

RULES OF PRACTICE

FOR THE

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

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1. General Administration

1.1 Name, citation, and application.

- (a) *Name and citation.* These are the “Tenth Judicial District Court Rules.” They will be cited as “10JDCR.” The word “rule” without further identification means one of the Tenth Judicial District Court Rules.
- (b) *Applicability.* The Tenth Judicial District Court Rules govern the procedure and administration of cases in the Tenth 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 Tenth Judicial District Court, these rules may be supplemented by a “Standing Order Supplementing Local Rules” signed by the judge. The Standing Order shall be posted in the office of the court clerk and on the website.

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 may 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.

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 Tenth 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) “Electronic filing system is being used” means that at least one party is using the electronic filing system. If all the parties are using the electronic filing system, then all parties are governed by the electronic filing provision. If at least one party is *not* using the electronic filing system, then the party that is using the electronic filing system is governed by the electronic filing provision and the party that is not using the electronic filing system must follow the rules governing paper filing.
- (g) “Guardianship cases” means those cases governed by NRS Chapters 159 and 159A.
- (h) “Indian child” means an unmarried child under the age of 18 who is 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.
- (i) “Juvenile cases” are cases covered under NRS Title 5 and NRS 432B cases.
- (j) “Judicial clerk” means the court clerk, deputy clerks, and the clerk’s staff.
- (k) “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 certain authority to the juvenile court master to perform the certain acts and make recommendations in accordance with statute and with the Constitution of the State of Nevada; and
 - (2) The master performs the act within the limits of the authority so delegated.
- (l) A “motion” includes all requests for an order, other than initial pleadings, regardless of the title a party puts on the paper.

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- (m) “Papers” are all documents filed with the court, other than pleadings.
- (n) “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.
- (o) “Person” includes natural persons, corporations, firms, associations, and all other entities.
- (p) “Pleading” is defined by NRCP 7. An initial pleading petition is also a pleading.
- (q) A “related case” is one in which:
 - (1) Both actions involve the same parties; 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 the current action includes 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.
- (r) “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.

1.4 Organization of the court.

- (a) *Tenth Judicial District.* The Tenth Judicial District is comprised of Churchill County.
- (b) *Child Support Master.* The position of Child Support Master, pursuant to NRS 3.405, 125B.200(1), 425.381, and Chapter 130 is established and an appointment shall be made in the Standing Order.

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- (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 the 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 the 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.
- (e) *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 denoted as 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 or serving 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;

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- (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 judge;
 - (12) Handle public information and liaison with other government executive legislative and judicial agencies in the community as assigned by the judge; and
 - (13) Perform such other functions and duties as may be assigned by the judge.
- (f) *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 documents are 8:30 a.m. to 4:30 p.m., Monday through Friday. If the court establishes and approves an electronic filing system, electronic filing will be available 24 hours a day, 7 days a week. Until the electronic filing system is implemented, the court administrator may be contacted for assistance in emailing documents for filing.

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, wear hats, 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, soiled or unkempt clothing are not allowed.
 - (3) *Law enforcement personnel.* Law enforcement personnel may elect to wear uniforms.

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.

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 court administrator, 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.

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 46–48 and this rule.

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- (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 that wants 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, allowing said withdrawal unless attorney presents "extraordinary" circumstances via affidavit indicating this is implausible, the court will not grant withdrawal.
- (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 attorney must include in the Notice of Withdrawal 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 paragraph 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 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) *Ex parte stipulation to change of attorney.* A stipulation and order permitting substitution or withdrawal of counsel may be submitted ex parte if: 1) the substitution or withdrawal is signed by the client, the withdrawing counsel, and, in the event of a substitution of counsel, by the substituting counsel; 2) the attorney substituting in acknowledges responsibility for all pending dates and deadlines; and 3) if the substitution is of the party in place of its attorney who will no longer be representing the party, the stipulation includes the party's physical and mailing address, telephone and mobile number, and email address.

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.

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, court administrator, 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 ex parte communication to address an emergency; and 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 upon the merits of a contested matter pending before the judge to whom that law clerk is assigned.
- (c) *Notice to other parties.* Even when ex parte communication is specifically permitted by law or because of an emergency, the party 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 seeking ex parte communication must certify and present specific facts showing the efforts made to notify and include opposing parties in the ex parte communication and further communications with the judge, including efforts to provide notice by personal service, telephone, cell phone, messages, email, and other means, and the result of those efforts.

1.11 Official court reporter; record of the court.

Court hearings are audio-visually recorded. The court does not provide court reporters except for criminal jury trials. The parties may, at their expense, arrange for a court reporter at any hearing.

1.12 Interpreters.

The court provides interpreters for criminal hearings. A party who needs an interpreter in noncriminal cases must file a request for an interpreter not less than three (3) judicial days before any hearing or trial.

1.13 Sanctions.

- (a) *No limiting of discretion.* None of the Tenth 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

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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's 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 and prohibit him from introducing specific 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's 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.

1.14 Forms.

- (a) The court may adopt, approve, and modify forms.
- (b) The court may require the use of certain forms.

- (c) Forms are available on the Tenth Judicial District Court of Nevada’s website via a link to Nevada Self-Help Forms. The forms are approved and recommended for use in this court.

1.15 Reserved [Electronic filing system].

2. Mediation

2.1 Reserved [Arbitration Mediation Programs].

3. Pleadings and Papers

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 1.0 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 size.* All text will be a size which 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 in blue ink and legible.
- (f) *Erasures; correction fluid or tape; attachment.* No pleading or paper will be amended by erasure, correction fluid or tape, or attachment except with leave of the court.
- (g) *Interlineations; strikethroughs.* Interlineations and strikethroughs are acceptable if initialed by the filer.

- (h) *Quotations.* All quotations of 50 words or more will be double-indented and single-spaced.
- (i) *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.
- (j) *Line numbering.* Each line of every page must be numbered in the left margin.
- (k) *One side of the page.* All pages, including exhibits, must be printed on only one side of the page.
- (l) *Color.* All pleadings and papers will be on white paper.
- (m) *Photocopies.* Photocopies may not be filed, except as provided in 10JDCR 3.30.

3.2 Signatures

- (a) *Paper-filed documents.* Paper-filed pleadings and papers must have an original signature of counsel or the self-represented litigant in blue ink, and the date signed. The signature shall be placed on the last page of the pleading or paper. Below the signature must be the signer's address, telephone number, fax number (if any), and email address. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the self-represented litigant.
- (b) *Electronic signatures.*
 - (1) The court does not currently approve the use of electronic signatures. If in the future the court approves the use of electronic signatures consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules (*see* Nevada Electronic Filing and Conversion Rules, Rule 11), this subsection will govern the use of electronic signatures.
 - (2) Electronically filed documents requiring signatures of opposing parties, such as a stipulation, must contain the handwritten signature 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. Nevada Electronic Filing and Conversion Rules, Rule 11(c).
 - (3) In criminal cases, electronic signatures are acceptable on filed documents

requiring the signatures of all parties, such as a stipulation.

- (4) 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.

3.3 Filing.

- (a) *Originals.* 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.* Although no pleading or paper may be filed by direct facsimile to the court clerk's office, a facsimile—including any signature page—shall be accepted by the court clerk pending the filing of the original if it is presented on plain paper, clearly legible in its entirety, and otherwise complies with all applicable requirements. The party faxing the pleading or paper shall have 5 days after faxing the pleading or paper within which to file the original.
- (d) *Electronic filing.* The court does not currently approve the use of an electronic filing system. If in the future the court establishes and approves the use of an electronic filing system, consistent with the technical standards established by the Nevada Electronic Filing and Conversion Rules, this subsection will govern electronic filing. Pleadings and papers cannot be submitted to the judicial clerk by email unless otherwise permitted by these rules. All pleadings and papers presented for electronic filing must be:
 - (1) In portrait style—although exhibits may be in landscape style;
 - (2) Converted to a PDF; and

- (3) Rotated right-side up.
- (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) Affirmation;
 - (3) Certificate of service; and
 - (4) Index of exhibits followed by the exhibits, if any.
- (f) *File as separate documents.* Pleadings or papers must be filed as separate documents 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.

3.4 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 foreign counsel who have been authorized by the court to be of record in the proceedings.

3.5 Duplicates required.

- (a) *Paper filing.* A party filing any paper pleading or document—including any proposed order—with the court in a nonelectronic format must provide the court with (1) the original pleading or paper together with a copy of the pleading or paper; (2) a self-addressed envelope of sufficient size to hold the copy of the pleading or paper; and (3) sufficient postage for mailing the copy of the pleading to the filing party.
- (b) *Electronic filing.* The court does not currently approve the use of an electronic filing system. If in the future the court establishes and approves the use of an electronic

filing system and if a party files a pleading or paper using the electronic filing system, this rule does not apply.

3.6 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, 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, 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.

3.7 Filing under seal.

- (a) *Documents that will be filed under seal without a court order.* The following documents will be filed under seal without a court order:
 - (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; and Investigation Reports
 - (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 a party wants filed under seal must be delivered to the judicial clerk 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 pleading or paper must state on the first page, directly under the case number: “FILED UNDER SEAL UNDER COURT ORDER DATED [MONTH, DAY, YEAR].”
 - (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 (i) a certificate, affidavit or declaration of service certifying that the sealed document was served and the method of service on the opposing party, or (ii) an affidavit or declaration that shows good cause why the document has not been served on the opposing party.

3.8 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 pre-adoptive 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 pre-adoptive 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.

3.9 Motions and stipulations.

- (a) *Applicability.* This rule applies to all motions—both criminal and noncriminal—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.

RULES OF PRACTICE FOR THE TENTH JUDICIAL DISTRICT COURT

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), and 56; or under any statute or rule that allows a motion for attorney’s fees, costs, or both.

- (d) If, at any time after the parties have conferred in good faith as required in subsection (c) 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 court administrator 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 which 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;
 - (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; 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 party bringing the motion bears the responsibility of presenting cogent arguments and relevant authority in support of their pleading. *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n. 38 (2006) (noting that the moving party bears the responsibility to present cogent arguments and relevant authority in support of its position).

3.10 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 with appropriate headings and 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 pleading. Failure to address significant issues in the opposition may be considered a confession as to the issue. Failure to address significant issues occurs in the following manners when a party
 - (1) Fails to file an opposition; or
 - (2) Fails to respond to significant or dispositive issues raised and argued in the motion.

3.11 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. *Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494,

502, 117 P.3d 193, 198-99 (2005) (pointing out that this 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.

3.12 Request to submit.

- (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: (1) the parties have stipulated to the submission; (2) at least 14 days have passed since service of the motion and no opposition has been filed; or (3) at least 7 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.
- (b) *Exceptions for ex parte motions.* Ex parte motions are governed by 10JDCR 3.19 or 10JDCR 7.8.
- (c) *Time for filing.* Unless submission is stipulated by the parties, the court will decline to consider a request to submit filed less than 10 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.

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 subsection (b) of this rule.
 - (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 electronic filing system (if the court in the future adopts an electronic 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. The court does not currently approve the use of an electronic filing system. If in the future the court establishes and approves the use of an electronic filing system and if the proposed order is filed electronically, a "/s" may be placed on the signature line of the preparer.
 - (C) *Analysis.* The proposed order must contain an analysis of the facts, law, and analysis provided by the court in support of its decision and orders.
 - (3) *Service.* Unless the court directs otherwise, within 20 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.
 - (4) *Ten-day conferral period.* Within 10 days of service of the proposed order, all parties must confer in good faith about the proposed order and must make

a good faith effort to agree upon the form of the proposed order. A party's approval as to form of a proposed order certifies the proposed order accurately reflects the court's decision. Approval as to form does not waive objections to the substance of the order.

- (5) *Ten days to object to proposed order.* Following the 10-day-conferral period set forth in paragraph (b)(4) of this rule, the party required to submit the proposed order must submit the proposed order to the court. In a separate "Certification," the submitting party shall certify (1) that the proposed order was sent to the opposing party; (2) that the parties have had 10 days to confer about the order; and (3) the result of the conferral period (e.g., the parties conferred and agreed or disagreed, the parties did not confer). The submitting party must serve to the opposing party the Certification pleading and a copy of the proposed order for the opposing party's review. A party may object to the form of the proposed order by filing an objection and a separate proposed order within 10 days after the order is served. If the opposing party does not object or fails to include a separate proposed order, subject to the court's discretion, the proposed order shall be deemed acceptable to all parties and may 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 the party believes the language of the proposed order should be. The objecting party shall submit a modified proposed order. The party that submitted the original proposed order then has 10 days to file a response to the objection. The court will then decide the matter or may set the matter for hearing on the objection.

(c) *Proposed order before decision.*

- (1) *When required.* A party must file a proposed order concurrently with a motion or memorandum 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 electronic filing system (if the court in the future adopts an electronic 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. The court does not currently approve the use of an electronic filing system. If in the future the court establishes and approves the use of an electronic filing system and if the proposed order is filed electronically, a "/s" may be placed on the signature line of the preparer.
- (C) *Analysis.* If a proposed order is attached to a motion, opposition to a motion, or a reply, the proposed order must contain an analysis of the facts, law, and argument contained in the party's points and authorities in support of or in opposition to the motion or a reply in support of the motion.
- (d) *Serving a signed order.* If the court signs an order prepared by a party, the court will mail or electronically send a copy of the signed order to the preparing party who 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.* This rule is subject to Rule 3.6 governing duplicates.
- (f) *Electronic filing system.* If the submitting party uses the electronic filing system (if the court in the future adopts an electronic filing system), the proposed order must be submitted as a Microsoft Word document.

3.14 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.

3.15 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. If the court orders an opposition to be filed, the opposition must raise only significant issues.
- (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.

3.16 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 as an exhibit 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.

3.17 Stipulations.

- (a) *Requirements.* Stipulations must be in writing, dated, and signed by counsel and any self-represented parties. The stipulation filed must contain the original signature in blue ink of each counsel and any self-represented party. A stipulation must be served on any non-signing 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.
- (c) *Form.*

- (1) Stipulations filed with the court will include “and Order,” in the title. For example:

Stipulation for Continuance and Order

- (2) Stipulations will include an order in the form of a signature block which will appear on the page following the signatures of the parties or counsel, and will read as follows:

IT IS ORDERED:

The Court, having reviewed the stipulation, has determined that it will:

_____ Grant the Stipulation and order that the terms and conditions are hereby incorporated by reference.

_____ Grant the Stipulation in part, as follows: _____;
_____;
and deny the remainder of the Stipulation.

_____ Deny the Stipulation in its entirety.

_____ Decline to consider the Stipulation without a hearing and will hereby order that the parties contact the scheduling clerk and immediately schedule a hearing with the Court on a date and time convenient to the parties.

DATED this _____ day of _____, 20_____

DISTRICT COURT JUDGE

3.18 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 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 applicant first learned the attendance of the absent witness could not be obtained;
 - (6) That the application 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 own motion.* Continuance of any trial or hearing may be granted upon the court's own motion when necessary because of the court's other business.

3.19 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.

3.20 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 opposition to the motion;
 - (3) The date for filing a reply to any opposition; 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.

3.21 Ex parte motions.

- (a) *Showing of good cause for granting without notice.* Ex parte orders 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 (defined in 10JDCR 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.
- (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.

3.22 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.

3.23 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.

3.24 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.

3.25 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.
- (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. The application must set forth the date on which service was accomplished and evidence 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 hearing or may set the matter for an evidentiary 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 for proving the case, the court may issue a default judgment.

3.26 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 that 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.

3.27 Legal citations and factual references.

- (a) *Statutes, rules, 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 an ellipsis.
- (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.

3.28 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. Exhibits exceeding 50 pages will be submitted in a separate, bound appendix(ices). Each appendix will have no more than 100 pages. The appendix will be firmly bound together at the top with a two-prong fastener inserted into two holes centered 2.75 inches apart and 0.5 inches to 1 inch from the top edge

of the page.

- (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) *Exhibit index tabs.* Exhibits attached to pleadings or papers or in an appendix, including copies, must have indexing tabs which extend beyond the border of the pages of the documents so each exhibit number can be clearly seen without having to thumb through the exhibits. Plaintiffs must label exhibits numerically (e.g., Exhibit 1) and defendants must label exhibits alphabetically (e.g., Exhibit A).
- (g) *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 will be filed separately with a caption cover sheet identifying the exhibit and the document(s) to which it relates. Undersized exhibits must be affixed to a blank sheet of 8.5-by-11-inch paper with invisible adhesive tape on all sides.
- (h) *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.
- (i) *Electronically filed exhibits.* The court does not currently approve the use of an electronic filing system. If in the future the court establishes and approves the use of an electronic filing system, this subsection will govern. 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.
- (j) *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.
- (k) *Accountings and financial reports.* Accountings and financial reports must be attached as exhibits to pleadings and documents rather than included in the body of the pleading or document.

3.29 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.
- (c) *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.

4. Trials and Hearings

4.1 Law and motion.

- (a) *Uncontested cases.* The following matters, if uncontested, may be set on any law and motion day upon request of counsel, without a court order:
 - (1) Adoptions
 - (2) Divorces
 - (3) Annulments

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- (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
 - (11) Juvenile proceedings
 - (12) Other similar matters
- (b) *Calendar.* Law and motion shall be held on Tuesdays. It shall 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 on the next day the court is open.
- (d) *Deadline for Calendaring.* Except in cases of emergency, and with the judge's written approval, no matter will be placed on the law and motion calendar unless the clerk is notified no later than the preceding Friday at 12:00 p.m.
- (e) *Length.* If any matter, whether contested or uncontested, is expected to take longer than 10 minutes, the matter shall be scheduled for a separate time and shall not be placed on the law and motion calendar. The court clerk is to be contacted as soon as parties are aware the matter will exceed 10 minutes and failure to do so may result in the matter being continued.

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.

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 his 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 was filed, and how much additional time is requested. The motion must be supported by affidavit or declaration.

4.4 Settings for noncriminal, nonfamily, non-juvenile cases.

- (a) *Application for Setting.* In noncriminal, non-juvenile, nonfamily cases, settings for trial or hearing will be made upon an Application for Setting being filed with clerk and served on all other parties. The scheduling clerk shall notify all parties of the date and time set for the trial or hearing.
- (b) *Procedure.* The scheduling clerk will seek dates from the parties by e-mail. The matter will be set for hearing at the earliest available date consistent with the court's calendar and the calendars of those parties who have responded by the date stated

in the e-mail. The scheduling clerk shall then notify all parties of the date and time set for the trial or hearing.

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

4.5 Evidentiary hearing and trial statements in noncriminal and non-juvenile 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 7 days before any evidentiary hearing or trial that was set 15 or more days before the 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, and 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, and 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.
- (d) *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.

4.6 Jury trials.

- (a) *Jury instructions.*

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- (1) The plaintiff must, not less than 21 days before the start of trial, submit a hard copy and electronic copy in Microsoft Word format of its proposed jury instructions and verdict forms, and serve a hard 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, file a hard copy and electronic copy in Microsoft Word format of its proposed jury instructions and verdict forms and serve a hard 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 hearing 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 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

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sign the last of the instructions to signify that all have been given.

- (b) *Jury fees.* The party demanding a jury trial will be invoiced at the conclusion of the trial by the court administrator for the total remaining amount of jury fees and will have 30 days to submit the payment payable to the District Court.
- (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) By virtue of 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 prior to when 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. The jury commissioner or designee will mail a summons to each prospective juror listed on the venire two weeks prior to the trial date. 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 or designee because of sickness, physical disability, serious illness, death of the person's immediate family member, undue hardship, extreme inconvenience, or public necessity.

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 court clerk immediately.

4.8 Mandatory pretrial settlement conferences for civil matters.

- (a) *Pretrial settlement conference.* In all civil matters except those involving domestic relations matters (see Section 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 which 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) *Trial Judge or Senior Judge to conduct.*
 - (1) For those matters set for a jury or bench trial, the pretrial settlement conference may be held with the trial judge upon stipulation by all parties to the action, or the parties may upon written request ask that the conference be held before a Senior Judge. A stipulation by the parties to the trial judge holding the settlement conference constitutes a waiver of any claim that the trial judge has an actual or implied bias solely by reason of the trial judge's participation in the pretrial settlement conference.
- (d) *Privileged.* Any discussion concerning settlement shall be entirely without prejudice and may not be referred to 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.

4.9 Time limits.

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

5. Criminal Cases

5.1 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 30 days' notice of the status of the pending trial to all parties and the jury commissioner.

5.2 Writs of habeas corpus.

In addition to the rules set forth in NRS 34.720–34.830 inclusive, the following provisions apply to habeas corpus petitions for post-conviction relief:

- (a) *Contents of petition*. Any petition for post-conviction relief shall include the sentence(s) and count(s) for which the petitioner seeks relief and the incident date of the challenged offenses.
- (b) *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. *See* NRS 34.735. 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.” *Id.*
- (c) *Submission*. After the applicable periods for briefing has 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.

6. Domestic Relations

6.1 Application.

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

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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 within the 48 hours.

6.7 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) *Scheduling.* Upon the filing of an answer in a domestic relations matter, the case management conference will be set by the scheduling clerk after consultation with the parties regarding available dates within 90 days, but no later than 120 days after the answer was filed.
- (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* 10JDCR 4.8.

6.8 Family Law Resolution Program.

- (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) *Referrals to 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 (1) there are substantial allegations of child abuse or neglect; (2) the case involves multiple social agencies or psychiatric contacts for parents or children; (3) parent has serious psychological problems or has displayed severe antisocial modes of behavior; or (4) the mediator or the court determines that mediation will be futile or is impractical. Facilitative mediation may be inappropriate when (1) the case is at the post-dissolution state and has involved protracted litigation; (2) an order pertaining to protection against domestic violence has been entered; or (3) 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 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;

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- (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:
- (1) 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.
 - (2) Any written settlement agreement.

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- (3) A notice to the court that the mediation was successful in reaching an agreement, a partial agreement or no agreement at all.
 - (4) A notice to the court regarding any issues concerning a breach in confidentiality.
 - (2) *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 court filed in.
- (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.
 - (2) *Private mediators.* The parties may agree to a private mediator.

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- (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 10JDCR 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.

6.9 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 six 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.

6.10 Ex parte orders in the 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 paragraphs (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.

6.11 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 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 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 which 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.

6.12 Court Appointed Special Advocate.

- (a) *Court appointed special advocate.* The court may on its own initiative or upon request, appoint a court appointed special advocate (CASA) as an advocate for any minor child.
- (b) *Purpose.* Under this rule, CASA advocates focus on the best interest of minor children who are the subject of a custody dispute, adults involved with those children, and on ascertaining the children's concerns, desires, and needs regarding the issues before the court.
- (c) *CASA to adopt procedures and supervise.* Services will be conducted by an advocate under the procedures adopted by CASA. CASA supervises the advocate's activities.
- (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 CASA must contain an order that CASA implement its domestic violence protocol in the handling of the case.
- (e) *Continuance.* The court may continue any matter for the purpose of obtaining CASA services.
- (f) *Ex parte communications.* CASA advocates 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 CASA 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) *Reports.* Written reports prepared by the advocate will be filed and served upon the parties by CASA. 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.

6.13 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.

6.14 Child representative.

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

7. Masters

7.1 Appointment.

- (a) *Child support master.* The position of Child Support Master, pursuant to NRS 3.405, 125B.200(1), 425.381, and Chapter 130 is established and an appointment shall be made in the Standing Order.
- (b) *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 the Standing Order.
- (c) *Special masters.* The judge may order the appointment of a special master for such other duties as assigned to the special master in either the 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.

7.2 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.

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- (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).

7.3 Objections.

- (a) *Written objection required.* Objections to the master's findings and recommendations must be in writing, filed with the court clerk, 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.

7.4 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, when the district judge is not available and 425.

8. Actions Involving Professional Negligence

8.1 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.