided; and
- (10) Documents required to be filed under seal, or allowed to be filed under seal without a motion by any statute, regulation, or rule.

(b) *Motion.* Any pleadings or papers other than those listed in subsection (a) that a party wants filed under seal must be submitted to the judicial clerk contemporaneously with a motion for leave to file the documents under seal unless filing under seal is required or permitted by statute, rule, or order. If

any pleadings or papers are filed under seal under a prior court order, the filer must include that information in the correct box when e-filing.

(c) *Process*. All pleadings or papers filed with a motion to seal will be filed under seal and will remain sealed until the court either denies the motion to seal or enters an order unsealing them.

(d) *Unsealing pleadings or papers*. The court may, upon motion or on its own, direct the unsealing of pleadings or papers filed under seal, with or without redactions, after notice to all parties and an opportunity to be heard.

(e) *Certificate, affidavit, or declaration of service*. A party who files a document under seal in a noncriminal case must include with the document:

(1) A certificate, affidavit, or declaration of service certifying that the sealed document was served and the method of service on the opposing party; or

(2) An affidavit or declaration that shows good cause why the document has not been served on the opposing party.

Rule 3.9. Pleadings. The first paragraphs of an initial pleading will contain:

(a) *Subject matter jurisdiction*. The first paragraph of any civil or family complaint, counterclaim, cross-claim, third-party complaint, or petition for affirmative relief will state the statutory or another basis of subject matter jurisdiction for each claim and specific facts that support subject matter jurisdiction.

(b) *Indian child*. If a complaint or petition involves an Indian child or a

child who may be an Indian child and seeks foster care placement, a preadoptive placement, adoptive placement, or the termination of parental rights, the second paragraph of the complaint or petition will:

- (1) Identify the child, including a date of birth;
- (2) Identify what tribe the child is or may be a member of or eligible for membership in;
- (3) Whether the child resides or is domiciled within the jurisdiction of such tribe;
- (4) Whether the child is a ward of the tribal court; and
- (5) As to each parent, whether the parent voluntarily consents to the relief requested in the complaint or petition.

All parties have a duty to immediately inform the court at any stage of foster care placement, a preadoptive placement, adoptive placement, or the termination of parental rights proceedings to inform the court if the party learns that the involved child is or may be an Indian child.

(c) *Bankruptcy*. A party will state whether it is or is not a debtor in bankruptcy and whether to its knowledge any other party is or is not a debtor in bankruptcy. All parties must promptly file notice if they become debtors in bankruptcy or if, to their knowledge, any other party becomes a debtor in bankruptcy.

Rule 3.10. Motions and stipulations.

(a) *Applicability*. This rule applies to all motions—in both criminal and noncriminal cases—but not to ex parte motions.

(b) *Motion.* A non-pleading request for an order or other relief is made by motion unless otherwise prescribed in these rules or other controlling law.

(c) *Duty to confer and exchange information; certification in motion.* Before filing any motion, except as provided below in this subsection, the party must confer with the opposing party and make a good faith effort, including the exchange of names of witnesses and documents that support each party's contentions, to resolve the issue(s) raised in the motion. The first paragraph of any motion, except as provided below in this subsection, must be a certification that the attorneys or parties filing the motion have complied in good faith with this rule and state specifically:

(1) The date(s) the party conferred with the opposing parties;

(2) The method of conferring—e.g., in person, by telephone, by letter;

(3) The witnesses identified by each party as supporting their contentions;

(4) What documents or other evidence were exchanged in support of each party's contentions;

(5) Any issues that were resolved; and

(6) What issues could not be resolved.

This rule does not apply to motions made under NRS 13.050; NRCP 11(c), 12(b)–(d), 41, 50, 53(b)(3), 54(d), 56, and 59; or under any statute or rule that allows a motion for attorney fees, costs, or both; or where issues constitute good cause for the parties to not confer.

(d) *Telephone conference with the judge.* If at any time after the parties have conferred in good faith as required in subsection (c) of this rule and have

been unable to resolve all the issues the parties agree to a telephone conference with the judge, the parties may contact the judge's judicial assistant and inform him or her of the nature of the issue and that they would like to arrange a telephone call with the judge regarding the issue. If the issues do not involve material factual disputes, the judge may agree to participate in a telephone conference that will be recorded on the court's recording system.

(e) *Required content.* Motions must include with appropriate headings and in the following order:

(1) For motions other than those excepted under subsection (c) of this rule, a certification of the party that it has conferred with the opposing party and made a good faith effort to resolve the issue(s) raised in the motion or the good cause by which the parties could not confer;

(2) A statement of the issue(s) the party wants decided;

(3) A statement of the facts upon which the motion is based and admissible evidence to support the alleged facts;

(4) The legal authority that supports the party's position;

(5) Analysis of the facts and law and the party's argument; and

(6) The requested relief.

(f) *Failure to comply.* Failure to comply with these requirements by the movant may result in the court declining to consider the motion until the parties have conferred and may be treated as consent to deny the motion; failure to comply with these requirements by the opposing party may be treated as consent to grant the motion. The movant bears the responsibility of presenting cogent arguments and relevant authority in support of their pleading.

Rule 3.11. Opposition; time for filing; content.

(a) *Time.* Unless otherwise ordered by the court, opposition points and authorities must be filed and served within 14 days after service of the motion. The parties may extend the time for filing an opposition for an additional 14 days without an order of the court upon the filing of a written stipulation. Any further extensions require a showing of good cause and an order of the court.

(b) *Content.* Oppositions must include appropriate headings and be in the following order:

- (1) A statement of the facts upon which the motion is based and admissible evidence to support the alleged facts;
- (2) The legal authority that supports the party's position;
- (3) Analysis of the facts and law and the party's argument; and
- (4) The party's position concerning the relief requested in the motion.

(c) *Failure to comply.* The party filing an opposition must abide by these rules, and failure to do so may result in the court ruling in favor of the moving party. The party filing the opposition bears the responsibility of presenting cogent arguments and relevant authority in support of its position. Failure to address significant issues in the opposition may be considered a confession as to the issue.

Rule 3.12. Time for filing and content of reply.

(a) *Timing.* If the moving party desires to file reply points and authorities, the reply must be filed within 7 days after service of the opposition.

(b) *Content.* The purpose of a reply is to rebut facts, law, or argument raised in the opposition. Parties will not file a reply that simply repeats facts, law, or argument contained in the motion, or to provide facts or law that should have been, but were not, included in the motion. The court need not consider arguments raised for the first time in the reply brief. The party filing the reply bears the responsibility of presenting cogent arguments and relevant authority in support of their pleading. The court may strike a reply in its entirety or in part and may impose other sanctions if a reply violates this rule.

Rule 3.13. Proposed orders.

(a) *Purpose.* This rule applies to all orders, except proposed ex parte orders. It is the purpose of this rule that:

(1) All proposed orders accurately reflect the instructions or determinations of the court;

(2) All counsel of record have an opportunity to review a proposed order prior to its submission;

(3) All counsel make a good faith effort to agree upon the form of any proposed order in furtherance of this purpose;

(4) All orders be issued in a timely manner; and

(5) All parties receive due process of law.

(b) *Proposed orders prepared following a hearing.*

(1) *When required.* Following a hearing, the court may direct a party to prepare a proposed order. In that case, the party directed to prepare a proposed order must prepare a proposed order in accordance with this subsection.

(2) *Content.*

(A) *Order to serve notice.* The proposed order must include an affirmation that the party directed to prepare the proposed order, identified by name, will serve a notice of entry of the order with a true and correct copy of the order on all other parties and file proof of that service within 7 days after the date the court, or the E-filing system, sends the order to the submitting attorney.

(B) *Identify preparer.* Proposed orders will include on the bottom left side of the court's signature page the date, a signature, and the preparer's name, address, telephone number, and email address. If the order is filed electronically, proper electronic signature may be placed on the signature line of the preparer.

(C) *Analysis.* The proposed order must contain the facts, law, and analysis provided by the court in support of its decision and orders.

(3) *Service.* Unless the court directs otherwise, within 10 days of being directed to prepare a proposed order, a party must serve the proposed order on the other parties for review and approval as to form. If the party directed to prepare a proposed order fails to timely serve the order, any other party may prepare a proposed order and serve the proposed order on the other parties for review and approval as to form. Submission of the proposed order

shall be filed with the court and titled “Notice of Compliance With 11JDCR 3.13.”

(4) *Five days to object to proposed order.* A party may object to the form of the proposed order by advising the preparer of such objections within 5 days after the order is served. If the opposing party does not object, the proposed order shall be deemed acceptable to all parties and will then be submitted to the court. If the opposing party objects, any objection must specify the provisions that the objecting party disagrees with, how the order does not conform to the court’s oral ruling, and what revisions the party believes should be made to the proposed order. The party that submitted the original proposed order shall review the objections, and the parties shall do their best to reach an agreement. Should the parties not be able to agree, each party shall then submit to the court a proposed order and advise the court which parts the opposing party objects to. The court will then decide the matter or may set the matter for hearing.

(c) *Proposed order before decision.*

(1) *When required.* A party must file a proposed order concurrently with a stipulation or a request to submit for decision unless the court directs otherwise.

(2) *Content.*

(A) *Order to serve notice.* The proposed order must include an order that the party submitting the affirmation, identified by name, will serve a notice of entry of the order with a true and correct copy of the order on all other parties and file proof of that service within 7 days after the date the court, or the E-filing system, sends the order to the submitting attorney.

(B) *Identify preparer.* Proposed orders will include on the bottom left side of the court's signature page the date, a signature, and the preparer's name, address, telephone number, and email address. If the order is filed electronically, a proper electronic signature may be placed on the signature line of the preparer.

(d) *Serving a signed order.* If the court signs an order prepared by a party, the court will file a copy of the signed order. The preparing party must then serve a notice of entry of order on all other parties and file proof of that service within 7 days after the date the court sent the order to the preparing party.

(e) *Duplicates.* These rules are subject to 11JDCR 3.6 governing duplicates.

(f) *E-filing system.* If the E-filing system is used, the proposed order must be submitted as a Microsoft Word document with all macros disabled. There shall be no exceptions.

(g) *Exceptions.* In criminal matters, District Attorney Offices and the Office of the Attorney General are exempt from this rule.

Rule 3.14. Request to submit motions.

(a) *Request to submit.* To have the judicial clerk submit a motion or other paper to the court for decision or review, a party must file a request to submit which must:

- (1) Identify the party that filed the motion or other paper;
- (2) State the exact name of the motion or other paper the party

wants to be submitted;

(3) Include the date the motion or paper to be submitted was filed;

(4) State when the opposition and reply were filed and identify the party filing the documents;

(5) Certify that the motion is at issue in that one of the following is true:

(A) The parties have stipulated to the submission;

(B) At least 10 days have passed since service of the motion and no opposition has been filed; or

(C) At least 5 days have passed after service of the opposition of the motion, regardless of whether any reply has been filed; and

(6) Include a proof of service on the other party.

(7) Requests that do not comply will be rejected. Requests submitted prematurely will be rejected.

(b) *Exceptions for ex parte motions.* Ex parte motions are governed by 11JDCR 3.22 or 11JDCR7.10.

(c) *Time for filing.* Unless earlier submission is stipulated by the parties or there is a showing of good cause, the court will decline to consider a request to submit filed less than 15 days after the motion was filed.

(d) *Separate requests to submit.* A separate request to submit must be filed and served for each motion or paper the party wants to be submitted.

(e) *Exceptions.* A request for submission is not necessary on proposed orders.

Rule 3.15. Oral argument.

(a) *No oral argument unless ordered.* Decisions will be rendered without oral argument unless otherwise ordered by the court. The court may require oral argument on its own initiative or upon motion of a party.

(b) *New facts or law.* Oral arguments are not evidentiary hearings; therefore, the court will not consider facts not alleged and supported by admissible evidence included with the motion, opposition, or reply. The court will not consider law that is not in the motion, opposition, or reply. The court may allow the motion, opposition, or reply to be supplemented upon motion and good cause shown, and may grant a continuance of the oral argument in the interests of justice.

Rule 3.16. Reconsideration of orders.

(a) *Leave required.* Issues once heard and disposed of will not be renewed in the same cause except by leave of court granted upon motion. The court may reconsider a decision if the court overlooked or misunderstood a material fact or overlooked, misunderstood, or misapplied law that directly controls a dispositive issue.

(b) *Opposition.* An opposition to a motion for leave to file a motion for reconsideration will not be filed unless ordered by the court.

(c) *Timing.* A party seeking reconsideration of a ruling of the court—other than any order that may be addressed by motion under NRCP 50(b), 52(b), 59, or 60—must file a motion within 10 days of service of written notice of the order or judgment unless the time is modified by the order.

(d) *Appeals.* A motion for reconsideration does not toll the 30-day period for filing a notice of appeal from a final order or judgment unless specifically provided for by statute, rule, or caselaw.

Rule 3.17. Affidavits and declarations.

(a) *Contents.* Affidavits and declarations will:

- (1) Comply with NRCP 56(c)(4);
- (2) Identify the affiant or declarant;
- (3) State that the assertions are made under the penalty of perjury;
- (4) State that the assertions are made on personal knowledge, or upon information and belief if such assertions would be admissible under the rules of evidence and the party states the rule of evidence that makes the assertions admissible, set forth specific facts that would be admissible in evidence, and avoid general conclusions or argument; and
- (5) Be attached to the pleading or paper to which it relates.

(b) *Defective affidavits.* Affidavits that do not comply with subsection (a) may be stricken wholly or in part.

Rule 3.18. Stipulations.

(a) *Requirements.* Stipulations must be in writing, dated, and signed by counsel and any self-represented parties. The stipulation filed must contain a signature of each counsel and any self-represented party. A stipulation must be served on any nonsigning party who has appeared. Unwritten or unsigned

agreements are not stipulations and will not be considered by the court. The court may allow stipulations to be made in open court on the record.

(b) *Order required.* Stipulations are not effective unless and until approved by the court in a written order. The order must be submitted as a separate Word format document at the same time the stipulation is filed.

(c) The stipulation is not considered “granted” until the order has been signed and filed by the court.

Rule 3.19. Motions and stipulations for a continuance of a hearing or trial.

(a) *Disfavored; hearings; trials.* Continuances of hearings and trials are disfavored.

(1) *Hearings.* Upon stipulation of the parties, the first continuance of a hearing will be allowed. Any subsequent stipulation, however, will not be granted, even upon stipulation, except for good cause.

(2) *Trials.* Upon stipulation of the parties, the first continuance of a trial will be allowed unless the stipulation is filed after the court signs the order calling a jury. Any subsequent stipulation to continue a trial will not be granted, even upon stipulation, except for good cause.

(b) *Affidavit or declaration.* Motions requesting a continuance of a hearing or trial must be made on affidavit or declaration unless good cause exists for allowing the moving party to be sworn and to testify orally to the factual matters.

(c) *Nonappearance of witness.* An affidavit, declaration, or oral

testimony in support of a motion for continuance of a hearing or trial based upon the failure of a witness to appear must include:

- (1) The absent witness's name and present physical address;
 - (2) What the affiant, declarant, or witness has been informed of and believes will be the testimony of the absent witness, and the source of the information provided to the affiant, declarant, or witness;
 - (3) Whether the same facts can be proved by another witness, stipulated to by opposing counsel, or presented in an alternate form such as a deposition; and the efforts made to see if the evidence can be presented by any of these alternatives;
 - (4) The efforts made to procure the witness's attendance and why the efforts failed;
 - (5) When the moving party first learned the attendance of the absent witness could not be obtained;
 - (6) That the motion is made in good faith and not merely for delay;
- and
- (7) A certification that includes specific facts to show that the moving party has made a good faith effort to communicate with all of the parties regarding the requested continuance and the results of the communication.

(d) *Service.* A copy of the motion and affidavit(s) or declaration(s) upon which a motion for a continuance is made must be served upon the opposing party as soon as practicable after the cause for the continuance is known to the moving party.

(e) *Changes in affidavit or declaration.* If the court holds a hearing on

the motion, amendments or additions to affidavits or declarations for continuance will not be allowed except for good cause shown.

(f) *Effect.* An order granting a continuance will not affect any established trial date, hearing date, or deadline except as specifically provided in the order granting the continuance.

(g) *Court's initiative.* A continuance of any trial or hearing may be granted upon the court's own initiative.

(h) Requests to continue any matter will not be accepted within 48 hours of the date and time of hearing. Any requests at that point must be made orally in front of the judge and must be supported by good cause.

Rule 3.20. Motions and stipulations to extend a deadline.

(a) *Time for filing.* Motions or stipulations to extend a deadline must be filed as soon as possible and before the expiration of the subject deadline.

(1) *Notice.* All motions for extensions of time shall be made upon 5 days' notice to all counsel. A party seeking an ex parte order granting or extending the time to file any paper or do any act must comply with DCR 17.

(2) *Responding to a complaint.* Extensions to answer or otherwise respond to a complaint shall not exceed 40 days without court approval.

(b) *Title to indicate number of request.* Every motion or stipulation for an extension of time must, immediately below the title, include a statement indicating whether it is the first, second, etc., requested extension—e.g., “First Request for Extension.”

(c) *Content.* An affidavit or declaration in support of a motion or

stipulation to extend a deadline will:

- (1) Identify the requester;
- (2) Identify the statute, rule, or order that established the deadline and the date of the deadline;
- (3) State the factual basis for the request;
- (4) State what work has been completed to meet the deadline and why the deadline cannot be met;
- (5) Inform the court of all previous requests for extensions, and for each request:

- (A) Identify the party making the request;
- (B) The factual basis supporting the request; and
- (C) State whether the request was granted.

(6) Propose a new deadline and a schedule to meet the new deadline; and

(7) Certify that the moving party has made a good faith effort to communicate with all parties regarding the requested extension and the results of those efforts.

(d) *Ex parte motions.* The court may order ex parte an extension of time if the moving party makes a satisfactory showing by affidavit or certificate of counsel that a good faith effort has been made to notify opposing counsel of the motion and the court finds good cause for the extension of time.

(e) *No effect on other dates.* An order extending a deadline does not affect any established trial date, hearing date, or other deadline except as specifically provided in the order extending the deadline.

Rule 3.21. Motion for order shortening time.

(a) *Motion.* A party may file a motion for an order to shorten time. Upon presentation of an ex parte motion to shorten time, if a satisfactory showing is made by affidavit or certificate of counsel that circumstances warrant and justify the shortening of time, and the judge finds good cause, the judge may order ex parte a shortening of time.

(b) *Contents of affidavit or declaration.* An affidavit or declaration in support of a motion for an order shortening time, regardless of whether it is ex parte, will:

- (1) Identify the requester;
- (2) Explain why expedited action could not be avoided and is necessary;
- (3) State whether opposing counsel or self-represented litigants were consulted in good faith regarding the proposed order shortening time, and if not, why not, including when and how consultation was attempted;
- (4) State the factual basis for the request;
- (5) Be hand or electronically delivered to all other parties the same day the motion is filed; and
- (6) Propose a reasonable date for a response to the motion.

(c) *Proposed order.* Proposed orders shortening time will include language and blank space so that the following can be easily inserted by the judge:

- (1) The date and time for the hearing on the motion if an expedited hearing is ordered;
- (2) The date for filing any objections to the motion;

(3) The date for filing a response to any objection; and

(4) The date by which service of the order shortening time will be completed.

(d) *Personal service.* An order shortening time must be personally served within 24 hours after the order is entered unless otherwise ordered by the court.

(e) *No effect on other dates.* An order shortening time does not affect any established trial date, hearing date, or deadline except as specifically provided in the order shortening time.

Rule 3.22. Ex parte motions.

(a) *Showing of good cause for granting without notice.* Ex parte motions are disfavored, and the parties are encouraged to act with notice whenever possible. The moving party has the same burden as with other motions which request the same relief. Because the moving party is seeking an order without notice to the opposing party, the moving party must show good cause for issuance of an ex parte order. Accordingly, in addition to the other requirements for a motion set forth in these rules, the moving party must in the first paragraph(s) of an ex parte motion state specific facts that show:

(1) An emergency (as defined in 11JDCR 1.3(d)) that justifies the court proceeding without the other party being given notice and an opportunity to respond; and

(2) Specific facts showing what efforts have been made to notify the other party, or specific facts showing that justice requires the other party not

be given notice. All alleged facts must be supported by affidavit, declaration, or other admissible evidence.

(b) *Proposed orders.*

(1) Proposed orders for ex parte or emergency motions must include a line for the court to write in the date upon which the party obtaining the order must serve the order on the other party. Proposed orders must be filed with the ex parte motion.

(2) No ex parte orders—except an order of the court to allow an indigent to file a complaint without payment of fees—shall be presented to the judge for signing before the case has been filed with the court clerk and given a case number.

(3) Whenever the court has issued an ex parte order, the party obtaining it shall serve, within the time prescribed by the court, a copy thereof, and the papers upon which it is based, upon each party who has appeared in the action.

(c) *E-filing ex parte motions.* When an ex parte motion is filed, the motion will be sealed until such time the judge rules on the motion and issues an order or a hearing is set. Once the order is issued or a hearing set, the motion will be unsealed.

Rule 3.23. Motions for order to show cause.

(a) *Requirements.* In addition to complying with the other provisions regarding motions generally, all motions for an order to show cause must include:

(1) The title of the order allegedly violated, the date the order was filed, and the specific provision and language of the order allegedly violated with reference to page and line numbers

(2) A supporting affidavit or declaration that contains specific facts supporting the alleged violation including dates and times, that avoids general conclusions and argument, and that is supported by admissible evidence; and

(3) Whether the party filing the motion is seeking a finding of criminal contempt to punish the allegedly offending party or civil contempt to coerce the allegedly offending party's compliance with a court directive.

(b) *Proposed order to show cause.* The proposed order must include the information required in subsection (a) of this rule.

(c) *Service.* The moving party shall serve the party who is named in the order to show cause upon receiving the signed order.

Rule 3.24. Discovery motions. Discovery-related motions will not be considered unless the motion includes an affidavit or declaration that states that the parties have had a personal consultation, the date and time of the consultation, that the parties have made a good faith effort to resolve the dispute, and the reason(s) the parties have been unable to resolve the matter—e.g., disputed facts, disagreement on the law.

Rule 3.25. Dismissal for want of prosecution.

(a) Any civil case that 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 initiative without prejudice.

(b) Written notice of the entry of a dismissal under this rule must be given to each party who has appeared in the action.

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

Rule 3.26. Default judgment.

(a) *Default.* Prior to seeking a default judgment, a party must obtain an entry of default from the clerk after setting forth that the party has failed to respond in a timely manner to the Summons and Complaint or Petition as set forth in the NRCP.

(b) *Notice.* Unless the party demonstrates good cause and obtains an order from the court to dispense with the requirement to give notice of an intent to seek default, a party is required to notify the opposing party of the intent to seek default. The moving party shall give the written notice at least 5 business days before filing additional paperwork to obtain a default, and the notice shall state the same.

(c) *Application to clerk for default.* After the party gives notice of intent to seek default, the party may file an application with the court clerk if the opposing party has not filed any answering documents within the time given

in the notice. The application must set forth the date on which service was accomplished and the evidence establishing compliance with the notice requirement in subsection (b) of this rule. The clerk may then issue the default.

(d) *Application for default judgment.* An application for a default judgment must be made upon affidavit or declaration under penalty of perjury that sets forth the grounds for the judgment.

(e) *Review.* Upon review by the court of the application, the court may grant the default without a hearing or may set the matter for a hearing in which the applicant will be required to prove-up the grounds for the judgment through satisfactory evidence.

(f) *Order.* If the court determines that the affidavit or evidence produced satisfies the applicant's burden, the court may issue a default judgment. The requesting party must file a proposed default judgment, in Word format.

Rule 3.27. Time to file a motion for summary judgment. A party may file a motion for summary judgment at any time until 30 days before the first day of trial or at such time as ordered in the NRCP case conference order.

Rule 3.28. Points and authorities.

(a) *Concise.* Points and authorities must be concise, not repetitive, and must not contain burdensome, irrelevant, immaterial, or scandalous matters.

(b) *Length.* Unless otherwise ordered by the court, the moving party's initial points and authorities and the opposing points and authorities will not

exceed 10 pages. Points and authorities in a reply will not exceed 5 pages. The page limits do not include exhibits. If the court allows longer points and authorities, they must include a table of contents and table of authorities.

(c) Permission to exceed page limit.

(1) The court looks with disfavor on motions to exceed the applicable page limit, and so permission to exceed the page limit will not be routinely granted. A motion to file points and authorities that exceed the applicable page limit will be granted only upon a showing of diligence and good cause.

(2) A motion seeking an enlargement of the page limit for points and authorities shall be filed on or before the due date and shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages requested.

(3) The motion shall also be accompanied by a single copy of the points and authorities the party proposes to file.

(d) Content. Points and authorities shall, at a minimum, identify the facts and legal authorities that support the motion, opposition, or reply. Exhibits shall automatically be deemed to be incorporated by reference unless otherwise indicated. The failure to identify both the facts and legal authorities that support the motion, opposition, or reply shall be equivalent to the absence of a memorandum of points and authorities.

Rule 3.29. Legal citations and factual references.

(a) Statutes, rules, ordinances, and regulations. References to a statute,

rule, ordinance, or regulation will include the specific section and any subsection. Language irrelevant to the issue before the court should be omitted from quotations from statutes, rules, ordinances, and regulations and the omission indicated with ellipses.

(b) *Cases*. All citations to court decisions must include the year of the decision and the specific page(s) upon which the pertinent language appears.

(1) *U.S. Supreme Court*. The United States Reports citation will be used for U.S. Supreme Court decisions.

(2) *Other federal courts*. The Federal Reporter System citation will be used for other federal court decisions, including federal courts of appeal and district court decisions. Citations to federal cases will identify the court.

(3) *Nevada courts*. The Nevada Reports citation and the West's National Reporter System citations will be used for Nevada court decisions.

(4) *Appellate courts of other states*. The West's National Reporter System citation will be used for decisions from the appellate courts of other states. Citations to decisions from the appellate courts of other states will identify the state.

(c) *Factual references*. Every assertion of fact will be supported by reference to admissible evidence attached to the points and authorities and the specific document, page, and paragraph where the evidence relied on is located.

Rule 3.30. Exhibits.

(a) *Page numbering*. Every page of every exhibit will be numbered on the bottom right-hand side of the page.

(b) *Copies permitted; legibility; length.* Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.

(c) *Page limits; appendices.* No more than 50 pages of exhibits may be attached to pleadings or papers.

(d) *Cover sheet.* Each appendix will have a cover sheet that has the case caption, identifies the pleading or paper to which the appendix relates, and indicates the volume number of the appendix if there is more than one volume.

(e) *Table of contents.* Each appendix will include a table of contents identifying each exhibit by number and description.

(f) *Oversized and undersized exhibits.* All exhibits must be 8.5 by 11 inches in size. Oversized exhibits must be reduced to 8.5 by 11 inches unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced must be submitted in court. Undersized exhibits must be affixed to a blank sheet of 8.5-by-11-inch paper with invisible adhesive tape on all sides.

(g) *Legal authority not to be attached.* Copies of cases, statutes, or other legal authority will not be attached as exhibits or made part of an appendix.

(h) *Electronically filed exhibits.* Exhibits that are electronically filed must be submitted as a separate PDF document and may not be filed in batches or as one single document.

(i) *Original documents.* Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or trial rather than attached to pleadings.

(j) *Accountings and financial reports.* Accountings and financing reports must be attached as exhibits to pleadings and documents rather than included in the body of the pleading or document.

Rule 3.31. Redacted information.

(a) *Redacted information.* Except as otherwise provided by law, the following information must be redacted if it is in combination with the person's first name or first initial and last name:

(1) A social security number;

(2) A driver's license number, driver authorization card number, or identification card number;

(3) An account number, credit card number, or debit card number in combination with a security or access code or password that permits access to the account;

(4) A user name, unique identifier, or electronic mail address in combination with any required access code or security question and answer; and

(5) A medical identification number or health insurance identification number.

(b) *If included.* If any of these numbers are needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings and documents.

(c) *Duty of filing party.* The primary duty for redaction rests with the filing party.

(d) *Sanctions*. A court may sanction a filer for disclosing personal information in violation of NRS 239B.030 or the Nevada Rules for Sealing and Redacting Court Records.

(e) This rule shall apply to all documents coming from lower courts or from like courts when a venue change is ordered.

4. TRIALS AND HEARINGS

Rule 4.1. Law and motion.

(a) *Uncontested cases*. The following matters, if uncontested, may be set on any law and motion day or other court day upon request of counsel by filing an Application for Setting:

- (1) Adoptions;
- (2) Divorces;
- (3) Annulments;
- (4) Estate proceedings;
- (5) Guardianships;
- (6) Name changes;
- (7) Termination of parental rights;
- (8) Default judgments;
- (9) Proceedings under the Uniform Reciprocal Enforcement of Support Act;
- (10) Criminal arraignments, plea changes, and sentencings; and

(11) Juvenile proceedings; and

(12) Other similar matters.

(b) *Calendar.*

(1) *Lander County.* In Lander County, law and motion will be held on the first and third Tuesdays of the month at 9:00 a.m., beginning with the Adult calendar.

(2) *Mineral County.* In Mineral County, law and motion will be held on the first and third Thursdays of the month at 9:00 a.m., beginning with the Adult calendar.

(3) *Pershing County.* In Pershing County, law and motion will be held on the first and third Mondays of the month. It will begin at 8:00 a.m. with the Juvenile calendar; the Adult calendar will follow at 9:00 a.m.

(c) *Legal holidays.* If a law and motion day falls on any day set aside as a legal holiday by NRS 236.015, the calendar will be heard as follows:

(1) *Lander County.* On the Wednesday following the legal holiday on Tuesday.

(2) *Mineral County.* Either on the Wednesday preceding the legal holiday or on the Friday following the legal holiday.

(3) *Pershing County.* On the Wednesday following the legal holiday on Monday, unless Lander County has a law and motion calendar on Wednesday, in which case the date will be set by the court on an available judicial day.

(d) *Deadline for calendaring.* Except in cases of emergency, and with the judge's approval, no matter will be placed on the law and motion calendar 48 hours prior to the scheduled law and motion.

(e) *Length.* If any matter, whether contested or uncontested, is expected to take longer than 15 minutes, the matter shall be scheduled for a separate time and shall not be placed on the law and motion calendar. (An Application for Setting is required when parties want to set a matter that requires a hearing expected to take longer than 15 minutes.)

Rule 4.2. Setting criminal trials.

(a) *Set at arraignment.* Criminal trials are set at the arraignment.

(b) *Procedure.* The parties need to be prepared at the arraignment to discuss how much time is needed for the trial based upon the factual issues and the number of witnesses the parties reasonably believe they will call. The court may set reasonable time limits each party will have to question prospective jurors and to present the case—i.e., opening statement, direct examination, cross-examination, redirect examination, rebuttal, objections, and closing argument. The parties will be required to complete each phase of the trial within the time allotted.

(c) *Motion to increase time.* After the trial date is set, if either party believes the trial will take more time than allotted, the party must file a motion showing why the time allotted is not sufficient, including specific facts that were not known at the arraignment and how much additional time is requested. The motion must be supported by affidavit or declaration.

Rule 4.3. Setting family case hearings and trials.

(a) *When set.* Family case hearings and trials will be set during the case management conference, or by order upon motion or stipulation.

(b) *Procedure.* The parties must include in their case management conference report and in any motion or stipulation for a hearing or trial how much time each party reasonably believes is needed for the hearing or trial based upon the factual issues and the number of witnesses and exhibits. The court may set reasonable time limits on the amount of time each party will have to present the case, including opening statement, direct examination, cross-examination, redirect examination, recross-examination if allowed, objections, and closing argument. An additional 30 minutes will be added to the hearing or trial time for court use. The parties will be required to complete each phase of the trial within the time allotted.

(c) *Motion to increase time.* If, after the hearing or trial date and time are set either party believes the trial will take more time than allotted, the party may file a motion showing why the time allotted is not sufficient, including specific facts that were not known at the case management conference or at the time the motion or stipulation were filed, and how much additional time is requested. The motion must be supported by affidavit or declaration.

Rule 4.4. Settings for noncriminal, nonfamily, nonjuvenile cases.

(a) *Application for setting.* In noncriminal, nonjuvenile, nonfamily cases, settings for trial or hearing will be made upon an Application for Setting being filed with the clerk and served on all other parties.

(b) *Procedure.* The judicial assistant or the court administrator will reach out to all parties on the matter and secure a date and time that works for all parties. The judicial assistant or court administrator will direct a party to file a Notice of Hearing, or a Setting Memo will be filed. A trial or hearing may also be set at the case management hearing or settlement conference.

(c) *Removal from calendar.* Once set, a trial or hearing may only be removed from the calendar with the consent of the judge.

Rule 4.5. Evidentiary hearing and trial statements in noncriminal and nonjuvenile cases.

(a) *Evidentiary hearing and trial statements required without order.* Before any evidentiary hearing or trial, except in criminal or juvenile cases, the parties will file a hearing or trial statement.

(1) *Service.*

(A) Each party will file and personally serve a hearing or trial statement at least 2 days before any evidentiary hearing or trial that was set 14 or fewer days before the date of the evidentiary hearing;

(B) Each party will file and serve a hearing or trial statement at least 3 days before any evidentiary hearing or trial.

(2) *Content.* Evidentiary hearing and trial statements will include the following in the following order:

(A) A certification that the party has served the hearing or trial statement on the opposing party within the time limits set in subsection (a)(1);

(B) A list of witnesses the party intends to call at the hearing or trial, with each witness's physical and mailing address, all known telephone numbers, email address, and a summary of each witness's specific expected testimony;

(C) A copy of all exhibits the party intends to use at the hearing;

(D) A statement of the facts relevant to the hearing or trial;

(E) If a party is represented by counsel, a statement of the legal issues with citations to the applicable law; and

(F) A statement of the specific relief requested.

(b) *Joint evidentiary hearing and trial statements upon order.* The court may order the parties to file a joint hearing or trial statement.

(1) *Service.* Unless otherwise ordered, a joint hearing or trial statement will be served as set forth in subsection (a)(1) of this rule.

(2) *Content.* Hearing and trial statements will include the following:

(A) A certification that the party has served the hearing or trial statement on the opposing party within the time limits set in the order or as required in subsection (a)(1);

(B) A list of witnesses, with each witness's physical and

mailing address, all known telephone numbers, email address, and a summary of each witness's specific expected testimony;

(C) A copy of all exhibits each party intends to use at the hearing or trial and, as to each exhibit, a statement as to whether the parties stipulate or object to admission of the exhibit; and if a party objects to an exhibit, the objecting party will state the facts and cite the legal authority that supports the objection, and the offering party will state the facts and cite the legal authority that supports the admission of the exhibit;

(D) A list of admitted or undisputed facts;

(E) A list of disputed facts, and for each disputed fact, a statement by the party alleging the fact of the specific evidence, including references to specific witnesses and exhibits that support the allegation; and a statement by the party disputing the fact of the specific evidence, including references to specific witnesses and exhibits that dispute the allegation;

(F) A statement of the legal issues not addressed in subsection (b)(2)(C) of this rule with citations to the applicable law; and

(G) A statement of the specific relief requested.

(c) *Failure to timely disclose.* The court may prohibit a party from calling any witness or using any exhibit that was not timely disclosed as required under this rule.

Rule 4.6. Jury trials.

(a) *Jury instructions.* Unless otherwise ordered by the court, the following applies:

(1) The plaintiff must, not less than 21 days before the start of trial, file an electronic copy of its proposed jury instructions and verdict forms, and serve a copy on every other party. If the defendant desires to submit jury instructions, the defendant must, not less than 14 days before the start of trial, submit an electronic copy of its proposed jury instructions and verdict forms and serve a copy on every other party. Proposed instructions must include the legal authority for the instruction.

(2) Instructions that become necessary during the trial and that could not reasonably have been anticipated before trial must be filed and served, along with a copy that contains the legal authority for the instruction, and provided to the court in electronic form as soon as practicable.

(3) The court must give the parties an opportunity to object on the record out of the jury's presence before the instructions and arguments are delivered. During the final settling of jury instructions, the parties must provide for the record any instruction the party has proposed and the court denied or modified.

(4) An original and one copy of each instruction requested by any party must be tendered to the court.

(A) All original proposed jury instructions shall be in clear, legible type on clean, white paper of standard quality, not less than 16-pound weight, 8.5 by 11 inches in size, with black border line and no less than 28 numbered lines.

(B) The designation "Instruction No. ____" shall be centered on line one of the first page of each original instruction.

(C) The original instructions shall not bear any markings

identifying the submitting attorney and shall not contain any citations of authority. No portions thereof shall be in capital letters, underlined, or otherwise emphasized.

(D) The copies shall contain authority, if any, for the proposed instruction. The copies must also indicate who tendered them, with the designation “Plaintiff’s/Defendant’s Proposed Instruction No. ____” centered at the bottom of the page.

(E) The instructions given to the jury will be firmly bound together, and the judge shall write the word “Given” at the conclusion thereof and sign the last of the instructions to signify that all have been given.

(b) *Jury fees.* The party demanding a jury trial will, on the last day of trial, deposit with the judicial clerk the total amount of jury fees.

(c) *Voir dire examination.*

(1) The court shall conduct the voir dire examination of the jurors. Proposed voir dire questions by the parties or their attorneys must be submitted to the court and served on all counsel not less than 5 days before the first day of trial.

(2) The court may permit counsel to conduct a supplemental examination, the scope of which shall be within reasonable limits prescribed by the judge in his or her sound discretion. The following areas of inquiry are not properly within the scope of voir dire examination by counsel:

(A) Questions already asked by the court or counsel and answered;

(B) Questions touching upon anticipated instructions on the law;

(C) Questions touching upon the verdict a juror would return when based upon hypothetical facts; and

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

(d) *Settlement in jury trials.* Any civil case settled after a jury has been summoned may be settled only if one or more of the parties involved reimburse the county for all expenses incurred up to the date of settlement in summoning and securing the attendance of all prospective jurors.

(e) *Jury commissioner; jurors.*

(1) Pursuant to NRS 6.045, the court hereby designates the court administrator or designee as jury commissioner. The judge may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration. The jury commissioner is directly responsible to the court.

(2) The jury commissioner shall, on or before January 15 of each year, estimate the number of trial jurors that will be required for attendance in the court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether or not registered as voters. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. The jury commissioner shall keep a record of the name, occupation, and address of each person selected.

(3) At least 14 days before the persons whose names are drawn are required to appear for jury service, the jury commissioner shall draw a regular panel of trial jurors for a designated case from the venire established by the selection process outlined in subsection (e)(2) of this rule. The jury

commissioner shall make a list of the names obtained and retain that list in the jury commissioner's office subject to inspection by any officer or attorney of the court, furnish a copy of the same to each attorney involved, and issue a venire and deliver the same to the sheriff. The sheriff shall make return of the venire to the jury commissioner at least 1 day prior to the day named for the prospective juror's appearance. Such selection may be by computer whenever procedures to assure random selection from the panel of trial jurors are established by the jury commissioner.

(4) Each person summoned as a trial juror pursuant to law and this rule shall serve for a period of time set by the court.

(5) The names of prospective jurors who have been summoned for service and whose services subsequently are not required shall be returned by the jury commissioner to the master list of prospective jurors as selected pursuant to subsection (e)(2) of this rule.

(6) A person summoned for jury service may be excused by the jury commissioner because of sickness, physical disability, serious illness, death of the person's immediate family member, undue hardship, extreme inconvenience, or public necessity.

Rule 4.7. Notice to court of settlement. If the parties settle a matter that has been set for hearing or trial, all parties will notify the judicial clerk immediately.

Rule 4.8. Mandatory pretrial settlement conferences for civil matters.

(a) *Pretrial settlement conference.* In all civil matters except those involving domestic relations matters (see Part 7), a party or its representative shall appear before the court for a pretrial settlement conference. Unless excused, all parties and their attorneys shall be present together with any other person necessary for settlement authority.

(b) *Purpose.* The purpose of the pretrial settlement conference is to facilitate settlement. Additional matters that may be discussed at the pretrial settlement conference include, but are not limited to, the following:

- (1) The necessity or desirability of amendments to the pleadings;
- (2) Requirements with respect to trial briefs;
- (3) Requirements with respect to requests for jury instructions and suggested special questions to be asked by the court on voir dire in cases to be tried by jury;
- (4) The number of expert witnesses to be permitted to testify on any one subject; and
- (5) Any other matter that may be relevant to the parties, process, pleading, or proof with a view to simplifying the issues and achieving a just, speedy, and inexpensive determination of the case.

(c) *Judge or senior judge to conduct.*

(1) For those matters set for a jury trial, the pretrial settlement conference will be held with the judge.

(2) For those matters set for a bench trial, the pretrial settlement conference may be held with the judge upon stipulation by all parties to the

action, otherwise the conference be held with a senior judge. A stipulation by the parties to the judge holding the conference constitutes a waiver of any claim that the judge has an actual or implied bias solely by reason of the judge's participation in the pretrial settlement conference.

(d) *Confidentiality.* Any discussion concerning settlement shall be confidential and may not be disclosed during the trial or in any arguments or motions, unless the court for good cause permits it.

(e) *Orders.* Upon conclusion of the pretrial settlement conference, if not previously set for trial, the court will set the case for trial and enter such further orders as the status of the case may require.

(f) *Failure to appear or participate.* Failure of any counsel to appear at the pretrial conference or to participate therein in good faith shall result in the court making such orders as deemed appropriate, including the imposition of appropriate sanctions.

(g) *Scheduling.* The filing of the NRCP 16.1 joint case conference report shall activate the scheduling process.

(h) *Settlement conference statements.* Parties are to submit settlement conference statements no later than 5 days prior to the hearing.

Rule 4.9. Time limits. The court may impose reasonable time limits for any hearing or trial.

Rule 4.10. Telephonic appearances. It is the policy of the court to allow telephonic appearances at hearings with certain exceptions.

(a) *Time for filing.* Those persons requesting to appear by telephone or other means shall submit an appropriate request no later than 5 days prior to the court appearance. The requesting party must state in the request the position of the opposing party. Should an emergency arise within 24 hours prior to the hearing that prevents appearance by telephone, the party shall file an update/notice to the court via the e-filing system AND shall contact the judicial assistant regarding the inability to appear.

(b) *Proposed order.* A proposed order must be submitted at the same time as the request.

(c) *Approval.* Upon approval, the court will provide a conference telephone number to the party making the request.

(1) Unless the court signs and files an order granting telephonic appearances, the parties should not assume the request is approved. There must be a written order.

(2) The approval for one party to appear by telephone does not constitute approval for all parties. Telephone numbers provided by the court should not be shared with any party without leave of the court.

(d) *Telephonic code of conduct.* The parties shall adhere to the telephonic code of conduct issued by the court and the following rules of decorum.

(1) The judge will ask the parties to identify themselves. The parties shall state and spell their names for the record and how they are associated with the case.

(2) The judge shall lead the hearing and parties shall only speak when the judge directs them to do so.

(3) No party shall interrupt when another party is speaking

(4) If a party has an objection, the party shall state “objection” only. The judge will either direct the objecting party to expand on the objection or a ruling will be made.

(5) Should a party fail to call the telephone number given at the appropriate date and time of the hearing, they will be deemed a no-show. A show cause order shall issue for the party that did not appear by telephone at the time and date of the hearing.

(6) Should a party request to appear by telephone and fail to appear 3 times, they will be barred from appearing by telephone in that case.

5. CRIMINAL CASES

Rule 5.1. Arraignments. Pursuant to the Nevada Rules of Criminal Procedure (NRCrP) 4, all criminal arraignments shall be set within 11 judicial days of being bound over or waived to district court. Arraignment dates shall be set by the justice court clerk for the next law and motion calendar and a Setting Memo shall be given to the defendant and will be part of the packet given to the district court.

Rule 5.2. Pretrial conference. The court will hold a pretrial conference for criminal trials approximately 1 month before the date of a jury trial to determine whether:

(a) To summon jurors;

- (b) All *Brady* and discovery disclosures have been made;
- (c) Plea negotiations have been completed; and
- (d) There is a need for a *Petrocelli*, suppression, or any other special hearing.

The purpose of the pretrial conference is to provide at least 5 days' notice of the status of the pending trial to all parties and the jury commissioner.

Rule 5.3. Restitution. Unless a defendant stipulates to the specific amount of restitution, a request for restitution must be supported by competent evidence that includes an affidavit or declaration of a person with personal knowledge. Evidence must be filed and received by defense counsel not less than 14 days before the matter will be heard. Counsel will confer not later than 7 days before the hearing to determine whether an evidentiary hearing on restitution will be necessary. If an evidentiary hearing is necessary, the State will file a notice that a restitution evidentiary hearing is necessary, and the court will vacate the sentencing and set the matter for hearing outside the law and motion calendar. If a restitution evidentiary hearing is necessary, defense counsel will file a notice specifically stating its objections to the requested restitution no later than 7 days before the hearing.

Rule 5.4. Writs of habeas corpus. In addition to the rules set forth in NRS 34.720-34.830, the following provisions apply to habeas corpus petitions for postconviction relief:

(a) *Contents of petition.* Any petition for postconviction relief shall include the sentence(s) and count(s) for which the petitioner seeks relief and the incident date of the challenged offenses.

(b) *In forma pauperis.* An order to proceed in forma pauperis is not required to file a habeas petition. If the petitioner seeks to have an attorney appointed, prior to or in conjunction with a motion for appointment of counsel, the petitioner must complete an application and affidavit in support of request to proceed in forma pauperis. Pursuant to NRS 34.735, the petitioner “must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.”

(c) *Submission.* After the applicable periods for briefing have expired, either party may notify the court clerk to submit the matter for decision by filing and serving on all parties a Request for Submission. If a Request for Submission is filed prematurely, it will be rejected.

6. CIVIL AND CRIMINAL APPEALS FROM MUNICIPAL OR JUSTICE COURT

Rule 6.1. Applicability.

(a) *Scope.* The rules in this section govern appeals to the district court.

(1) *Criminal appeals.* As it relates to appeals to the district court from the justice court involving criminal cases, these rules are not intended to conflict with NRS 189.010-189.120. In the event of a conflict, the specific provisions of NRS Chapter 189 control.

(2) *Civil appeals.* As it relates to appeals from the justice court involving civil cases, these rules are not intended to conflict with Nevada Justice Court Rules of Civil Procedure (JCRCPP) 72 *et seq.* In the event of a conflict, the specific provisions of JCRCPP 72 control.

(b) *Rules to not affect jurisdiction.* These rules do not restrict or enlarge the appellate jurisdiction of the district court.

(c) *Briefs.* These rules shall govern the briefs, including their preparation, filing, and service, as far as applicable.

Rule 6.2. Briefs.

(a) *Opening brief contents.* The appellant's brief must be entitled "Appellant's Opening Brief" and must contain under appropriate headings and in the order indicated:

(1) A jurisdictional statement, including:

(A) The basis for the court's jurisdiction—i.e., the provision of the NRS that allows for appeal; and

(B) The filing dates of the judgment or order being appealed, the notice of appeal, and the request for the hearing establishing the timeliness of the appeal;

(2) A statement of the issues presented for review;

(3) A statement of the case briefly indicating the nature of the case, the course of the proceedings, and the disposition below;

(4) A statement of facts relevant to the issues submitted for review with appropriate references to the record;

(5) A summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief and which must not merely repeat the argument headings;

(6) The argument, which must contain:

(A) The appellant's contentions as to how the judge or tribunal erred and the reasons for the contentions, with citations to the authorities and parts of the record on which the appellant relies; and

(B) For each issue, a concise statement of the applicable standard of review, which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues;

(7) A short conclusion stating the precise relief sought; and

(8) An attorney's certificate that complies with NRAP 28.2, if the appellant is represented by an attorney.

(b) *Answering brief.* The respondent's brief must be entitled "Respondent's Answering Brief" and must contain a thorough response to the portions of the opening brief to which the respondent disagrees or is

dissatisfied under appropriate headings and in the order indicated in the opening brief.

(c) *Extensions.* Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored and will be considered only on motion for good cause clearly shown. A party seeking a first-time extension must either file a written motion showing good cause or file a written stipulation signed by opposing counsel. Only one extension shall be allowed per party unless extreme need is shown. Each extension may not exceed 30 days.

(d) *Length of briefs.* Except by permission of the court, briefs, if typewritten, must not exceed 10 pages or, if handwritten, 7 pages, exclusive of pages containing the table of contents, tables of citations of legal authorities, and any addendum containing copies of the statutes, rules, regulations, exhibits, etc.

(e) *Failure to comply.* Failure to comply with these requirements by the appellant may result in dismissal of the appeal on jurisdictional grounds, the failure being treated as consent to deny the appeal. The party bringing the appeal bears the responsibility of marshaling the evidence and presenting cogent arguments and relevant authority in support of its pleading. Failure to comply by the respondent may result in the court determining that respondent has confessed error and that the court should grant the appeal as meritorious.

Rule 6.3. Criminal appeals.

(a) *Notice of intent to appeal.* The party aggrieved by the decision of the justice court must file a Notice of Appeal within the following periods:

(1) A criminal defendant filing an appeal of a final judgment must file the Notice of Appeal within 10 days of the entry of the final judgment or the ruling on a Motion for New Trial or the period set by statute.

(2) The State must file an appeal of a Motion to Suppress within the periods set by NRS 189.120.

(b) *Filing includes requirement to provide service.* Any document filed with the court must be served on the opposing party at the time of filing. Service of pleadings must be accomplished in accordance with NRCP 5. A Certificate of Service must be filed with the court at the time of filing.

(c) *Perfection of appeal.* The following shall be filed with the court to perfect the appeal:

(1) *Defendant appeals.* A defendant appealing a final judgment must file, as required by NRS 189.065, a request for hearing with the court within 60 days in the format set forth in the Request for Hearing form established in these rules. The court clerk must have the matter set for hearing within 150 days.

(2) *State appeals.* For the State filing a Notice of Appeal of an order granting a suppression motion, the State must file a request for hearing within 10 days in the format set forth in the Request for Hearing form established in these rules. The court clerk shall have the matter set for hearing within 70 days.

(d) *Briefs.*

(1) *Opening brief.* An opening brief must be filed by the appellant.

(A) If the appellant is the defendant, the opening brief must be filed within 45 days of filing the Notice of Appeal.

(B) If the appellant is the State, the opening brief must be filed within 10 days of filing the Notice of Appeal.

(2) *Answering brief.* An answering brief must be filed by the respondent within 30 days of filing the opening brief if the respondent is the State or the defendant.

(3) *Reply brief.* Unless ordered by the court, no reply brief may be filed.

Rule 6.4. Civil appeals.

(a) *Civil appeals governed by the JCRCP.* Generally, civil appeals are governed by the JCRCP.

(b) *Time for serving and filing briefs.* The appellant shall serve and file the opening brief with the court within 30 days after the date on which the record is filed. The respondent shall serve and file the answering brief within 30 days after service of the brief of the appellant. Unless ordered by the court, a reply brief is not allowed.

7. DOMESTIC RELATIONS

Rule 7.1. Application. The rules in this section apply to actions brought under NRS Title 11.

Rule 7.2. Standards of conduct. An attorney must not participate in or further vindictive conduct and will strive to lower the emotional level of a family dispute by treating all other participants with respect.

Rule 7.3. Confidentiality, best interests of children.

(a) *Prohibited actions.* Absent a written order of the court to the contrary, all lawyers, litigants, witnesses, or other parties privy to matters being heard by the court are prohibited from:

(1) Discussing with a child of the litigants, the issues, proceedings, pleadings, or papers on file with the court; and

(2) Allowing a minor child of the litigants to review pleadings, papers, exhibits, or the record of the proceedings before the court, whether in the form of transcripts or any form of recording; or leaving such materials in a place where it is likely or foreseeable that a child will access those materials.

(b) *Child's testimony.* When a party desires to call a minor child as a witness, the party must comply with NRCP 16.215, including, if applicable, its provisions on filing a Notice of Child Witness and a Motion to Permit Child Testimony by Alternative Methods.

Rule 7.4. Expert testimony and reports regarding children.

(a) *Order required.* No person may cause a child in a pending child custody or visitation action to be examined by a doctor, therapist, counselor, psychologist, similar professional, private investigator, or any other person for

the purpose of obtaining an expert opinion for a child custody or visitation hearing or trial without a court order under NRCP 16.22 or 16.23. This rule does not prevent a person from reporting information to law enforcement, Child Protective Services, or a medical provider regarding neglect or abuse of the child or to receive any healthcare.

(b) *Evaluation.* When it appears an expert medical, psychiatric, or psychological evaluation is necessary for the parties or their child, 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 expert. The parties are responsible for a court-appointed expert's fees unless otherwise ordered by the court.

Rule 7.5. Class for separating or separated parents. Parties involved in an action that includes disputed child custody or visitation issues may be ordered to complete a court-approved co-parenting class before the case proceeds to a final hearing or order. The court clerk's office will post a list of approved co-parenting classes. The co-parenting class should be completed as soon as possible and proof of completion filed by each party within 7 days after completion of the course.

Rule 7.6. Hearings—producing evidence. Where a party intends to use documents in the party's case-in-chief, copies of those documents must be:

(a) Provided to the opposing party within a reasonable time of receipt, creation, or collation; and

(b) Provided to the opposing party no later than 48 hours before the hearing or immediately upon receipt if obtained less than 48 hours before the hearing.

Rule 7.7. Case management conference.

(a) *Mandatory.* In all domestic relations matters, the parties shall appear before the court for a case management conference. Should either party fail to appear, the court may proceed to final disposition of all pending matters without setting another hearing and may impose an appropriate sanction upon the party or the party's attorney.

(b) *Application and scheduling.* The judicial assistant or court administrator shall set the case management conference upon receipt of the answering document in a case. The setting of this hearing will comply with the NRCP.

(c) *Purpose.* The purpose of the case management conference shall be:

- (1) To familiarize the court with the factual and legal issues of the case;
- (2) To identify the discovery the parties intend to conduct;
- (3) To expedite the disposition of the action;

(4) To establish early and continuing control so that the case will not be protracted due to a lack of management;

(5) Where agreed upon by the parties, to set the case for trial;

(6) To discuss the length of the trial; and

(7) To facilitate settlement of the case.

(d) *Pretrial settlement conference not required.* The case management conference replaces the pretrial settlement conference requirement for other civil matters. See 11JDCR 4.8.

(e) *Case management conference statement.* Each part shall file a case management conference statement no later than 10 judicial days before the hearing.

Rule 7.8. Family Law Resolution Program. If the court adopts the Family Law Resolution Program, the following rules apply:

(a) *When required.*

(1) *Referrals for mediation by the court.* Parties involved in an action that includes disputed child custody or visitation issues shall be referred to and must participate in good faith in the Family Law Resolution Program before the final hearing or trial of the matter.

(2) *Requests for mediation by an individual party.* After an answer or other initial response is filed and if a matter has not been referred to mediation by the court, a party may file a motion requesting mediation. The parties may stipulate to mediation. If an interpreter is needed, the party

needing the interpreter will indicate the need in the motion or stipulation. The court may then refer the matter to the Family Law Resolution Program.

(b) *Overview.* The Family Law Resolution Program includes three components, which are set forth in this subsection.

(1) *Facilitative mediation.* In facilitative mediation, the mediator conducts a mediation session with the purpose of resolving the child custody or visitation issues.

(A) *When appropriate.* Except as set out below, the court shall refer a matter to facilitative mediation if an action includes child custody or visitation issues. A party who believes a case is inappropriate for referral to facilitative mediation may seek an exemption from facilitative mediation and request one of the other components of the Family Law Resolution Program. Facilitative mediation is inappropriate when: (i) there are substantial allegations of child abuse or neglect; (ii) the case involves multiple social agencies or psychiatric contacts for parents or children; (iii) a parent has serious psychological problems or has displayed severe antisocial modes of behavior; or (iv) the mediator or the court determines that mediation will be futile or is impractical. Facilitative mediation may be inappropriate when: (i) the case is at the post-dissolution state and has involved protracted litigation; (ii) an order pertaining to protection against domestic violence has been entered; or (iii) there are substantial allegations of domestic violence between the parents, or between a party and another member of the family.

(B) *When inappropriate.* Those cases that are inappropriate for facilitative mediation may be referred by the court to evaluative mediation or for a brief-focused assessment.

(C) *Mediation session.* The mediator will conduct the mediation session in an effort to carry out the purpose of this rule. If a family law mediator contracted by the court is used, the mediation session will be scheduled by the court. Both parties must attend the mediation session unless other procedures are agreed upon pursuant to this rule. Counsel for the parties will be provided an opportunity to confer with the mediator prior to the mediation conference but will be excluded from the mediation sessions. The mediator shall be entitled to interview any children if the mediator deems it appropriate unless a protective order is sought and obtained.

(D) *Support persons.* A party may have a third party present for support before and after meetings with the mediator. Generally, third persons are not allowed in the mediation sessions, but the mediator, in his or her sole discretion, may allow support persons into the mediation.

(E) *Mediation report.* Court-approved and private mediators must, not less than 14 and not more than 21 days after the completion or termination of the mediation, file in the court for approval and serve the parties with a written report that includes:

- (i) Whether the parties attended or failed to attend;
- (ii) Whether the parties participated or failed to participate in good faith;
- (iii) If the mediation was successful in resolving all of the custody or visitation issues, the mediator will submit a specific parenting plan with all of the terms of the agreement;
- (iv) If the mediation was successful in resolving some of the custody or visitation issues, the mediator will submit to the court:

a. A partial parenting agreement outlining the terms of all resolved issues signed by the parties;

b. A statement of all unresolved issues; and

c. The partial parenting agreement may include options A and B, which describe each parent's desired outcome, to be determined by the court.

(v) If no agreement was reached, a statement that no agreement was reached.

(F) *Adoption*. The parties will have 14 days from the date the mediation report is served to object to a mediated agreement. If there is no timely objection, the court will order adoption of the mediated agreement.

(G) *Confidentiality*. Facilitative mediation proceedings shall be held in private, and all communications, verbal or written, made in the proceedings shall be confidential and shall not be disclosed except upon waiver of the privilege by both parties except:

(i) When the mediator is required to report any information that falls within the scope of the child abuse, elder abuse, threat of self-harm, or threat of harm to others reporting requirements.

(ii) Any written settlement agreement.

(iii) A notice to the court that the mediation was successful in reaching an agreement, a partial agreement, or no agreement at all.

(iv) A notice to the court regarding any issues concerning a breach in confidentiality.

(2) *Evaluative mediation*. In evaluative mediation, the mediator

encourages the parents to negotiate while at the same time collecting alleged facts, evidence, and arguments; giving information, opinion, and advice. The mediator helps the parties reach resolution by pointing out the weaknesses of the parties' cases and predicting how the court would likely rule. In the end, the mediator makes recommendations to the court on issues that the parties cannot resolve.

(A) *When appropriate.* A matter may be referred to evaluative mediation instead of facilitative mediation when facilitative mediation is inappropriate, when there is a question as to the willingness of either parent to move from an initial position, or when a concern about the ability of the parents to communicate effectively with one another.

(B) *Not confidential.* Evaluative mediation is *not* confidential and all material gathered can be used by the mediator in his or her recommendations to the court.

(C) *Parenting plan.* A parenting plan will be submitted to the court based on what the parents agree upon and what the mediator believes to be in the best interest of the child and to be within the guidelines of the court.

(D) *Settlement conference.* Once evaluative mediation is completed, a settlement conference will be set by the court.

(3) *Brief-focused assessment.* When the court orders a brief-focused assessment, the court will appoint an individual to conduct a thorough study of the family. That study will include in-depth interviews with the parents, children, teachers, counselors, and other individual parties. Examination of facts will also consist of a review of documents to include, but

not limited to, any possible police reports, DCFS reports, school records, evaluations, and court documents.

(A) *When appropriate.* A court may order a brief-focused assessment instead of mediation in those cases in which there are concerns about the parenting ability of at least one parent, serious allegations from at least one parent, or concerns about the welfare of the children in the home of at least one parent.

(B) *Not confidential.* Any information gathered in the creation of a brief-focused assessment is *not* confidential and may be contained in the report.

(c) *Order for protection against domestic violence.* If an Order for Protection Against Domestic Violence has been obtained by either party against the other, an order of referral to the Family Law Resolution Program shall include:

(1) The fact that an Order for Protection Against Domestic Violence has been obtained; and

(2) The case number of the protection order action and the court in which it was filed.

(d) *Mediators.*

(1) *Selection.* Parties may select by mutual agreement a private mediator or be assigned a family law mediator contracted through the court. Court referrals under this rule shall be to approved family law mediators or senior judges through the Administrative Office of the Courts.

(2) *Private mediators.* The parties may agree to a private mediator.

(A) *Qualifications.* Private mediators must have received a minimum of 40 hours of mediation training, training in domestic violence, and child development and have knowledge of the child custody process.

(B) *Fees.* If the parties select a private mediator, the parties will contract directly with the private mediator and be responsible for payment of fees as negotiated by the parties and the mediator.

(C) *Deadlines.* The private mediator must be able to meet the deadlines required by the court.

(D) *Notice.* The private mediator, within 7 days of accepting the matter for mediation, will file with the court a notice that includes the name of the mediator, that private mediation will take place, and the date set for the first mediation conference.

(3) *Mediator contracted by the court.* The court will establish the minimum requirements for approval as a mediator under this program. Requests for approval as a mediator must be sent to the court for a decision. The court may order such further investigation as to the abilities and qualifications of the applicant as it deems appropriate. No person may act as a mediator under this program unless approved in writing by the court.

(4) *Withdrawal.* The mediator has a right to withdraw from any case.

(e) *Recording.* No proceeding within the Family Law Resolution Program may be recorded for any reason.

(f) *Failure to participate.* If any party fails to appear in the Family Law Resolution Program or fails to participate in good faith, the mediator shall report to the court the identity of each person who failed to appear or

participate. The court shall thereafter take whatever action it deems necessary or appropriate, including imposing any of the sanctions described in 11JDCR 1.13.

(g) *Fees.*

(1) *Fees for service.* For services within the Family Law Resolution Program not otherwise covered by subsection (d)(2)(B) of this rule, fees may be assessed to parties referred to mediation pursuant to NRS 3.500(2)(e) and in accordance with the fee schedule approved by the court. Unless otherwise directed, each party is required to pay one half of the fee of the court-approved mediator. Payment will be made to the court clerk. The payments shall be made promptly, using procedures for such payment established by the judge.

(2) *Failure to pay fees.* In the event that either party fails to pay the mandated fees for any service within the Family Law Resolution Program, the court clerk or the court-approved mediator shall contact the court and report such failure. The court may enter such further orders, including contempt orders, necessary to ensure prompt payment of the fees.

Rule 7.9. Affidavit of resident witness. An affidavit of resident witness must state:

(a) That the assertions of the affidavit are made under penalty of perjury and based upon the affiant's personal knowledge;

(b) The affiant's residence address and the length of time the affiant has resided in this state;

(c) That the affiant is personally acquainted with the party to the action

whose residence is being corroborated;

(d) The party's residence address;

(e) The date from which the affiant knows that the party has resided at that address and the total length of time affiant knows that the party has resided in Nevada;

(f) If the jurisdiction of the court is based upon the minimum legal residency, the affiant shall specify the number of days the party has been physically present in Nevada during the 6 weeks immediately preceding the filing of the complaint or joint petition; and

(g) The resident witness affidavit must not predate the filing of the complaint or joint petition.

Rule 7.10. Ex parte orders in family relations cases.

(a) *Reasonable notice.*

(1) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party.

(2) Reasonable notice includes the date, time, and place the request will be made.

(3) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.

(b) *Notice exceptions.*

(1) A party is excused from giving notice under subsection (a) of this rule where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.

(2) Ex parte orders may be obtained without notice in the following circumstances:

(A) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;

(B) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;

(C) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child;

(D) Where a person's health, safety, or welfare is in imminent danger; or

(E) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.

(3) An ex parte motion for a restraining order granting temporary, exclusive possession of the community residence will be considered only in cases of extreme emergency, supported by an affidavit or declaration setting forth in detail facts establishing the existence of an emergency to the court's satisfaction and why the other party could not or should not be heard before the court decides the motion.

(c) *Automatic hearing.*

(1) No hearing shall be held on an ex parte order entered under subsections (b)(2)(A), (B), and (C) of this rule.

(2) All other ex parte orders shall be heard within 10 days of their entry if the court can reasonably accommodate a hearing within 10 days or at the first date available for the court.

(3) The hearing date shall be stated in the ex parte order.

(4) The attorney filing the ex parte motion must appear at the hearing.

(5) This rule shall not apply to temporary orders for protection against domestic violence.

Rule 7.11. Motions for support; fees and allowances; financial declaration required.

(a) *Motions.* A party filing a motion that includes a request for fees, allowances, temporary spousal support, child support, exclusive possession of a community residence, or any other financial issue must file a financial disclosure within 10 days after an opposition is filed. The court may decline to consider or may deny a motion that is not accompanied by a fully completed financial disclosure or impose other sanctions.

(b) *Oppositions.* A party filing an opposition to a motion that includes a request for fees, allowances, temporary spousal support, child support, exclusive possession of a community residence, or any other financial issue must file a financial disclosure within 10 days after filing the opposition. The court may decline to consider or to grant an opposition that is not accompanied

by a completed financial disclosure or impose other sanctions.

(c) *Financial disclosure forms.* The financial disclosure forms found on the State of Nevada Self-Help Center website and the Eleventh Judicial District Court of Nevada website are the approved financial disclosure forms.

(d) *Income of successor spouse or cohabitant.* Income of a successor spouse of a party must be listed in that party's financial disclosure in the "other income" section. If any party resides with an adult person other than a spouse, that party's financial disclosure must state the dollar amount and value of other services that the cohabitant contributes to the filing party's expenses.

(e) *Waiver.* The requirements of this rule may not be waived as to content or time except by order of the court for good cause shown.

(f) *No effect on discovery.* Filing and service of the financial declaration shall not supplant or limit the discovery that either party is entitled to under the NRCP.

Rule 7.12. Motions for judgment for arrears in periodic payment. If 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, the party must attach to the motion a completed 11JDCR Form 7.12, Periodic Payment Summary, or a substantially equivalent summary that shows when each periodic payment was due; the ordered payment amount; when payment was received; how much was paid; the

difference, plus or minus, between the ordered amount and what was paid; and a running total.

Rule 7.13. Court-appointed guardian ad litem.

(a) *Guardian ad litem.* The court may on its own initiative or upon request appoint the chief probation officer or his duly appointed representative to serve as a guardian ad litem who serves as an advocate for the best interests of a minor child.

(b) *Best interests of child.* Under this rule, the guardian ad litem focuses on the best interests of the minor child who is the subject of a custody dispute, on the adults involved with that child, and on ascertaining the child's concerns, desires, and needs regarding the issues before the court.

(c) *Services.* Services will be conducted by a guardian ad litem under the procedures adopted by the court.

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

(e) *Continuance.* The court may continue any matter for the purpose of obtaining guardian ad litem services.

(f) *Ex parte communications.* The guardian ad litem cannot have ex parte communication with a judge unless there is an emergency involving the health, safety, or welfare of a child or other person. Any such communication

will be recorded if possible. If it is not possible to record, a statement regarding the content of the communication will be made by the guardian ad litem and the judge and made part of the record within 7 days after the communication. Any such communication will be disclosed to the parties as soon as possible.

(g) *Written reports.* Written reports prepared by the guardian ad litem will be filed and served upon the parties by the guardian ad litem. The report will be filed under seal. Written reports are confidential, except as provided by order of the judge. Only the court, the parties, and their attorneys are entitled to read the report. 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.

Rule 7.14. Parenting coordinator.

(a) *Appointment.* The court may appoint a parenting coordinator in high-conflict cases to assist the parties in creating agreed-upon structured guidelines for implementing their parenting plan, for improving communication between the parties, for improving their parenting skills, to assist in minimizing conflict, and to develop a plan to deal with disputes.

(b) *Fees and costs.* Fees and costs for a parenting coordinator will be paid by the parties equally unless the court enters an order directing otherwise. The parenting coordinator may recommend that one party pay all or more than half of the fees and costs based upon a party's failure to work in good faith with the parenting coordinator, the other party, or both, or for other good cause.

(c) *Report and objections.* The parenting coordinator will file a report upon matters submitted to him. The parties will have 14 days from the date of

service to file written objections. A request for any action upon the report will be by motion.

Rule 7.15. Funds for services. Based on the financial condition of the parties, the court may order that mediation or budgetary funds be used for a psychological evaluation of a party or child, for a parenting capacity evaluation, for a child custody evaluation, to assist paying for a parenting coordinator in high-conflict cases, or to provide other related assistance to protect the best interests of the child.

Rule 7.16. Child representative. The court may appoint an attorney to protect the legal rights of a child or to protect the best interests of a child, or both.

8. MASTERS

Rule 8.1. Appointment.

(a) *Appointment.* The court may appoint masters to serve, at will, on a full- or part-time basis. The master's compensation will be fixed by the court. Masters may recommend the appointment of assistant special masters. The appointment and proceedings of masters must be in accordance with the provisions of NRCP 53.

(b) *Child support master.* The position of child support master, pursuant to NRS 3.405, 125B.200(1), 425.381, and NRS Chapter 130 is established, and an appointment shall be made in a standing order.

(c) *Juvenile master.* The position of juvenile master, pursuant to NRS 62B.020 and 432B.470 *et seq.*, is established, and an appointment shall be made in a standing order.

(d) *Special masters.* The judge may order the appointment of a special master for such other duties as assigned to the special master in either a standing order or by separate order in an individual case. The compensation of a special master shall be fixed by the court in its discretion.

Rule 8.2. Powers and duties.

(a) Masters may:

- (1) Swear witnesses;
- (2) Take evidence;
- (3) Make findings of fact and recommendations;
- (4) Conduct all proceedings before the master in the same manner as a judge conducts proceedings in a district court; and
- (5) Have all inherent powers of the district court, including the power to hold any person in contempt for acts committed in the presence of the master.

(b) Not later than 14 days after the evidence before a master is closed, the master will file with the district court in juvenile cases and provide the parties, counsel, and any other person concerned written notice of:

- (1) The master's findings of fact;
- (2) The master's recommendations;
- (3) The right to object to the master's recommendations; and
- (4) In juvenile cases, the right to request a hearing de novo before the juvenile court as provided in NRS 62B.030(4)(c).

Rule 8.3. Objections.

(a) *Written objection required.* Objections to the master's findings and recommendations must be in writing, filed with the master, served on all parties to the proceedings before the master, and filed within any applicable statutory deadline.

(b) *Record request.* The objecting party must, at the same time the objection is filed, file with the master a request for the master to send to the district court judge, or juvenile court judge in juvenile cases, a copy of the audiovisual recording of the master's hearing, or if there is no audiovisual recording, a transcript of the recording of the master's hearing that is the subject of the objection. A transcript will not be prepared at the expense of the county except on order of the district court.

(c) *Setting a hearing.* The objecting party must, at the same time the objection is filed, serve and file in the district court, or juvenile court in juvenile cases, a notice to set a hearing. The date for setting the hearing with the judicial assistant must not be more than 14 days from the date the objection is filed. In juvenile court, the hearing must occur within 30 days of the date the hearing was set unless otherwise ordered upon a showing of good cause.

(d) *Hearing statements.* Within 14 days of the filing of the notice of objection, the objecting party must file an opening points and authorities that includes:

(1) A statement of issues;

(2) A statement of facts with specific supporting references to the time on the court's audiovisual recording or in the pleadings and papers in the master's file;

(3) A statement of the applicable law and an analysis of the application of the law to the facts; and

(4) If the objecting party timely requested a hearing de novo, the points and authorities must include a statement as to which portion(s) of the hearing master's proceeding the objecting party wants heard de novo. *See Trent v. Clark Cty. Juv. Court Servs.*, 88 Nev. 573, 502 P.2d 385 (1972).

(e) *Answering points and authorities.* Answering points and authorities must be filed within 14 days after the service of the opening points and authorities.

(f) *Reply points and authorities.* A reply points and authorities must be filed within 7 days after service of the answering points and authorities, or before the date of the hearing, whichever is earlier.

(g) *Filing documents related to juvenile court objections.* All documents related to an objection in a juvenile case will be filed in the juvenile court under the original juvenile court case number.

Rule 8.4. Enforcement pending review. Upon motion or upon the court's initiative, the judge may enforce the provisions of a master's recommendation on a temporary basis pending determination on review.

Rule 8.5. Juvenile master. The juvenile master will have the powers and duties:

(a) As set forth in NRS 62B.030;

(b) To act as supervising master in traffic offenses involving juveniles;
and

(c) To serve as the master in cases arising under NRS Chapters 432B and 425.

9. ACTIONS INVOLVING PROFESSIONAL NEGLIGENCE

Rule 9.1. Pretrial conference. The court will hold a pretrial conference under NRCP 16(a) within 45 days after an answer is filed to a complaint for professional negligence filed under NRS Chapter 41A. One purpose of the pretrial conference is to expedite disposition of the action as required by NRS 41A.061(3). After consulting with the parties and any unrepresented parties at the pretrial conference, the court will issue a scheduling order.